

Executive Summary – Enforcement Matter – Case No. 59969
Braskem America, Inc.
RN102888328
Docket No. 2020-1369-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Braskem America, 8811 Strang Road, La Porte, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2021-0475-AIR-E and 2021-0874-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 16, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,398

Total Paid to General Revenue: \$11,699

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$11,699

Name of SEP: Houston Regional Monitoring Corporation (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

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

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RN102888328
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Date(s) of Investigation: June 14, 2018 through April 2, 2020, October 15, 2018 through October 29, 2018, September 2, 2020 through September 30, 2020, and September 28, 2020 through December 4, 2020

Date(s) of NOE(s): October 6, 2020, October 20, 2020, October 30, 2020, and January 4, 2021

Violation Information

1. Failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden avoidable breakdown of equipment or process beyond the control of the owner or operator, and 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(1), 115.722(d), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.18(c)(2), New Source Review ("NSR") Permit No. 5572B, Special Conditions ("SC") Nos. 1, Federal Operating Permit ("FOP") No. O1424, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to identify all required information on the final record for a reportable emissions event [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1424, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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(1), 115.722(d), 116.115(c) and 122.143(4), 40 CFR § 60.18(c)(2), NSR Permit No. 5572B, SC No. 1, FOP No. O1424, GTC and STC Nos. 1.A and 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O1424, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to prevent unauthorized emissions. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an

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affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 5572B, SC No. 1, FOP No. O1424, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to identify all required information on the final record for a reportable emissions event [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(F), (G), and (H) and 122.143(4), FOP No. O1424, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On April 2, 2020, provided the estimated total quantities for ethylene and hexane that were released during the emissions event; the correct estimated total quantity of nitrogen oxides that was released during the emissions event; the authorization for Emissions Point Number (“EPN”) 44; and the authorized emissions limits for ethylene, propylene, and hexane that were associated to the emissions event (Incident No. 273939);
- b. On September 30, 2020, submitted the PCC for the February 3, 2019 through February 2, 2020 certification period; and
- c. On October 19, 2020, provided the estimated total quantities for propane and ethylene that were released during the emissions event and the correct estimated duration of the emissions event (Incident No. 276527).

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 273939;
 - ii. Implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events;

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RN102888328
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- iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276681; and
 - iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276527.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4077; 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 Regional Monitoring Corporation, Amandes PLLC, 1414 West Clay Street, Houston, Texas 77019

Respondent: Alec Dobson, Site Leader, Braskem America, Inc., 8811 Strang Road, La Porte, Texas 77571

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	12-Oct-2020	Screening	16-Oct-2020	EPA Due	
	PCW	29-Apr-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	Braskem America, Inc.				
Reg. Ent. Ref. No.	RN102888328				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	59969	No. of Violations	6
Docket No.	2020-1369-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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	\$15,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	57.0% Adjustment	Subtotals 2, 3, & 7	\$8,835
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Notes: Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and three orders containing a denial of liability. Reduction for four notices of intent to conduct an audit and three disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$937
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$6,606
Estimated Cost of Compliance	\$32,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$23,398
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$23,398
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$23,398
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$23,398
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Screening Date 16-Oct-2020

Docket No. 2020-1369-AIR-E

PCW

Respondent Braskem America, Inc.

Policy Revision 4 (April 2014)

Case ID No. 59969

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102888328

Media Air

Enf. Coordinator Yuliya Dunaway

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>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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>)	4	-4%
	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>)	3	-6%
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) 57%

>> 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 one NOV with same or similar violations, one NOV with dissimilar violations, and three orders containing a denial of liability. Reduction for four notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 57%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 57%

Screening Date 16-Oct-2020
Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-1369-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 115.722(d), 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") § 60.18(c)(2), New Source Review ("NSR") Permit No. 5572B, Special Conditions ("SC") Nos. 1, Federal Operating Permit ("FOP") No. O1424, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions. Specifically, the Respondent released 494.85 pounds ("lbs") of volatile organic compounds ("VOC") from the B Flare, Emissions Point Number ("EPN") 44, during an emissions event (Incident No. 273939) that occurred on December 5, 2017 and lasted 11 hours. The emissions event occurred due to the loss of flame on all three pilots for the B Flare, resulting in the release to the atmosphere from the unlit flare. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden avoidable breakdown of equipment or process beyond the control of the owner or operator, and 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

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

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 Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$10,000	5-Dec-2017	1-Nov-2021	3.91	\$1,955	n/a	\$1,955

Notes for DELAYED costs

Estimated delayed cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 273939 and to ensure that B Flare is operated with a flame present on all pilots at all times. The Date Required is the date the emissions event occurred and the Final Date is the estimated date 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 \$10,000

TOTAL \$1,955

Screening Date 16-Oct-2020
Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-1369-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1424, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify ethylene and hexane; the estimated total quantities of ethylene and hexane; the correct estimated total quantity of nitrogen oxides; the authorization for EPN 44; and the authorized emissions limits for ethylene, propylene, and hexane on the final record for Incident No. 273939.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>

Percent

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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 Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	19-Dec-2017	1-Nov-2021	3.87	\$290	n/a	\$290
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)	\$250	19-Dec-2017	2-Apr-2020	2.29	\$29	n/a	\$29

Notes for DELAYED costs

Estimated delayed costs to provide the estimated total quantities for ethylene and hexane that were released during the emissions event; the correct estimated total quantity of nitrogen oxides that was released during the emissions event; the authorization for EPN 44; and the authorized emissions limits for ethylene, propylene, and hexane that were associated to the emissions event (Incident No. 273939) (\$250) and to implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events (\$1,500). The Dates Required is the date the final record was due and the Final Dates are the date the required information was provided and the estimated date 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

\$1,750

TOTAL

\$319

Screening Date 16-Oct-2020
Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-1369-AIR-E

PCW

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

Violation Number 3

Violation Description

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 115.722(d), 116.115(c) and 122.143(4), 40 CFR § 60.18(c)(2), NSR Permit No. 5572B, SC No. 1, FOP No. O1424, GTC and STC Nos. 1.A and 11, and Tex. Health & Safety Code § 382.085(b)

Failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions. Specifically, the Respondent released 195.7 lbs of VOC from the C Flare, EPN 140, during an emissions event (Incident No. 276681) that occurred on January 18, 2018 and lasted three hours. The emissions event occurred due to excess steam flow to the C Flare that extinguished the flare ignitor, resulting in the release to the atmosphere from the unlit flare. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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			Percent
		Major	Moderate	Minor	
Actual				x	15.0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Human health or the environment has been exposed to insignificant amounts of pollutants 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

0.0% Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,895 **Violation Final Penalty Total** \$5,888

This violation Final Assessed Penalty (adjusted for limits) \$5,888

Economic Benefit Worksheet

Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$10,000	18-Jan-2018	1-Nov-2021	3.79	\$1,895	n/a	\$1,895

Notes for DELAYED costs

Estimated delayed cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276681 and to ensure that the C Flare is operated with the flame present at all times. The Date Required is the date the emissions event occurred and the Final Date is the estimated date 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

\$10,000

TOTAL

\$1,895

Screening Date 16-Oct-2020
Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-1369-AIR-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), FOP No. 01424, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for February 3, 2019 through February 2, 2020 certification period was due by March 3, 2020, but was not submitted until September 30, 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
100% of the rule requirements were not met.					

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 211 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single 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 completed the corrective action on September 30, 2020, prior to the Notice of Enforcement dated October 30, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$4,951

This violation Final Assessed Penalty (adjusted for limits) \$4,951

Economic Benefit Worksheet

Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$250	3-Mar-2020	30-Sep-2020	0.58	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to submit the PCC for the February 3, 2019 through February 2, 2020 certification period.
 The Date Required is the date the PCC was due and the Final Date is the date 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

\$250

TOTAL

\$7

Screening Date 16-Oct-2020
Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-1369-AIR-E

PCW

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

Violation Number 5
Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 5572B, SC No. 1, FOP No. O1424, GTC and STC No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 607.14 lbs of carbon monoxide, 57.64 lbs of nitrogen oxides, and 888.37 lbs of VOC from the C Flare, EPN 140, during an emissions event (Incident No. 276527) that occurred on January 17, 2018 and lasted five hours. The emissions event occurred due to inadequate winterization that caused the transmitters associated with Boiler C to freeze and the boiler and the C-Line Unit to shut down, resulting in flaring. Since the emissions event was not caused by a sudden avoidable breakdown of equipment or process beyond the control of the owner or operator and 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			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> 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

0.0%

Reduction

\$0

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

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,396

Violation Final Penalty Total \$5,888

This violation Final Assessed Penalty (adjusted for limits) \$5,888

Economic Benefit Worksheet

Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$10,000	17-Jan-2017	1-Nov-2021	4.79	\$2,396	n/a	\$2,396

Notes for DELAYED costs

Estimated delayed cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276527. The Date Required is the date the emissions event occurred and the Final Date is the estimated date 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

\$10,000

TOTAL

\$2,396

Screening Date 16-Oct-2020
Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-1369-AIR-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(F), (G), and (H) and 122.143(4), FOP No. 01424, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify propane and ethylene, the estimated total quantities of propane and ethylene, and the correct estimated duration of the emissions on the final record for Incident No. 276527.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 1084 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$393

This violation Final Assessed Penalty (adjusted for limits) \$393

Economic Benefit Worksheet

Respondent Braskem America, Inc.
Case ID No. 59969
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	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				0.00	\$0	n/a	\$0
Other (as needed)	\$250	31-Jan-2018	19-Oct-2020	2.72	\$34	n/a	\$34

Notes for DELAYED costs

Estimated delayed cost to provide the estimated total quantities for propane and ethylene released during the emissions event and the correct estimated duration of the emissions event (Incident No. 276527). The Date Required is the date the final record was due and the Final Date is the date the required information was provided.

See the Economic Benefit for Violation No. 2 for the estimated delayed cost to implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events..

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

\$250

TOTAL

\$34



Compliance History Report

Compliance History Report for CN603921271, RN102888328, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN603921271, Braskem America, Inc.	Classification:	SATISFACTORY	Rating:	1.99
Regulated Entity:	RN102888328, BRASKEM AMERICA	Classification:	SATISFACTORY	Rating:	8.93
Complexity Points:	13	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	8811 STRANG RD, LA PORTE, HARRIS COUNTY, TX				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0825G
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011175

AIR OPERATING PERMITS PERMIT 1424
AIR NEW SOURCE PERMITS PERMIT 5572B

AIR NEW SOURCE PERMITS REGISTRATION 5572C
AIR NEW SOURCE PERMITS REGISTRATION 41949
AIR NEW SOURCE PERMITS AFS NUM 4820100485
AIR NEW SOURCE PERMITS REGISTRATION 81336
AIR NEW SOURCE PERMITS REGISTRATION 163589
AIR NEW SOURCE PERMITS REGISTRATION 161961

AIR NEW SOURCE PERMITS REGISTRATION 40591
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0825G
AIR NEW SOURCE PERMITS REGISTRATION 70549
AIR NEW SOURCE PERMITS REGISTRATION 163632
AIR NEW SOURCE PERMITS REGISTRATION 152219
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 24175
POLLUTION PREVENTION PLANNING ID NUMBER P06432

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0825G

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD098200637

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 31010

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

Date Compliance History Report Prepared: January 19, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 19, 2016 to January 19, 2021

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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: 07/20/2020 ADMINORDER 2019-1464-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: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Terms and Conditions No. 11 OP
Description: Failure to prevent the release of unauthorized emissions. [Category A12.i.(6)]
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O1424 OP
STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event

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: GTC OP
Special Condition 1 PERMIT
STC No. 11 OP

Description: Failure to prevent unauthorized emissions. [Category A12.i.(6)]

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O1424 OP
STC No. 2.F OP

Description: Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event

2 Effective Date: 09/22/2020 ADMINORDER 2020-0271-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
Special Condition 11 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2.F PERMIT

Description: Failure to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not speciate the VOC and the estimated total quantities for those compounds on the final record for Incident No. 301143.

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	January 29, 2016	(1295045)
Item 2	June 23, 2016	(1307151)
Item 3	July 26, 2017	(1400713)
Item 4	July 31, 2017	(1417497)
Item 5	July 13, 2018	(1428713)
Item 6	February 27, 2019	(1517789)
Item 7	November 15, 2019	(1604627)
Item 8	November 22, 2019	(1592334)
Item 9	September 21, 2020	(1673233)
Item 10	September 22, 2020	(1673211)
Item 11	November 20, 2020	(1686288)

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: 04/23/2020 (1626065)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(7)
Description: Failure to construct the ground storage tank drain so that it is not a potential agent in the contamination of the stored water.
- 2 Date: 10/30/2020 (1672364)
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 6 PERMIT
Special Term and Condition 11 OP
Description: Failure to conduct the monthly VOC headspace test for the C-line Pellet Silo (EPN: 110) (Category C1).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 19A PERMIT
Special Condition 3 PERMIT
Special Condition 4 PERMIT
Special Term and Condition 11 OP
Special Term and Condition 1A OP
Description: Failure to maintain the net heating value above the minimum permitted limit for the C-Flare (EPN: 140) (Category C4).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 19A PERMIT
Special Condition 3 PERMIT
Special Condition 4 PERMIT
Special Term and Condition 11 OP
Special Term and Condition 1A OP
Description: Failure to maintain the net heating value above the minimum permitted limit for the B-Flare (EPN: 44) (Category C4).

F. Environmental audits:

Notice of Intent Date: 05/24/2016 (1336021)

Disclosure Date: 11/08/2016

Viol. Classification: Minor

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

Description: Failure to monitor valves for two consecutive months without a monitored leak before beginning to monitor them on a quarterly basis.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)

Description: Failure to equip a valve at the end of a line with a second valve, a blind flange, or a tightly-fitting plug or cap.

Notice of Intent Date: 02/16/2017 (1396299)

No DOV Associated

Notice of Intent Date: 10/02/2018 (1523694)

Disclosure Date: 02/26/2019

Viol. Classification: Moderate

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

Description: Failure to maintain annual permit emissions limits for Volatile Organic Compounds, Hexane, Nitrogen Oxides

Compliance History Report for CN603921271, RN102888328, Rating Year 2020 which includes Compliance History (CH) components from January 19, 2016, through January 19, 2021.

and Carbon Monoxide for B Flare normal operations.

Viol. Classification: Moderate

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

Description: Failure to maintain annual permit emissions limits for Volatile Organic Compounds, Nitrogen Oxides and Carbon Monoxide for C Flare normal operations (EPN 140)

Viol. Classification: Moderate

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

Description: Failure to maintain annual permit emissions limits for Ethylene and Propylene for B Flare Normal Operations (EPN 44).

Viol. Classification: Moderate

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

Description: Failure to maintain allowable hourly (lbs/hr) emissions rates for Volatile Organic Compounds and Propylene for the C Flare MSS activities (EPN140) during the 2018 calendar year.

Viol. Classification: Moderate

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

Description: Failure to utilize an emissions tracking system during the 2018 calendar year to demonstrate compliance.

Viol. Classification: Moderate

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

Description: Failure to track and calculate the planned MSS emissions. This includes a monthly summary and the rolling 12-month emissions.

Viol. Classification: Moderate

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

Description: Failure to maintain a monthly record of emissions for the 12-month rolling averages as is required to comply with annual emission limits in permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

30 TAC Chapter 122, SubChapter B 122.146(5)(D)

Description: Failure to include deviations associated with self audit in 2018 deviation report and annual compliance certification.

Viol. Classification: Minor

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

Description: Failure to maintain records of emissions from process units that are depressurized, emptied, and degassed in the monthly emissions tracking. Records of which control device or recovery system was used for degassing emissions was also not maintained.

Notice of Intent Date: 07/11/2019 (1580758)

Disclosure Date: 07/01/2020

Viol. Classification: Moderate

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)

30 TAC Chapter 335, SubChapter H 335.261(a)

Description: Failure to properly label universal waste batteries with accumulation date data.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)

Description: Failure to label hazardous waste drums in hazardous waste storage areas with date of accumulation.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16

30 TAC Chapter 335, SubChapter E 335.112(a)

Description: Failure to ensure employees complete annual review of hazardous waste rules.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(e)

Description: Failure to mark hazardous waste drum as full in the hazardous waste accumulation area.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to include accurate information in the Portable Water Monitoring Plan.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

Compliance History Report for CN603921271, RN102888328, Rating Year 2020 which includes Compliance History (CH) components from January 19, 2016, through January 19, 2021.

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 1/19/2016 and 1/19/2021

- 1 Date: 05/20/2016 (1323270)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 3(A)(iv) OP
NSR Special Condition 18C PERMIT
Description: Failure to prevent visible emissions from FLARE-1 (EPN: 44). (Category C4)
- 2 Date: 08/09/2017 (1388746)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5572 B, Special Condition 1 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. Category (B14)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the reporting requirements of an emissions event. (Category C3)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the reporting requirements of an emissions event.(Category C3)
- 3 Date: 08/31/2018 (1428755)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5572 B, Special Condition 1 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category B13)
- 4 Date: 08/31/2018 (1408047)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5572 B, Special Condition 1 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category B13)
- 5* Date: 11/15/2019 (1604577)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failure to update the Notice of Registration (NOR).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)
Description: Failure to have complete and correct Annual Waste Summary (AWS) reports for 2017 and 2018.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)(B)
Description: Failure to submit the 2016 AWS report on or before March 1 of the year following the reporting calendar year.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
Description: Failure to conduct consistent weekly inspections for hazardous waste container storage areas.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.54(d)

Description: Failure to update the facility's Contingency Plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT E 262.53(b)

Description: Failure to submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

6* Date: 11/27/2019 (1483158)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5572B, Special Conditions1 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. [Category B13]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the final notification report within two weeks after the end of the emissions event. [Category B3]

7* Date: 04/23/2020 (1626065)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(7)

Description: Failure to construct the ground storage tank drain so that it is not a potential agent in the contamination of the stored water.

8 Date: 10/30/2020 (1672364)

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 6 PERMIT
Special Term and Condition 11 OP

Description: Failure to conduct the monthly VOC headspace test for the C-line Pellet Silo (EPN: 110) (Category C1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 19A PERMIT
Special Condition 3 PERMIT
Special Condition 4 PERMIT
Special Term and Condition 11 OP
Special Term and Condition 1A OP

Description: Failure to maintain the net heating value above the minimum permitted limit for the C-Flare (EPN: 140) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 19A PERMIT
Special Condition 3 PERMIT
Special Condition 4 PERMIT
Special Term and Condition 11 OP
Special Term and Condition 1A OP

Description: Failure to maintain the net heating value above the minimum permitted limit for the B-Flare (EPN: 44) (Category C4).

Appendix B

All Investigations Conducted During Component Period January 19, 2016 and January 19, 2021

Item 1*	January 29, 2016**	(1295045)
Item 2	May 20, 2016**	(1323270)
Item 3*	June 23, 2016**	(1307151)
Item 4	August 01, 2016**	(1337940)
Item 5*	July 26, 2017**	(1400713)
Item 6*	July 31, 2017**	(1417497)
Item 7	August 09, 2017**	(1388746)
Item 8*	July 13, 2018**	(1428713)
Item 9	August 31, 2018**	(1408047)
Item 10*	February 27, 2019**	(1517789)
Item 11	September 27, 2019**	(1505842)
Item 12	November 15, 2019**	(1604577)
Item 13*	November 22, 2019**	(1592334)
Item 14	November 27, 2019**	(1483158)
Item 15	February 07, 2020**	(1579456)
Item 16	April 23, 2020**	(1626065)
Item 17	August 25, 2020**	(1618776)
Item 18*	September 21, 2020	(1673233)
Item 19*	September 22, 2020	(1673211)
Item 20	October 06, 2020	(1483763)
Item 21	October 20, 2020	(1506282)
Item 22	October 30, 2020	(1672364)
Item 23*	November 20, 2020	(1686288)
Item 24	January 04, 2021	(1673087)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: BRASKEM AMERICA INC LAPORTE SITE

Reg Entity Add: 8811 STRANG RD

Reg Entity City: LA PORTE

Reg Entity No: RN102888328

EPA Case No: 06-2018-0920

Order Issue Date (yyyymmdd): 20180502

Case Result: Final Order With Penalty

Statute: RCRA

Sect of Statute: 3008A

Classification: Minor

Program: Solid Waste Managemen

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BRASKEM AMERICA, INC.
RN102888328**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1369-AIR-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Braskem America, Inc. (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant located at 8811 Strang Road in La Porte, Harris 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. During a record review conducted on June 14, 2018 through April 2, 2020, an investigator documented that:
 - a. The Respondent released 494.85 pounds ("lbs") of volatile organic compounds ("VOC") from the B Flare, Emissions Point Number ("EPN") 44, during an emissions event (Incident No. 273939) that occurred on December 5, 2017 and lasted 11 hours. The emissions event occurred due to the loss of flame on all three pilots for the B Flare, resulting in the release to the atmosphere from the unlit flare. TCEQ staff determined that the Respondent did not comply with the

emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices.

- b. The Respondent did not identify ethylene and hexane; the estimated total quantities of ethylene and hexane; the correct estimated total quantity of nitrogen oxides; the authorization for EPN 44; and the authorized emissions limits for ethylene, propylene, and hexane on the final record for Incident No. 273939.
3. During a record review conducted on October 15, 2018 through October 29, 2018, an investigator documented that the Respondent released 195.7 lbs of VOC from the C Flare, EPN 140, during an emissions event (Incident No. 276681) that occurred on January 18, 2018 and lasted three hours. The emissions event occurred due to excess steam flow to the C Flare that extinguished the flare ignitor, resulting in the release to the atmosphere from the unlit flare. TCEQ staff determined that the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices.
4. During a record review conducted on September 2, 2020 through September 30, 2020, an investigator documented that the permit compliance certification ("PCC") for February 3, 2019 through February 2, 2020 certification period was due by March 3, 2020, but was not submitted until September 30, 2020.
5. During a record review conducted on September 28, 2020 through December 4, 2020, an investigator documented that:
 - a. The Respondent released 607.14 lbs of carbon monoxide, 57.64 lbs of nitrogen oxides, and 888.37 lbs of VOC from the C Flare, EPN 140, during an emissions event (Incident No. 276527) that occurred on January 17, 2018 and lasted five hours. The emissions event occurred due to inadequate winterization that caused the transmitters associated with Boiler C to freeze and the boiler and the C-Line Unit to shut down, resulting in flaring. TCEQ staff determined that the emissions event was not caused by a sudden avoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices.
 - b. The Respondent did not identify propane and ethylene, the estimated total quantities of propane and ethylene, and the correct estimated duration of the emissions on the final record for Incident No. 276527.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

- a. On April 2, 2020, provided the estimated total quantities for ethylene and hexane that were released during the emissions event; the correct estimated total quantity of nitrogen oxides that was released during the emissions event; the authorization for EPN 44; and the authorized emissions limits for ethylene, propylene, and hexane that were associated to the emissions event (Incident No. 273939).
- b. On September 30, 2020, submitted the PCC for the February 3, 2019 through February 2, 2020 certification period.
- c. On October 19, 2020, provided the estimated total quantities for propane and ethylene that were released during the emissions event and the correct estimated duration of the emissions event (Incident No. 276527).

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.722(d), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.18(c)(2), New Source Review ("NSR") Permit No. 5572B, Special Conditions ("SC") Nos. 1, Federal Operating Permit ("FOP") No. O1424, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A and 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden avoidable breakdown of equipment or process beyond the control of the owner or operator, and 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.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1424, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3, the Respondent failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.722(d), 116.115(c) and 122.143(4), 40 CFR § 60.18(c)(2), NSR Permit No. 5572B, SC No. 1, FOP No. O1424, GTC and STC Nos. 1.A and 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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.

5. As evidenced by Finding of Fact No. 4, the Respondent failed to submit a PCC within 30 days of any certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O1424, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 5.a, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 5572B, SC No. 1, FOP No. O1424, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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.
7. As evidenced by Finding of Fact No. 5.b, the Respondent failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(F), (G), and (H) and 122.143(4), FOP No. O1424, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of \$23,398 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$11,699 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$11,699 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 9 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations

that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Braskem America, Inc., Docket No. 2020-1369-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 an SEP as set forth in Section II, Paragraph No. 9. The amount of \$11,699 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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 273939;
 - ii. Implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276681; and
 - iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276527.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I

am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. 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.
6. 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.
7. 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.
8. 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 in this Order.

9. 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.
10. 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.
11. 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.
12. 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



12/01/2021

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

06/01/2021
Date

Alec Dobson

LaPorte Site Leader

Name (Printed or typed)
Authorized Representative of
Braskem America, Inc.

Title

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

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

Attachment A
Docket Number: 2020-1369-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Braskem America, Inc.
Payable Penalty Amount:	\$23,398
SEP Offset Amount:	\$11,699
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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 SEP Offset Amount is set forth above and such offset 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 Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. 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 operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of 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 it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation
Christopher B. Amandes
Amandes PLLC
1414 West Clay Street
Houston, Texas 77019

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due 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:

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 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 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.