

Executive Summary – Enforcement Matter – Case No. 58789
BASF Corporation
RN100218049
Docket No. 2020-0057-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

BASF Freeport Site, 602 Copper Road, Freeport, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2020-1014-AIR-E,
2020-1062-AIR-E and 2020-1522-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 12, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$84,938

Amount Deferred for Expedited Settlement: \$16,987

Total Paid to General Revenue: \$33,976

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$33,975

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-
Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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BASF Corporation
RN100218049
Docket No. 2020-0057-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 28, 2016 through October 31, 2016, September 23, 2019 through October 1, 2019, and November 20, 2019 through November 22, 2019

Date(s) of NOE(s): January 26, 2017 and February 28, 2020

Violation Information

1. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 0.01 ton per year based on a 12-month rolling period for the 12-month periods ending from December 2013 through April 2019 for the Cooling Towers, Emissions Point Number ("EPN") 8-1-031, resulting in 1.09 tons of unauthorized VOC [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), New Source Review ("NSR") Permit No. 19886, General Conditions No. 8, Federal Operating Permit ("FOP") No. O1536, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 255.65 pounds ("lbs") of VOC and 32.47 lbs of carbon monoxide as fugitive emissions, during an emissions event (Incident No. 280549) that occurred on March 16, 2018 and lasted three hours and 22 minutes. The emissions event occurred when over time, a mixture of reaction products in the carbon steel line caused an accelerated corrosion of the carbon steel materials, resulting in the release to the atmosphere. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 9513A and PSDTX641M1, Special Conditions No. 1, FOP No. O1927, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. In order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 280549:

i. By March 17, 2018, removed and replaced the corroded and cracked piping; and

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ii. By April 27, 2018, installed additional equipment to reduce the potential for pipe corrosion.

b. On May 8, 2019, obtained an amendment for NSR Permit No. 19886 that increased the VOC annual MAER for EPN 8-1-031.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Richard Garza, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2697; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, P.O. Box 22777, Houston, Texas 77227-2777

Respondent: Christopher P. Witte, Senior 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 PCW

2-Jan-2020

16-Oct-2020

Screening

13-Jan-2020

EPA Due

13-Jun-2020

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. 58789 **No. of Violations** 2
Docket No. 2020-0057-AIR-E **Order Type** 1660
Media Program(s) Air **Government/Non-Profit** No
Multi-Media **Enf. Coordinator** Richard Garza
EC's Team Enforcement Team 4

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$45,000

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** \$45,000

Notes Enhancement for five NOVs with same/similar violations, four NOVs with dissimilar violations, seven orders containing a denial of liability, and three orders without a denial of liability. Reduction for 23 notices of intent to conduct an audit and 17 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** -\$5,062

Economic Benefit 0.0% **Enhancement*** **Subtotal 6** \$0

Total EB Amounts \$1,424
Estimated Cost of Compliance \$19,937
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7

Final Subtotal \$84,938

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$84,938

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$84,938

DEFERRAL

20.0%

Reduction **Adjustment** -\$16,987

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$67,951

Screening Date 13-Jan-2020

Docket No. 2020-0057-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 4 (April 2014)

Case ID No. 58789

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218049

Media Air

Enf. Coordinator Richard Garza

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	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	3	75%
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>)	23	-23%
	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>)	17	-34%
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) 191%

>> 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 five NOVs with same/similar violations, four NOVs with dissimilar violations, seven orders containing a denial of liability, and three orders without a denial of liability.
Reduction for 23 notices of intent to conduct an audit and 17 disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 191%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 13-Jan-2020
Respondent BASF Corporation
Case ID No. 58789
Reg. Ent. Reference No. RN100218049
Media Air
Enf. Coordinator Richard Garza
Violation Number 1

Docket No. 2020-0057-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 122.143(4), New Source Review ("NSR") Permit No. 19886, General Conditions ("GC") No. 8, Federal Operating Permit ("FOP") No. O1536, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 0.01 ton per year based on a 12-month rolling period for the 12-month periods ending from December 2013 through April 2019 for the Cooling Towers, Emissions Point Number ("EPN") 8-1-031, resulting in 1.09 tons of unauthorized VOC.

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 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 11

1976 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$41,250

Eleven semiannual events are recommended for the period of non-compliance that occurred from December 1, 2013 through April 30, 2019.

Good Faith Efforts to Comply

10.0%

Reduction \$4,125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes

The Respondent achieved compliance on May 8, 2019, after the Notice of Enforcement ("NOE") dated January 26, 2017.

Violation Subtotal \$37,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,342

Violation Final Penalty Total \$78,375

This violation Final Assessed Penalty (adjusted for limits) \$78,375

Economic Benefit Worksheet

Respondent BASF Corporation
 Case ID No. 58789
 Reg. Ent. Reference No. RN100218049
 Media Air
 Violation No. 1

Percent Interest 5.0
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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	\$4,937.12	1-Dec-2013	8-May-2019	5.44	\$1,342	n/a	\$1,342
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual delayed cost to obtain an amendment for NSR Permit No. 19886 that increased the VOC annual MAER for EPN 8-1-031. The Date Required is the initial date of non-compliance and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,937

TOTAL

\$1,342

Screening Date 13-Jan-2020
Respondent BASF Corporation
Case ID No. 58789
Reg. Ent. Reference No. RN100218049
Media Air
Enf. Coordinator Richard Garza
Violation Number 2

Docket No. 2020-0057-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 9513A and PSDTX641M1, Special Conditions No. 1, FOP No. O1927, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 255.65 pounds ("lbs") of VOC and 32.47 lbs of carbon monoxide as fugitive emissions, during an emissions event (Incident No. 280549) that occurred on March 16, 2018 and lasted three hours and 22 minutes. The emissions event occurred when over time, a mixture of reaction products in the carbon steel line caused an accelerated corrosion of the carbon steel materials, resulting in the release to the atmosphere. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

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 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 1

1 **Number of violation days**

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance by April 27, 2018, before the NOE dated February 28, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$82

Violation Final Penalty Total \$6,563

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

Economic Benefit Worksheet

Respondent BASF Corporation
Case ID No. 58789
Reg. Ent. Reference No. RN100218049
Media Air
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment	\$10,000	16-Mar-2018	27-Apr-2018	0.12	\$4	\$77	\$81
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	16-Mar-2018	17-Mar-2018	0.00	\$0	\$1	\$1
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated delayed costs to remove and replace the corroded and cracked piping (\$5,000) and to install additional equipment to reduce the potential for pipe corrosion (\$10,000) in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 280549. The Dates Required are the date the emissions event occurred and the Final Dates are the dates of compliance.						
Avoided Costs							
ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$15,000				TOTAL	\$82	



Compliance History Report

Compliance History Report for CN600124895, RN100218049, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

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

Classification: SATISFACTORY

Rating: 3.30

Regulated Entity: RN100218049, BASF FREEPORT SITE

Classification: SATISFACTORY

Rating: 8.56

Complexity Points: 43

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 602 COPPER RD FREEPORT, TX 77541-3001, BRAZORIA COUNTY

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 2907

AIR OPERATING PERMITS PERMIT 1536
AIR OPERATING PERMITS PERMIT 1926
AIR OPERATING PERMITS PERMIT 1928
AIR OPERATING PERMITS PERMIT 3826
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200501

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD008081697

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

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50128

WASTEWATER PERMIT WQ0003977000

WASTEWATER EPA ID TX0008788

AIR NEW SOURCE PERMITS REGISTRATION 10310

AIR NEW SOURCE PERMITS REGISTRATION 10373

AIR NEW SOURCE PERMITS REGISTRATION 10388

AIR NEW SOURCE PERMITS REGISTRATION 10437

AIR NEW SOURCE PERMITS REGISTRATION 10554

AIR NEW SOURCE PERMITS REGISTRATION 10578

AIR NEW SOURCE PERMITS REGISTRATION 10634

AIR NEW SOURCE PERMITS REGISTRATION 10641

AIR NEW SOURCE PERMITS REGISTRATION 11080

AIR NEW SOURCE PERMITS REGISTRATION 11081

AIR NEW SOURCE PERMITS REGISTRATION 11286

AIR NEW SOURCE PERMITS PERMIT 7596A

AIR NEW SOURCE PERMITS PERMIT 7595A

AIR NEW SOURCE PERMITS PERMIT 7223A

AIR NEW SOURCE PERMITS PERMIT 735B

AIR NEW SOURCE PERMITS PERMIT 1396A

AIR NEW SOURCE PERMITS REGISTRATION 1390A

AIR NEW SOURCE PERMITS PERMIT 1395A

AIR NEW SOURCE PERMITS PERMIT 1733A

AIR NEW SOURCE PERMITS REGISTRATION 1391A

AIR NEW SOURCE PERMITS REGISTRATION 1392A

AIR NEW SOURCE PERMITS PERMIT 1445A

AIR NEW SOURCE PERMITS PERMIT 6773A

AIR NEW SOURCE PERMITS PERMIT 8074A

AIR NEW SOURCE PERMITS PERMIT 9513A

AIR NEW SOURCE PERMITS REGISTRATION 12952A

AIR NEW SOURCE PERMITS REGISTRATION 12957A

AIR NEW SOURCE PERMITS REGISTRATION 13481A

AIR NEW SOURCE PERMITS REGISTRATION 12277A

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL00210

AIR NEW SOURCE PERMITS PERMIT 735C

AIR NEW SOURCE PERMITS PERMIT 19886

AIR NEW SOURCE PERMITS PERMIT 40799

AIR NEW SOURCE PERMITS REGISTRATION 42856

AIR NEW SOURCE PERMITS PERMIT 55239

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX959

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX641

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX193M1

AIR NEW SOURCE PERMITS REGISTRATION 130747

AIR NEW SOURCE PERMITS AFS NUM 4803900017

AIR NEW SOURCE PERMITS REGISTRATION 56742

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX641M1

AIR NEW SOURCE PERMITS REGISTRATION 54190

AIR NEW SOURCE PERMITS REGISTRATION 72728

AIR NEW SOURCE PERMITS REGISTRATION 56520

AIR NEW SOURCE PERMITS REGISTRATION 74947

AIR NEW SOURCE PERMITS REGISTRATION 83062

AIR NEW SOURCE PERMITS REGISTRATION 82606

AIR NEW SOURCE PERMITS REGISTRATION 85277

AIR NEW SOURCE PERMITS REGISTRATION 85333

AIR NEW SOURCE PERMITS REGISTRATION 87592

AIR NEW SOURCE PERMITS REGISTRATION 91495

AIR NEW SOURCE PERMITS EPA PERMIT N126

AIR NEW SOURCE PERMITS REGISTRATION 96347

AIR NEW SOURCE PERMITS REGISTRATION 99651

AIR NEW SOURCE PERMITS REGISTRATION 100057

AIR NEW SOURCE PERMITS REGISTRATION 99541

AIR NEW SOURCE PERMITS REGISTRATION 102885

AIR NEW SOURCE PERMITS REGISTRATION 102484

AIR NEW SOURCE PERMITS REGISTRATION 111385

AIR NEW SOURCE PERMITS REGISTRATION 140373

AIR NEW SOURCE PERMITS REGISTRATION 139412

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX908

AIR NEW SOURCE PERMITS REGISTRATION 139303

AIR NEW SOURCE PERMITS REGISTRATION 122896

AIR NEW SOURCE PERMITS REGISTRATION 140446
 AIR NEW SOURCE PERMITS REGISTRATION 140563
 AIR NEW SOURCE PERMITS REGISTRATION 137842
 AIR NEW SOURCE PERMITS REGISTRATION 120903
 AIR NEW SOURCE PERMITS REGISTRATION 111168
 AIR NEW SOURCE PERMITS REGISTRATION 110767
 AIR NEW SOURCE PERMITS PERMIT 118239
 AIR NEW SOURCE PERMITS REGISTRATION 110771
 AIR NEW SOURCE PERMITS REGISTRATION 108789
 AIR NEW SOURCE PERMITS EPA PERMIT PSDTX284M1
 AIR NEW SOURCE PERMITS REGISTRATION 137834
 AIR NEW SOURCE PERMITS REGISTRATION 122304
 AIR NEW SOURCE PERMITS EPA PERMIT N200
 AIR NEW SOURCE PERMITS REGISTRATION 120524
 AIR NEW SOURCE PERMITS REGISTRATION 119170
 AIR NEW SOURCE PERMITS REGISTRATION 138695
 AIR NEW SOURCE PERMITS REGISTRATION 110776
 AIR NEW SOURCE PERMITS REGISTRATION 124655
 AIR NEW SOURCE PERMITS REGISTRATION 112554
 AIR NEW SOURCE PERMITS REGISTRATION 154301
 AIR NEW SOURCE PERMITS REGISTRATION 152497
 AIR NEW SOURCE PERMITS REGISTRATION 161921
 AIR NEW SOURCE PERMITS REGISTRATION 162519
 AIR NEW SOURCE PERMITS REGISTRATION 148265
 AIR NEW SOURCE PERMITS REGISTRATION 150221
 AIR NEW SOURCE PERMITS REGISTRATION 141775
 AIR NEW SOURCE PERMITS REGISTRATION 145999
 AIR NEW SOURCE PERMITS REGISTRATION 154758
 AIR NEW SOURCE PERMITS REGISTRATION 158089
 AIR NEW SOURCE PERMITS REGISTRATION 156203
 AIR NEW SOURCE PERMITS REGISTRATION 158326
 AIR NEW SOURCE PERMITS REGISTRATION 158332
 AIR NEW SOURCE PERMITS REGISTRATION 157569
 UNDERGROUND INJECTION CONTROL PERMIT WDW051
 UNDERGROUND INJECTION CONTROL PERMIT WDW408
 IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
 (SWR) 30024
 POLLUTION PREVENTION PLANNING ID NUMBER P00069

AIR NEW SOURCE PERMITS REGISTRATION 139411
 AIR NEW SOURCE PERMITS REGISTRATION 141317
 AIR NEW SOURCE PERMITS REGISTRATION 130589
 AIR NEW SOURCE PERMITS REGISTRATION 131174
 AIR NEW SOURCE PERMITS REGISTRATION 140735
 AIR NEW SOURCE PERMITS REGISTRATION 113198
 AIR NEW SOURCE PERMITS REGISTRATION 133869
 AIR NEW SOURCE PERMITS REGISTRATION 133878
 AIR NEW SOURCE PERMITS REGISTRATION 122468
 AIR NEW SOURCE PERMITS REGISTRATION 117777
 AIR NEW SOURCE PERMITS REGISTRATION 123939
 AIR NEW SOURCE PERMITS REGISTRATION 137272
 AIR NEW SOURCE PERMITS REGISTRATION 109675
 AIR NEW SOURCE PERMITS REGISTRATION 110775
 AIR NEW SOURCE PERMITS REGISTRATION 132552
 AIR NEW SOURCE PERMITS REGISTRATION 117121
 AIR NEW SOURCE PERMITS REGISTRATION 132691
 AIR NEW SOURCE PERMITS EPA PERMIT PSDTX193M3
 AIR NEW SOURCE PERMITS REGISTRATION 110772
 AIR NEW SOURCE PERMITS REGISTRATION 155082
 AIR NEW SOURCE PERMITS REGISTRATION 153526
 AIR NEW SOURCE PERMITS REGISTRATION 162798
 AIR NEW SOURCE PERMITS REGISTRATION 161869
 AIR NEW SOURCE PERMITS REGISTRATION 151459
 AIR NEW SOURCE PERMITS REGISTRATION 150154
 AIR NEW SOURCE PERMITS REGISTRATION 149922
 AIR NEW SOURCE PERMITS REGISTRATION 149547
 AIR NEW SOURCE PERMITS REGISTRATION 156202
 AIR NEW SOURCE PERMITS REGISTRATION 161203
 AIR NEW SOURCE PERMITS REGISTRATION 159013
 AIR NEW SOURCE PERMITS REGISTRATION 160113
 AIR NEW SOURCE PERMITS REGISTRATION 155905
 AIR NEW SOURCE PERMITS REGISTRATION 152313
 UNDERGROUND INJECTION CONTROL PERMIT WDW099
 UNDERGROUND INJECTION CONTROL PERMIT WDW409
 AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL00210
 TAX RELIEF ID NUMBER 22434

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: October 16, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 16, 2015 to October 16, 2020

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

Name: Richard Garza

Phone: (512) 239-2697

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 |

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

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

- | | | | | |
|---|---|------------|-----------------|--|
| 1 | Effective Date: 04/08/2016 | ADMINORDER | 2015-0900-AIR-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | | | |
| | Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) | | | |
| | 30 TAC Chapter 122, SubChapter B 122.145(2)(A) | | | |

Compliance History Report for CN600124895, RN100218049, Rating Year 2020 which includes Compliance History (CH) components from October 16, 2015, through October 16, 2020. Ratings are pending Mass Classification.

5C THSC Chapter 382 382.085(b)
 Rqmt Prov: General Terms and Conditions OP
 Description: Failed to report all instances of deviations.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: NSR Permit No. 8074A, GC No. 1 PERMIT
 Special Term and Condition 11 OP
 Description: Failed to comply with the representations in a permit application.

- 2 Effective Date: 11/08/2016 ADMINORDER 2016-0177-IWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Effluent Limits PERMIT
 Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

- 3 Effective Date: 06/20/2017 ADMINORDER 2016-1699-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: Specila Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions during an emissions event. Category A12.i(6).

- 4 Effective Date: 09/26/2017 ADMINORDER 2016-0534-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)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1219(a)(5)(i)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 4 PERMIT
 Special Terms & Conditions 1A PERMIT
 Description: Failure to maintain carbon monoxide emissions limits [Category B13].

- 5 Effective Date: 08/22/2018 ADMINORDER 2017-1100-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 THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions during an emissions event. Excessive Emission Event. [Category A12.i(6).]

 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: FOP O-1927 STC 2.F. PERMIT
 Description: Failure to report an emissions event in a timely manner. Category C3.
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: FOP General Terms and Conditions OP
 Description: Failure to submit the Annual Permit Compliance Certification within the required timeframe. (Category A(12)(i)(7) - GC 6)

- 6 Effective Date: 05/23/2019 ADMINORDER 2017-1763-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 PERMIT

Special Term and Condition 9 OP

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 33.09 tons per year based on a rolling 12-month period for the Heat Recovery Steam Generator with Duct Burner Firing, EPN 15-2-1, for the 12-month periods ending in September 2016 through August 2017, resulting in the release of 0.54 ton of unauthorized VOC.

7 Effective Date: 04/02/2020 ADMINORDER 2019-0301-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: SC 1 PERMIT

STC 15 OP

Description: Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 0.10 ton per year based on a 12-month rolling period for the 12-month periods ending from April 2018 through November 2018 for the Cooling Tower, Emissions Point Number ("EPN") 4-2-6, resulting in 0.15 ton of unauthorized VOC.

8 Effective Date: 05/12/2020 ADMINORDER 2019-0283-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 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 PERMIT

Special Term & Condition 11 OP

Description: Failed to comply with the MAER.

Classification: Minor

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

Rqmt Prov: General Terms & Conditions OP

Description: Failure to report all instances of deviation (Category B3).

9 Effective Date: 10/12/2020 ADMINORDER 2019-1308-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 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: SC1 PERMIT

ST&C 6 PERMIT

Description: Failed to comply with the maximum allowable emissions rate ("MAER"). The Respondent exceeded the NOx MAER of 0.30 tpy based on a 12-month rolling period for the 12-month periods ending from September 2018 through August 2019 for the Ammonia Recovery System Maintenance Emissions to Flare, EPN 16-1-2 and the CO MAER of 0.17 tpy based on a 12-month rolling period for the 12-month periods ending from May 2018 through April 2019 for the Depressurization Emissions to Flare, EPN 16-1-2 resulting in the

See addendum for information regarding federal actions.

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 11, 2015	(1295780)
Item 2	January 15, 2016	(1315681)
Item 3	January 22, 2016	(1301664)
Item 4	January 25, 2016	(1281430)
Item 5	January 29, 2016	(1306006)
Item 6	February 09, 2016	(1306990)
Item 7	March 16, 2016	(1331802)
Item 8	March 23, 2016	(1321392)
Item 9	March 31, 2016	(1322287)
Item 10	April 20, 2016	(1338965)
Item 11	April 25, 2016	(1314962)
Item 12	May 18, 2016	(1345765)
Item 13	June 22, 2016	(1338562)
Item 14	July 18, 2016	(1359181)
Item 15	September 07, 2016	(1343900)
Item 16	September 15, 2016	(1358356)
Item 17	October 19, 2016	(1358318)
Item 18	October 20, 2016	(1378482)
Item 19	November 15, 2016	(1384441)
Item 20	December 19, 2016	(1390578)
Item 21	February 10, 2017	(1389681)
Item 22	February 16, 2017	(1404078)
Item 23	April 11, 2017	(1417681)
Item 24	April 26, 2017	(1408843)
Item 25	May 12, 2017	(1425270)
Item 26	June 14, 2017	(1414432)
Item 27	June 17, 2017	(1431273)
Item 28	July 06, 2017	(1421542)
Item 29	July 10, 2017	(1416686)
Item 30	July 17, 2017	(1439888)
Item 31	July 28, 2017	(1428357)
Item 32	August 15, 2017	(1443573)
Item 33	September 18, 2017	(1450198)
Item 34	September 20, 2017	(1435237)
Item 35	October 16, 2017	(1456018)
Item 36	November 18, 2017	(1461498)
Item 37	December 07, 2017	(1449869)
Item 38	December 11, 2017	(1438668)
Item 39	December 20, 2017	(1467878)
Item 40	January 12, 2018	(1474582)
Item 41	February 05, 2018	(1466105)
Item 42	February 26, 2018	(1455682)
Item 43	April 20, 2018	(1493724)
Item 44	May 09, 2018	(1483215)
Item 45	May 17, 2018	(1500641)
Item 46	June 19, 2018	(1507758)
Item 47	June 22, 2018	(1497845)
Item 48	June 25, 2018	(1496734)
Item 49	July 16, 2018	(1514076)
Item 50	July 25, 2018	(1500397)
Item 51	September 17, 2018	(1527302)
Item 52	October 01, 2018	(1518399)
Item 53	October 12, 2018	(1523443)
Item 54	October 17, 2018	(1505493)
Item 55	October 18, 2018	(1524006)
Item 56	October 19, 2018	(1513388)

Item 57	December 18, 2018	(1545279)
Item 58	January 21, 2019	(1559812)
Item 59	February 22, 2019	(1549001)
Item 60	March 20, 2019	(1548689)
Item 61	April 04, 2019	(1540884)
Item 62	April 22, 2019	(1571876)
Item 63	June 17, 2019	(1575860)
Item 64	June 18, 2019	(1583361)
Item 65	June 26, 2019	(1577082)
Item 66	August 07, 2019	(1430114)
Item 67	August 16, 2019	(1599535)
Item 68	September 16, 2019	(1606440)
Item 69	October 02, 2019	(1597733)
Item 70	October 16, 2019	(1613286)
Item 71	November 21, 2019	(1619100)
Item 72	December 11, 2019	(1592269)
Item 73	December 13, 2019	(1597706)
Item 74	December 18, 2019	(1610252)
Item 75	January 21, 2020	(1618499)
Item 76	January 23, 2020	(1634093)
Item 77	February 07, 2020	(1625775)
Item 78	February 21, 2020	(1640712)
Item 79	March 18, 2020	(1647232)
Item 80	March 27, 2020	(1638127)
Item 81	April 20, 2020	(1653568)
Item 82	May 20, 2020	(1660155)
Item 83	June 15, 2020	(1657138)
Item 84	June 26, 2020	(1658210)
Item 85	July 14, 2020	(1652807)
Item 86	July 16, 2020	(1673616)
Item 87	August 10, 2020	(1666235)
Item 88	August 18, 2020	(1680392)

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:	05/07/2020	(1625174)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a) 5C THSC Chapter 382 382.085(b) Special Condition 19E PERMIT STC 15 OP STC 1A OP			
	Description:	Failure to Prevent Open Ended Lines (OELs) (Category C10).			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.356(2)(A) 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 63.162(f)(1) 5C THSC Chapter 382 382.085(b) STC 15 OP			
	Description:	Failure to Include and perform initial Method 21 monitoring of Leak Detection and Repair (LDAR) components.			
	Self Report?	NO		Classification:	Minor
	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) 5C THSC Chapter 382 382.058(b) STC 1 OP			
	Description:	Failure to operate the Incinerator (EPN: 4-1-IN701) within the established CO concentration.			

2	Date: 05/29/2020 (1625911)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A) 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) 30 TAC Chapter 335, SubChapter E 335.112(a) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195		
	Description: The facility failed to document in the operating record required daily inspections of a hazardous waste tank.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4) 30 TAC Chapter 335, SubChapter E 335.112(a) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(1)(iii)		
	Description: The facility failed to ensure that the secondary containment systems are free of cracks or gaps.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter D 305.69(b) 30 TAC Chapter 305, SubChapter D 305.69(k) II.C.1.d. PERMIT		
	Description: The facility failed to ensure that tables listing authorized wastes or permitted units for inspections were correct or complete.		
3	Date: 05/31/2020 (1666659)		
	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		
4	Date: 06/12/2020 (1592267)		
	Self Report? NO	Classification: Moderate	
	Citation: 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) FOP, Special Term & Condition 9 OP NSR, Special Condition 1 PERMIT		
	Description: Failure to maintain NOx emissions within permitted limits. (Unit ID: 15-2-COGN1) (Category C4 Violation)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 9 OP NSR, Special Condition 8 PERMIT		
	Description: Failure to maintain permitted concentration limits for NOx and CO (Unit ID: 15-2-COGN1) (Category C4 Violation)		
	Self Report? NO	Classification: Moderate	
	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 Term & Condition 2.F. OP		
	Description: Failure to create a Recordable Emission Event form within 14 days. (Category C3 Violation)		
5	Date: 07/22/2020 (1646106)		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SPECIAL CONDITION 23B PERMIT SPECIAL TERM AND CONDITION 6 OP		
	Description: Failure to use the correct certified ammonia gas standard during functionality tests (Category B18g(1)).		
6	Date: 08/05/2020 (1592273)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 1A OP		

Description: Failure to sample the cooling tower (Unit ID: 5-2-10) for highly reactive volatile organic compound (HRVOC) within the 24-hour required timeframe. (Category C1)

Self Report? NO Classification: Moderate

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 Term & Condition 2F OP

Description: Failure to create a final record of a non-reportable emission event within two weeks of the emissions event that occurred on August 6, 2018. (Category B3)

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 & Condition 11 OP
NSR, Special Condition 9 PERMIT

Description: Failure to maintain thermal oxidizer (TO) (Unit ID: 5-4-31) temperature within permitted limits. (Category C1)

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)
FOP, Special Term & Condition 1A OP
NSR, Special Condition 4D PERMIT

Description: Failure to sample the flare (Unit ID: 5-2-02) for highly reactive volatile organic compounds (HRVOC) within 24 hours of the monitor going down. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP

Description: Failure to operate with the ammonia emission limit of 10 pounds per million volume (ppmv) on reformer (Unit ID: 5-1-31, 5-1-H1). (Category C4)

7

Date: 08/28/2020 (1612902)

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)
FOP, General Term and Condition OP

Description: Failure to report a deviation in the September 14, 2018 through March 13, 2019 deviation report. (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor connectors in Unit ID: 15-3-FUGS. Category B1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor pumps in Unit ID: 15-3-FUGS. Category B1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor valves in Unit ID: 15-3-FUGS. Category B1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct visual, audible, and/or olfactory means at least weekly on flanges in Unit ID: 15-3-FUGS. Category B1

8

Date: 08/31/2020 (1612901)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 13 OP FOP, Special Term & Condition 1A OP NSR, Special Condition 9H PERMIT		
Description:	Failure to repair a leaking pump in heavy liquid VOC service within 15 days after the leak was found (Unit ID: 5-9-FUG)(Category B1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	2158, FOP, Special Term & Condition 1A OP 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)		
Description:	Failure to maintain hourly rolling average CO parts per million by volume (ppmv) for the stack (UNIT ID: 5-5-50/5-5-IN5100) (Category C4 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 13 OP NSR, Special Condition 1A PERMIT		
Description:	Failure to operate within the NOx and CO pounds per hour (lbs/hr) Maximum Allowable Emission Rate (MAER) for the stack (Unit ID: 5-5-50/5-5-IN5100) (Category B13 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 13 OP NSR, Special Condition 9E PERMIT		
Description:	Failure to monitor new fugitive emissions components within 15 days of installation and operations (Unit ID: 5-9-FUG)(Category B1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 13 OP FOP, Special Term & Condition 1A OP NSR, Special Condition 9E PERMIT		
Description:	Failure to prevent Open Ended Lines (OELs) (CATEGORY C10 Violation)		
9	Date: 09/08/2020 (1612895)		
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 60.482-2(c)(1) 5C THSC Chapter 382 382.085(b) Special Condition 17H PERMIT Special Term & Condition 14 OP Special Term & Condition 1A OP		
Description:	Failure to repair component in within required 15-day timeframe. (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	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) Special Term & Condition 14 OP		
Description:	Failure to maintain destruction efficiency for S500 SOx Scrubber (Unit ID: 7-1-73). (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 24A PERMIT Special Term & Condition 14 OP		
Description:	Failure to maintain 3-hour rolling temperature average for Flare FL-280 (Unit ID: 12-1-1) within permitted limit. (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Minor

Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 PERMIT Special Term & Condition 14 OP		
Description:	Failure to maintain oxygen content for Vapor Combustor R-180 (Unit ID: 11-1-100) within permitted limit. (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11D PERMIT Special Term & Condition 14 OP		
Description:	Failure to maintain continuous emissions monitoring system (CEMS) for Vapor Combustor R-180 (Unit ID: 11-1-100). (CATEGORY B1 Violation)		
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) Special Term & Condition 1A OP		
Description:	Failure to maintain continuous fuel flow monitor for Unit ID: 11-1-4. (CATEGORY C1 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 2F OP		
Description:	Failure to create a final record within 2 weeks for Unit IDs: 12-1-48 and 12-1-1. (CATEGORY C3 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 17F PERMIT Special Term & Condition 14 OP Special Term & Condition 1A OP		
Description:	Failure to conduct quarterly leak detection and repair (LDAR) monitoring on valves. (CATEGORY C1 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 PERMIT Special Term & Condition 14 OP		
Description:	Failure to maintain temperatures for Vapor Combustor R-180 (Unit ID: 11-1-100) within permitted limit. (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.272(c)(2) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
Description:	Failure to conduct sampling for Scrubber S-300 (Unit ID: 7-1-8). (CATEGORY C1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 15D PERMIT Special Term & Condition 14 OP		
Description:	Failure to maintain total dissolved solid (TDS) concentration for Cooling Tower CT-700 (Unit ID: 7-1-90) within permitted limit. (CATEGORY B13 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 15E(2) PERMIT Special Term & Condition 14 OP		
Description:	Failure to conduct daily conductivity testing for Cooling Tower CT-1100 (Unit ID: 11-1-91). (CATEGORY C1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Terms and Condition OP
 Description: Failure to conduct monthly leak detection and repair (LDAR) monitoring on valves.
 Category C1
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Terms and Condition 1A OP
 Description: Failure to conduct quarterly leak detection and repair (LDAR) monitoring on pump seals.
 Category C1

F. Environmental audits:

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

Disclosure Date: 11/05/2015

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
 30 TAC Chapter 115, SubChapter H 115.780(a)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 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)
 4F TWC Chapter 63, SubChapter A 63.160

Description: Failed to have 4,087 components associated with the AAE2 unit tagged and monitored.

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 H 115.780
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480(a)
 4F TWC Chapter 63, SubChapter A 63.160

Description: Failed to have 10,763 components associated with the AAE3 unit. They were not tagged and monitored.

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

Disclosure Date: 01/25/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480(a)
 4F TWC Chapter 63, SubChapter A 63.160

Description: Failed to tag 4,674 components associated with the BA unit and failed to monitor them.

Viol. Classification: Major

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

Description: Failed to include 2,527 components associated with the BA unit in its permit representations.

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

Disclosure Date: 01/26/2016

Viol. Classification: Moderate

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

Description: The permit representation that authorized combustion of Dispersions Unit condensate in incinerator IN-5100 incorrectly stated the duration to be 21 days per year instead of 365 days per year.

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

Disclosure Date: 01/27/2016

Viol. Classification: Major

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

Description: Failed to have correct permit representations for the Latex Dispersions Unit regarding the chemical composition and equipment. Incorrect assumptions were made prior to commencement of construction.

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

Disclosure Date: 01/28/2016

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter K 106.263(e)(7)
30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Four temporary pump engines were operated for more than 180 days without being registered.

Notice of Intent Date: 02/05/2016 (1312724)

Disclosure Date: 10/04/2016

Viol. Classification: Major

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

Description: Failure to prevent emissions event in which isopropyl alcohol and particulate matter were released into the atmosphere. Overpressure conditions in an emergency vent system caused the unit's Nara heaters to release isopropyl and particulate matter into the atmosphere.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)

Description: Failure to generate final internal records of emission events within the required timeframe as specified in 101.201(b)(2).

Notice of Intent Date: 11/17/2016 (1382616)

Disclosure Date: 05/11/2017

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1200
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1200(a)(2)

Description: Failure to maintain low volatile metals limit of 92 ug/dscm. The expanded low volatile metals limit of 92 ug/dscm under the Hazardous Waste Combustor MACT rule was malfunction in the DCS. The maximum value during this exceedances was 124.51 ug/dscm.

Notice of Intent Date: 03/22/2017 (1403409)

Disclosure Date: 10/27/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

Description: Failure to identify and close nine open-ended lines in VOC or HRVOC service.

Notice of Intent Date: 03/22/2017 (1403418)

No DOV Associated

Notice of Intent Date: 03/22/2017 (1407419)

Disclosure Date: 10/24/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

Description: Failure to identify and close 69 unauthorized open-ended lines.

Notice of Intent Date: 03/27/2017 (1407405)

Disclosure Date: 10/27/2017

Viol. Classification: Moderate

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

Description: Failure to identify and close two unauthorized open-ended lines (OELs).

Notice of Intent Date: 03/27/2017 (1407408)

No DOV Associated

Notice of Intent Date: 03/27/2017 (1407418)

Disclosure Date: 10/24/2017

Viol. 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

Description: Failure to monitor for open-ended lines in VOC or HRVOC service. 5 open-ended lines were discovered.

Notice of Intent Date: 04/12/2017 (1408893)

No DOV Associated

Notice of Intent Date: 07/10/2017 (1429027)

No DOV Associated

Notice of Intent Date: 08/08/2017 (1435220)

Disclosure Date: 08/01/2018

Viol. Classification: Major

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

Description: Failure to comply with VOC emission limits for Cooling Tower, CT-6000, EPN No. 4-2-6. Specifically the cooling tower is in exceedance of the permitted lb/hr and TPY emission limits for VOC.

Notice of Intent Date: 09/29/2017 (1448413)

No DOV Associated

Notice of Intent Date: 10/09/2017 (1479727)

Disclosure Date: 11/29/2018

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(5)

Description: Failure to update the total annual benzene concentration to reflect benzene-containing wastes.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)(i)

Description: Failure to calculate the annual benzene quantity for each waste stream and determine the annual benzene quantity.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)

Description: Failure to monitor four connectors in HRVOC service.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to accurately calculate emissions for hexanediol and perntanediol.

Notice of Intent Date: 12/04/2017 (1460108)

Disclosure Date: 07/03/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter D 115.354(11)

Description: Failure to monitor and tag recently replaced LDAR equipment within the required timeframe.

Notice of Intent Date: 04/11/2018 (1481704)

Disclosure Date: 10/03/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to accurately label components. Labeled as "difficult-to monitor" for accessible component.

Notice of Intent Date: 08/22/2018 (1513369)

No DOV Associated

Notice of Intent Date: 08/31/2018 (1513636)

Disclosure Date: 11/29/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Failure to collect monthly VOC samples of cooling water at the correct location. It was determined that monthly VOC samples of cooling water were collected at the "supply" header rather than at the "return" headers.

Notice of Intent Date: 02/28/2019 (1551676)

Disclosure Date: 11/13/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

30 TAC Chapter 116, SubChapter B 116.116(a)

Description: Failure to report deviation in the last Title V deviation report. Fugitive equipment leaks were identified and reported as needing to be represented in the NSR permit, however this deviation was not included in the report that covered the time frame of September 14, 2018 through March 13, 2019.

Notice of Intent Date: 04/04/2019 (1555724)

No DOV Associated

Notice of Intent Date: 11/25/2019 (1616750)

No DOV Associated

Notice of Intent Date: 04/09/2020 (1646134)

No DOV Associated

Notice of Intent Date: 04/15/2020 (1646214)

No DOV Associated

Notice of Intent Date: 05/20/2020 (1652610)

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: BASF FREEPORT SITE

Reg Entity Add: 602 COPPER RD

Reg Entity City: FREEPORT

Reg Entity No: RN100218049

EPA Case No: 06-2020-3355

Order Issue Date (yyyymmdd): 20200618

Case Result: BASF FREEPORT SITE -

Statute: CAA

Sect of Statute: 111

Classification: Minor

Program: New Source Performanc

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

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. 2020-0057-AIR-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 (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 602 Copper Road in Freeport, Brazoria County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$84,938 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$33,976 of the penalty and \$16,987 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$33,975 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of the Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

- A"), incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
5. 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). 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.
 6. 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 Order.
 7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
 9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. In order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 280549:
 - i. By March 17, 2018, removed and replaced the corroded and cracked piping; and
 - ii. By April 27, 2018, installed additional equipment to reduce the potential for pipe corrosion.
 - b. On May 8, 2019, obtained an amendment for New Source Review ("NSR") Permit No. 19886 that increased the volatile organic compounds ("VOC") annual maximum allowable emissions rate ("MAER") for Emissions Point Number ("EPN") 8-1-031.

II. ALLEGATIONS

1. During record reviews conducted from October 28, 2016 through October 31, 2016 and November 20, 2019 through November 22, 2019, an investigator documented that the Respondent failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), NSR Permit No. 19886, General Conditions No. 8, Federal Operating Permit ("FOP") No. 01536, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 0.01 ton per year based on a 12-month rolling period for the 12-month periods ending from December 2013 through April 2019 for the Cooling Towers, EPN 8-1-031, resulting in 1.09 tons of unauthorized VOC.
2. During a record review conducted from September 23, 2019 through October 1, 2019, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 9513A and PSDTX641M1, Special Conditions No. 1, FOP No. 01927, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 255.65 pounds ("lbs") of VOC and 32.47 lbs of carbon monoxide as fugitive emissions, during an emissions event (Incident No. 280549) that occurred on March 16, 2018 and lasted three hours and 22 minutes. The emissions event occurred when over time, a mixture of reaction products in the carbon steel line caused an accelerated corrosion of the carbon steel materials, resulting in the release to the atmosphere. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF Corporation, Docket No. 2020-0057-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 the SEP as set forth in Section I, Paragraph No. 4. The amount of \$33,975 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This 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 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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

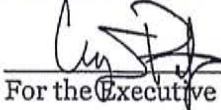
persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In 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.

9. 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

05/25/2021

For the Executive Director

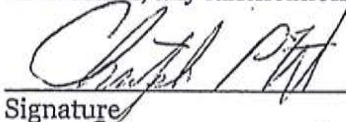
Date

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

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

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

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



Signature

1/5/2021

Date

Christopher P. Witte

Name (Printed or typed)

Sr. Vice President

Title

Authorized Representative of
BASF Corporation

☐ If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2020-0057-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BASF Corporation
Payable Penalty Amount:	\$67,951
SEP Offset Amount:	\$33,975
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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 **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership 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 replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for

installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely 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 to settle this enforcement action. The Respondent shall not profit 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 many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
Attn: Air Quality Program Manager
P.O. Box 22777
Houston, Texas 77227-2777

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 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:

BASF Corporation
Agreed Order - Attachment A

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. Recognition

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.