

# TCEQ Interoffice Memorandum

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**To:** Mary Smith, General Counsel

**Thru:** Amy Settemeyer, Deputy Director  
Enforcement Division

**From:** *MP* Michael Parrish, Team Leader  
Special Functions Team

**Date:** June 21, 2023

**Subject:** **Backup Revision**  
**June 28, 2023 Commission Agenda**  
Item No. 10 – Braskem America, Inc.  
Docket No. 2021-0874-AIR-E

Enclosed please find the following:

**Executive Summary:**

- Page 1, Order Type – Corrected “1660 Agreed Order” to “**Findings Agreed Order**”

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel  
Melissa Schmidt, Public Interest Counsel  
Gill Valls, Office of General Counsel  
Katherine McKenzie, Agenda Coordinator, Litigation Division  
Amy Settemeyer, Deputy Director, Enforcement Division  
Melissa Cordell, Assistant Deputy Director, Enforcement Division  
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division  
Michael De La Cruz, Manager, Air Section, Enforcement Division  
Danielle Porras, Enforcement Coordinator, Air Section, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 60990  
Braskem America, Inc.  
RN102888328  
Docket No. 2021-0874-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. 2023-0304-AIR-E, 2022-0102-AIR-E, and 2021-0475-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 14, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$74,536

**Total Paid to General Revenue:** \$37,268

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$37,268

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 and January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** December 22, 2020 through April 7, 2021, May 18, 2021 through July 3, 2021, June 16, 2021 through September 1, 2021, June 24, 2021 through July 9, 2021, and October 18, 2021 through October 25, 2021

**Executive Summary – Enforcement Matter – Case No. 60990**  
**Braskem America, Inc.**  
**RN102888328**  
**Docket No. 2021-0874-AIR-E**

**Order Type:**

1660 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

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

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Chemical manufacturing plant

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Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 14, 2023

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Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014 and January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** December 22, 2020 through April 7, 2021, May 18, 2021 through July 3, 2021, June 16, 2021 through September 1, 2021, June 24, 2021 through July 9, 2021, and October 18, 2021 through October 25, 2021

**Executive Summary – Enforcement Matter – Case No. 60990**

**Braskem America, Inc.**

**RN102888328**

**Docket No. 2021-0874-AIR-E**

**Date(s) of NOE(s):** June 30, 2021, July 14, 2021, September 1, 2021, September 9, 2021, and November 12, 2021

***Violation Information***

1. 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 §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 5527B, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1424, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions and failed to limit the HRVOC emissions to 1,200 lbs or less per one-hour block period. 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 §§ 115.722(c)(1), 116.115(a), and 122.143(4), NSR Permit No. 5527B, SC No. 1, FOP No. O1424, GTC and STC Nos. 1.A and 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions and failed to limit the HRVOC emissions to 1,200 lbs or less per one-hour block period. Since 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, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 115.722(c)(1), 116.115(a), and 122.143(4), NSR Permit No. 5527B, 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 an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1424, GTC and STC No. 2.F, 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 affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE

**Executive Summary – Enforcement Matter – Case No. 60990**  
**Braskem America, Inc.**  
**RN102888328**  
**Docket No. 2021-0874-AIR-E**

§§ 116.115(c) and 122.143(4), NSR Permit No. 5527B, 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)(G) and (H) and 122.143(4), FOP No. O1424, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. 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 §§ 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)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

a. By September 30, 2019, implemented emissions dashboards for all Emissions Point Numbers that include the required measured flows and concentrations to ensure speciated emissions data are available for preparing the final records for emissions events and implemented a system that requires the appropriate Plant area engineer to be assigned to provide the information required to prepare the final records for emissions events that involve fugitive emission points and for which the dashboard does not provide all of the required information in order to ensure that all of the required information are identified on the final records for reportable emissions events;

b. By February 7, 2020, added gussets to the nozzle on the D-555 Vessel, changed the existing pressure safety valve connections to long weld neck connections with a butt weld, and inspected the entire C Line Production Unit to identify the same or similar pressure safety valve inlet piping configuration as the one that exists for D-555 Vessel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 307046;

c. By April 1, 2021, constructed and commissioned ten on-demand steam generators to provide steam when needed to provide back-up steam for the C Boiler in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 292022;

d. On May 30, 2021, submitted the initial notification for Incident No. 359264;

**Executive Summary – Enforcement Matter – Case No. 60990**  
**Braskem America, Inc.**  
**RN102888328**  
**Docket No. 2021-0874-AIR-E**

e. On July 9, 2021, provided the estimated total quantities for the speciated VOC that were released during Incident No. 292022;

f. By August 10, 2021, revised the preventative maintenance task lists for the transformers to require that the relay electronic cards be replaced at least every ten years and implemented a plan to replace all obsolete relay electronic cards in the transformers at the Plant in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355077;

g. By November 12, 2021, upgraded the seal and piping configuration for the main Propylene Feed Pump and implemented the work instructions for the seal installations on the main Propylene Feed Pumps and the spare Propylene Feed Pump in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 320081;

h. By December 15, 2022, increased the redundancy of the steam generation system by adding ten on-demand steam generators to provide back-up steam for the steam provided by the boiler and changed the electricity supply for the boiler feedwater pumps and related equipment from Substation 4 to a recently constructed Substation 10 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 359264; and

i. By December 24, 2022, implemented a one-point lesson for the submittal of emissions event notifications in order to ensure that the initial notifications for reportable emissions events are submitted in a timely manner.

**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:** Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; 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, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

**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

<b>DATES</b>	<b>Assigned</b>	7-Jul-2021	<b>Screening</b>	12-Jul-2021	<b>EPA Due</b>	
	<b>PCW</b>	15-Feb-2023				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Braskem America, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102888328 (PCW No. 1 of 2)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60990	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0874-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$3,750</b>
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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.

<b>Compliance History</b>	<b>82.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$3,075</b>
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Notes: Enhancement for one NOV with same/similar violations, three orders containing a denial of liability, and one order without a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$937</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$397  
 Estimated Cost of Compliance: \$10,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$5,888</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	<b>\$5,888</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$5,888</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$5,888</b>
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**Screening Date** 12-Jul-2021

**Docket No.** 2021-0874-AIR-E

**PCW**

**Respondent** Braskem America, Inc.

*Policy Revision 4 (April 2014)*

**Case ID No.** 60990

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN102888328 (PCW No. 1 of 2)

**Media** Air

**Enf. Coordinator** Danielle Porras

### 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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	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> )	2	-4%
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)** 82%

#### >> 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/similar violations, three orders containing a denial of liability, and one order without a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 82%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 82%



**Screening Date** 12-Jul-2021  
**Respondent** Braskem America, Inc.  
**Case ID No.** 60990  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 1 of 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Docket No.** 2021-0874-AIR-E

**PCW**

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

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 5527B, Special Conditions No. 1, Federal Operating Permit No. O1424, General Terms and Conditions and Special Terms and Conditions No. 11, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 530.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions and released 59.98 lbs of carbon monoxide, 29.99 lbs of nitrogen oxides, and 108.86 lbs of VOC from the C Flare, Emissions Point Number 140, during an emissions event (Incident No. 307046) that occurred on April 23, 2019 and lasted two hours. The emissions event occurred when stress corrosion cracking caused a leak on a section of pipe at the top of the D-555 Vessel, resulting in the release to the atmosphere and in flaring. 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**

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 Number of violation days 1

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 completed the corrective measures by February 7, 2020, prior to the Notice of Enforcement dated June 30, 2021.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$397

**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.** 60990  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 1 of 2)  
**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	23-Apr-2019	7-Feb-2020	0.79	\$397	n/a	\$397

**Notes for DELAYED costs**

Estimated cost to add gussets to the nozzle on the D-555 Vessel, change the existing pressure safety valve connections to long weld neck connections with a butt weld, and inspect the entire C Line Production Unit to identify the same or similar pressure safety valve inlet piping configuration as the one that exists for the D-555 Vessel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 307046. The Date Required is the date the emissions event occurred 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

\$10,000

**TOTAL**

\$397



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	19-Jul-2021	<b>Screening</b>	28-Jul-2021	<b>EPA Due</b>	
	<b>PCW</b>	15-Feb-2023				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Braskem America, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102888328 (PCW No. 2 of 2)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60990	<b>No. of Violations</b>	6
<b>Docket No.</b>	2021-0874-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$40,500</b>
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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.

<b>Compliance History</b>	<b>82.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$33,210</b>
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Notes: Enhancement for one NOV with same/similar violations, three orders containing a denial of liability, and one order without a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$5,062</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts \$3,538  
 Estimated Cost of Compliance \$43,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$68,648</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$68,648</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$68,648</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

<b>PAYABLE PENALTY</b>	<b>\$68,648</b>
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Screening Date 28-Jul-2021

Docket No. 2021-0874-AIR-E

PCW

Respondent Braskem America, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 60990

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102888328 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Danielle Porras

### 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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	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> )	2	-4%
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)** 82%

#### >> 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/similar violations, three orders containing a denial of liability, and one order without a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 82%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 82%

**Screening Date** 28-Jul-2021 **Docket No.** 2021-0874-AIR-E **PCW**  
**Respondent** Braskem America, Inc. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60990 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 115.722(c)(1), 116.115(a), and 122.143(4), New Source Review ("NSR") Permit No. 5527B, Special Conditions ("SC") No. 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 prevent unauthorized emissions and failed to limit the highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 pounds ("lbs") or less per one-hour block period. Specifically, the Respondent released 107.70 lbs of volatile organic compounds ("VOC"), 1,911.90 lbs of HRVOC, 327.10 lbs of nitrogen oxides ("NOx"), and 653.10 lbs of carbon monoxide ("CO") from the C Flare, Emissions Point Number ("EPN") 140, during an emissions event (Incident No. 355077) that occurred on April 29, 2021 and lasted three hours and 35 minutes. The emissions event occurred due to the failure of a relay electronic card located at a switchyard transformer at a Plant substation that incorrectly identified a fault and produced a signal as if there was a fault at the transformer and caused the transformer to trip and the breakers at the substation to open by design, resulting in flaring. 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		50.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$12,500

\$12,500

**Violation Events**

Number of Violation Events 1 1 Number of violation days

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$12,500

One weekly event is recommended.

**Good Faith Efforts to Comply** 10.0% Reduction \$1,250

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

**Notes** The Respondent completed the corrective measures by August 10, 2021, after the Notice of Enforcement ("NOE") dated July 14, 2021.

**Violation Subtotal** \$11,250

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$141 **Violation Final Penalty Total** \$21,500

**This violation Final Assessed Penalty (adjusted for limits)** \$21,500

## Economic Benefit Worksheet

**Respondent** Braskem America, Inc.  
**Case ID No.** 60990  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**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	29-Apr-2021	10-Aug-2021	0.28	\$141	n/a	\$141

#### Notes for DELAYED costs

Estimated cost to revise the preventative maintenance task lists for the transformers to require that the relay electronic cards be replaced at least every ten years and implement a plan to replace all obsolete relay electronic cards in the transformers at the Plant in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355077. The Date Required is the date the emissions event occurred 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

\$10,000

**TOTAL**

\$141



**Screening Date** 28-Jul-2021 **Docket No.** 2021-0874-AIR-E **PCW**  
**Respondent** Braskem America, Inc. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60990 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 115.722(c)(1), 116.115(a), and 122.143(4), NSR Permit No. 5572B, SC No. 1, FOP No. 01424, GTC and STC Nos. 1.A and 11, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions and failed to limit the HRVOC emissions to 1,200 lbs or less per one-hour block period. Specifically, the Respondent released 1,975.30 lbs of HRVOC, 100.82 lbs of NOx, and 493.36 lbs of CO from the C Flare, EPN 140, during an emissions event (Incident No. 359264) that occurred on May 19, 2021 and lasted three hours and 12 minutes. The emissions event occurred when an arc fault at a transformer disconnect in the Plant's substation caused a loss of electricity to the boiler feedwater pump and a controlled shutdown of the C Line Production Unit, resulting in flaring. Since 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, 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		50.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$12,500

\$12,500

**Violation Events**

Number of Violation Events 1 Number of violation days 1

daily	
weekly	X
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$12,500

One weekly 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** \$12,500

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$788 **Violation Final Penalty Total** \$22,750

**This violation Final Assessed Penalty (adjusted for limits)** \$22,750

## Economic Benefit Worksheet

**Respondent** Braskem America, Inc.  
**Case ID No.** 60990  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**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				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	19-May-2021	15-Dec-2022	1.58	\$788	n/a	\$788

#### Notes for DELAYED costs

Estimated cost to increase the redundancy of the steam generation system by adding ten on-demand steam generators to provide back-up steam for the steam provided by the boiler and change the electricity supply for the boiler feedwater pumps and related equipment from Substation 4 to a recently constructed Substation 10 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 359264. The Date Required is the date the emissions event occurred 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 \$10,000

**TOTAL** \$788



**Screening Date** 28-Jul-2021 **Docket No.** 2021-0874-AIR-E **PCW**  
**Respondent** Braskem America, Inc. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60990 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.201(a)(1)(B) 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 submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 359264 was due by May 20, 2021 at 1:40 p.m., but was not submitted until May 30, 2021 at 12:01 a.m.

**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	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirements were not met.					

**Adjustment** \$24,750

\$250

**Violation Events**

Number of Violation Events 1 10 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** \$120 **Violation Final Penalty Total** \$455

**This violation Final Assessed Penalty (adjusted for limits)** \$455

## Economic Benefit Worksheet

**Respondent** Braskem America, Inc.  
**Case ID No.** 60990  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**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	\$1,500	20-May-2021	24-Dec-2022	1.60	\$120	n/a	\$120
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	20-May-2021	30-May-2021	0.03	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated costs to submit the initial notification for Incident No. 359264 (\$250) and to implemented a one-point lesson for emissions event notifications in order to ensure that the initial notifications for reportable emissions events are submitted in a timely manner (\$1,500). The Dates Required are the date the initial notification was due 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 \$1,750

**TOTAL** \$120

**Screening Date** 28-Jul-2021 **Docket No.** 2021-0874-AIR-E **PCW**  
**Respondent** Braskem America, Inc. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60990 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 5527B, 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 660.17 lbs of CO, 93.60 lbs of NOx, and 1,107.00 lbs of VOC from the C Flare, EPN 140, during an emissions event (Incident No. 292022) that occurred on September 12, 2018 and lasted four hours. The emissions event occurred due to the failure of a solenoid in a piece of equipment associated with the C Boiler Burner Management System that tripped the circuit breaker located at the system's control panel and forced a controlled shutdown of the C Boiler, resulting in flaring. 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**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			X	<b>Percent</b> 30.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> 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** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

One monthly event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$1,875

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

**Notes** The Respondent completed the corrective measures by April 1, 2021, prior to the NOE dated September 1, 2021.

**Violation Subtotal** \$5,625

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$1,277 **Violation Final Penalty Total** \$11,775

**This violation Final Assessed Penalty (adjusted for limits)** \$11,775

# Economic Benefit Worksheet

**Respondent** Braskem America, Inc.  
**Case ID No.** 60990  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**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)	\$10,000	12-Sep-2018	1-Apr-2021	2.55	\$1,277	n/a	\$1,277

**Notes for DELAYED costs**

Estimated cost to construct and commission ten on-demand steam generators to provide steam when needed to provide back-up steam for the C Boiler in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 292022. The Date Required is the date the emissions event occurred 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 \$10,000

**TOTAL** \$1,277

**Screening Date** 28-Jul-2021 **Docket No.** 2021-0874-AIR-E **PCW**  
**Respondent** Braskem America, Inc. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60990 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 5  
**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 the estimated total quantities for the speciated VOC on the final record for Incident No. 292022.

**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 1087 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** 25.0% Reduction \$62

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

**Notes** The Respondent completed the corrective measures by July 9, 2021, prior to the NOE dated September 1, 2021.

**Violation Subtotal** \$188

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$111 **Violation Final Penalty Total** \$393

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

# Economic Benefit Worksheet

**Respondent** Braskem America, Inc.  
**Case ID No.** 60990  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**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	\$1,500	26-Sep-2018	30-Sep-2019	1.01	\$76	n/a	\$76
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	26-Sep-2018	9-Jul-2021	2.79	\$35	n/a	\$35

**Notes for DELAYED costs**

Estimated costs to provide the estimated total quantities for the speciated VOC that were released during Incident No. 292022 (\$250) and to implement emissions dashboards for all EPNs that include the required measured flows and concentrations to ensure speciated emissions data are available for preparing the final records for emissions events and implement a system that requires the appropriate Plant area engineer to be assigned to provide the information required to prepare the final records for emissions events that involve fugitive emission points and for which the dashboard does not provide all of the required information in order to ensure that all of the required information are identified on the final records for reportable emissions events (\$1,500). The Dates Required are the date the final record was due 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 \$1,750

**TOTAL** \$111

**Screening Date** 28-Jul-2021 **Docket No.** 2021-0874-AIR-E **PCW**  
**Respondent** Braskem America, Inc. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 60990 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 6  
**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 171.90 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 320081) that occurred on August 31, 2019 and lasted one hour and nine minutes. The emissions event occurred due to a seal failure on the main Propylene Feed Pump for the C Line Production Unit, resulting in the release to the atmosphere. 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	30.0%
	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** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

One monthly event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$1,875

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

**Notes** The Respondent completed the corrective measures by November 12, 2021, prior to the NOE dated November 12, 2021.

**Violation Subtotal** \$5,625

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$1,101 **Violation Final Penalty Total** \$11,775

**This violation Final Assessed Penalty (adjusted for limits)** \$11,775

# Economic Benefit Worksheet

**Respondent** Braskem America, Inc.  
**Case ID No.** 60990  
**Reg. Ent. Reference No.** RN102888328 (PCW No. 2 of 2)  
**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
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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	31-Aug-2019	12-Nov-2021	2.20	\$1,101	n/a	\$1,101

**Notes for DELAYED costs**

Estimated cost to upgrade the seal and piping configuration for the main Propylene Feed Pump and implement the work instructions for the seal installations on the main Propylene Feed Pumps and the spare Propylene Feed Pump in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 320081. The Date Required is the date the emissions event occurred 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 \$10,000

**TOTAL** \$1,101





# Compliance History Report

Compliance History Report for CN603921271, RN102888328, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN603921271, Braskem America, Inc.      **Classification:** SATISFACTORY      **Rating:** 5.10  
**Regulated Entity:** RN102888328, BRASKEM AMERICA      **Classification:** SATISFACTORY      **Rating:** 28.27  
**Complexity Points:** 13      **Repeat Violator:** NO  
**CH Group:** 05 - Chemical Manufacturing  
**Location:** 8811 Strang Road, La Porte, Harris County, Texas  
**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**AIR OPERATING PERMITS ACCOUNT NUMBER** HG0825G  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1011175  
**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 OPERATING PERMITS PERMIT** 1424  
**AIR NEW SOURCE PERMITS PERMIT** 5572B  
**AIR NEW SOURCE PERMITS REGISTRATION** 40591  
**AIR NEW SOURCE PERMITS ACCOUNT NUMBER** HG0825G  
**AIR NEW SOURCE PERMITS REGISTRATION** 70549  
**AIR NEW SOURCE PERMITS REGISTRATION** 168370  
**AIR NEW SOURCE PERMITS REGISTRATION** 152219  
**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION 24175  
**POLLUTION PREVENTION PLANNING ID NUMBER** P06432  
**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR)** 31010

**AIR EMISSIONS INVENTORY ACCOUNT NUMBER** HG0825G  
**INDUSTRIAL AND HAZARDOUS WASTE EPA ID** TXD098200637  
**TAX RELIEF ID NUMBER** 23969

**Compliance History Period:** September 01, 2017 to August 31, 2022      **Rating Year:** 2022      **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** November 18, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 18, 2017 to November 18, 2022

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

**Name:** Danielle Porras

**Phone:** (713) 767-3682

**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.

3 Effective Date: 01/19/2022 ADMINORDER 2020-1369-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC Nos. 1.A and 11 OP  
Special Condition 1 PERMIT

Description: Failure to operate the flare with a flame present at all times and failed to prevent unauthorized emissions that was discovered on December 5, 2017, TCEQ/STEERS Incident No. 273939. (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: FOP No. O1424, GTC and STC No. 2.F OP

Description: Failure to identify all required information on the final record for a reportable emissions event, TCEQ/STEERS

Incident No. 273939. (Category C3).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1424, GTC and STC Nos. 1.A and OP

Description: Failure to operate the flare with a flame present at all times and failed to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 18, 2018, TCEQ/STEERS Incident No. 276781. (Category A12.i.(6))

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: General Terms and Conditions OP

Description: Failure to submit a PCC within 30 days of any certification period. During a record review conducted on September 2, 2020 through September 30, 2020, an investigator documented that 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.

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

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 17, 2018, TCEQ/STEERS Incident No. 276527 (Category A12.i.(6)).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(F)  
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: FOP No. 1424, GTC and STC No. 2F OP

Description: Failure to submit an accurate final record associated with an emissions event, TCEQ/STEERS Incident No. 276527 (Category C3). 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.

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	July 13, 2018	(1428713)
Item 2	February 27, 2019	(1517789)
Item 3	November 15, 2019	(1604627)
Item 4	November 22, 2019	(1592334)
Item 5	September 21, 2020	(1673233)
Item 6	September 22, 2020	(1673211)
Item 7	November 20, 2020	(1686288)
Item 8	May 20, 2021	(1722819)
Item 9	May 30, 2021	(1724449)
Item 10	September 23, 2021	(1690409)
Item 11	September 27, 2021	(1690515)
Item 12	November 17, 2021	(1691941)
Item 13	February 22, 2022	(1795298)

## 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: 08/30/2022 (1762661)		
	Self Report? NO	Classification: Moderate	
	Citation: 1424 OP 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5572B PERMIT 5C THSC Chapter 382 382.085(b)		
	Description: Failure to conduct weekly monitoring of cooling tower EPN 33		
	Self Report? NO	Classification: Moderate	
	Citation: 1424 OP 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5572B PERMIT 5C THSC Chapter 382 382.085(b)		
	Description: Failure to conduct the monthly volatile organic compound (VOC) headspace test for EPNs 58/59/60/61 (Category C1)		
	Self Report? NO	Classification: Moderate	
	Citation: 1424 OP 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) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5572B PERMIT 5C THSC Chapter 382 382.085(b)		
	Description: Failure to maintain the net heating value above the minimum permitted limit for the B-Flare (EPN: 44) (Category C4)		
	Self Report? NO	Classification: Moderate	
	Citation: 1424 OP 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) 5572B OP 5C THSC Chapter 382 382.085(b)		
	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: 1424 OP 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5272B PERMIT 5C THSC Chapter 382 382.085(b)		
	Description: Failure to prevent exceedance of VOC emissions for EPN: 46A (Category B17).		
	Self Report? NO	Classification: Moderate	
	Citation: 1424 OP 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) 5572B PERMIT 5C THSC Chapter 382 382.085(b)		
	Description: Failure to maintain the net heating value above the minimum permitted limit for the D-Flare (EPN: 202) (Category C4).		
	Self Report? NO	Classification: Moderate	
	Citation: 1424 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 A 63.11(b)(7)(i) 40 CFR Part 60, Subpart A 60.18(c)(4)(i) 5C THSC Chapter 382 382.085(b)		
	Description: Failure to maintain the exit velocity value less than the permitted limit for the D-Flare (EPN: 202) (Category C4).		
	Self Report? NO	Classification: Moderate	
	Citation: 1424 OP 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5272B PERMIT 5C THSC Chapter 382 382.085(b)		

Description: Failure to prevent exceedance of CO emissions for EPN: 202. (Category B17).  
Self Report? NO Classification: Moderate

Citation: 1424 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5572B PERMIT  
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent exceedance of NOX emissions for EPN: 202 (Category B17).  
Self Report? NO Classification: Moderate

Citation: 1424 OP  
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)  
NSR, SC1 PERMIT

Description: Failure to prevent exceedance of VOC emissions for EPN: 202.  
Self Report? NO Classification: Moderate

Citation: 1424 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5572B PERMIT  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct weekly monitoring cooling tower EPN 130 (Category B1).

## F. Environmental audits:

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 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.

Notice of Intent Date: 03/24/2022 (1809779)

No DOV Associated

Notice of Intent Date: 09/06/2022 (1847074)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



- 4 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]
- 5 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.
- 6 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).



Date: 08/30/2022 (1762661)

Self Report? NO

Classification: Moderate

Citation:

1424 OP  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5572B PERMIT  
 5C THSC Chapter 382 382.085(b)

Description: Failure to conduct weekly monitoring of cooling tower EPN 33

Self Report? NO

Classification: Moderate

Citation:

1424 OP  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5572B PERMIT  
 5C THSC Chapter 382 382.085(b)

Description: Failure to conduct the monthly volatile organic compound (VOC) headspace test for EPNs 58/59/60/61 (Category C1)

Self Report? NO

Classification: Moderate

Citation:

1424 OP  
 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)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5572B PERMIT  
 5C THSC Chapter 382 382.085(b)

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

Self Report? NO

Classification: Moderate

Citation:

1424 OP  
 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)  
 5572B OP  
 5C THSC Chapter 382 382.085(b)

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:

1424 OP  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5272B PERMIT  
 5C THSC Chapter 382 382.085(b)

Description: Failure to prevent exceedance of VOC emissions for EPN: 46A (Category B17).

Self Report? NO

Classification: Moderate

Citation:

1424 OP  
 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)  
 5572B PERMIT  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the net heating value above the minimum permitted limit for the D-Flare (EPN: 202) (Category C4).

Self Report? NO

Classification: Moderate

Citation:

1424 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 A 63.11(b)(7)(i)  
 40 CFR Part 60, Subpart A 60.18(c)(4)(i)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the exit velocity value less than the permitted limit for the

D-Flare (EPN: 202) (Category C4).

Self Report? NO Classification: Moderate  
Citation:

1424 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5272B PERMIT  
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent exceedance of CO emissions for EPN: 202. (Category B17).

Self Report? NO Classification: Moderate  
Citation:

1424 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5572B PERMIT  
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent exceedance of NOX emissions for EPN: 202 (Category B17).

Self Report? NO Classification: Moderate  
Citation:

1424 OP  
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)

NSR, SC1 PERMIT

Description: Failure to prevent exceedance of VOC emissions for EPN: 202.

Self Report? NO Classification: Moderate  
Citation:

1424 OP  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5572B PERMIT  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct weekly monitoring cooling tower EPN 130 (Category B1).

\* NOV's applicable for the Compliance History rating period 9/1/2017 to 8/31/2022

**Appendix B**  
**All Investigations Conducted During Component Period November 18, 2017 and November 18, 2022**

Item 1*	July 13, 2018**	(1428713)
Item 2	August 31, 2018**	(1408047)
Item 3*	February 27, 2019**	(1517789)
Item 4	September 27, 2019**	(1505842)
Item 5	November 15, 2019**	(1604577)
Item 6*	November 22, 2019**	(1592334)
Item 7	November 27, 2019**	(1483158)
Item 8	February 07, 2020**	(1579456)
Item 9	April 23, 2020**	(1626065)
Item 10	August 25, 2020**	(1618776)
Item 11*	September 21, 2020**	(1673233)
Item 12*	September 22, 2020**	(1673211)
Item 13	October 06, 2020**	(1483763)
Item 14	October 20, 2020**	(1506282)
Item 15	October 30, 2020**	(1672364)
Item 16*	November 20, 2020**	(1686288)
Item 17	January 04, 2021**	(1673087)
Item 18	March 23, 2021**	(1658840)
Item 19	April 28, 2021**	(1704935)
Item 20*	May 20, 2021**	(1722819)

Item 21*	May 30, 2021**	(1724449)
Item 22	June 10, 2021**	(1684149)
Item 23	June 25, 2021**	(1724934)
Item 24	June 30, 2021**	(1658672)
Item 25	July 15, 2021**	(1736990)
Item 26	August 31, 2021**	(1685746)
Item 27	September 09, 2021**	(1745387)
Item 28*	September 23, 2021**	(1690409)
Item 29*	September 27, 2021**	(1690515)
Item 30	October 04, 2021**	(1685772)
Item 31	November 11, 2021**	(1639684)
Item 32*	November 17, 2021**	(1691941)
Item 33	January 04, 2022**	(1765278)
Item 34*	February 22, 2022**	(1795298)
Item 35	March 08, 2022**	(1782863)
Item 36	July 18, 2022**	(1483548)
Item 37	August 30, 2022**	(1762661)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2017 and 08/31/2022.

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** BRASKEM AMERICA INC LAPORTE SITE

**Reg Entity Add:** 8811 STRANG RD

**Reg Entity City:** LA PORTE

**Reg Entity No:** RN102888328

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**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

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# 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. 2021-0874-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 for the Plant conducted from December 22, 2020 through April 7, 2021, an investigator documented that the Respondent released 530.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions and released 59.98 lbs of carbon monoxide ("CO"), 29.99 lbs of nitrogen oxides ("NOx"), and 108.86 lbs of VOC from the C Flare, Emissions Point Number ("EPN") 140, during an emissions event (Incident No. 307046) that occurred on April 23, 2019 and lasted two hours. The emissions event occurred when stress corrosion cracking caused a leak on a section of pipe at the top of the D-555 Vessel, resulting in the release to the atmosphere and in flaring. 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.

3. During a record review for the Plant conducted from May 18, 2021 through July 3, 2021, an investigator documented that the Respondent released 107.70 lbs of VOC, 1,911.90 lbs of highly reactive volatile organic compounds ("HRVOC"), 327.10 lbs of NO<sub>x</sub>, and 653.10 lbs of CO from the C Flare, EPN 140, during an emissions event (Incident No. 355077) that occurred on April 29, 2021 and lasted three hours and 35 minutes. The emissions event occurred due to the failure of a relay electronic card located at a switchyard transformer at a Plant substation that incorrectly identified a fault and produced a signal as if there was a fault at the transformer and caused the transformer to trip and the breakers at the substation to open by design, resulting in flaring. 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 for the Plant conducted from June 16, 2021 through September 1, 2021, an investigator documented that:
  - a. The Respondent released 1,975.30 lbs of HRVOC, 100.82 lbs of NO<sub>x</sub>, and 493.36 lbs of CO from the C Flare, EPN 140, during an emissions event (Incident No. 359264) that occurred on May 19, 2021 and lasted three hours and 12 minutes. The emissions event occurred when an arc fault at a transformer disconnect in the Plant's substation caused a loss of electricity to the boiler feedwater pump and a controlled shutdown of the C Line Production Unit, resulting in flaring. TCEQ staff documented 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; and
  - b. The initial notification for Incident No. 359264 was due by May 20, 2021 at 1:40 p.m., but was not submitted until May 30, 2021 at 12:01 a.m.
5. During a record review for the Plant conducted from June 24, 2021 through July 9, 2021, an investigator documented that:
  - a. The Respondent released 660.17 lbs of CO, 93.60 lbs of NO<sub>x</sub>, and 1,107.00 lbs of VOC from the C Flare, EPN 140, during an emissions event (Incident No. 292022) that occurred on September 12, 2018 and lasted four hours. The emissions event occurred due to the failure of a solenoid in a piece of equipment associated with the C Boiler Burner Management System that tripped the circuit breaker located at the system's control panel and forced a controlled shutdown of the C Boiler, resulting in flaring. TCEQ staff documented 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.
  - b. The Respondent did not identify the estimated total quantities for the speciated VOC on the final record for Incident No. 292022.

6. During a record review for the Plant conducted from October 18, 2021 through October 25, 2021, an investigator documented that the Respondent released 171.90 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 320081) that occurred on August 31, 2019 and lasted one hour and nine minutes. The emissions event occurred due to a seal failure on the main Propylene Feed Pump for the C Line Production Unit, resulting in the release to the atmosphere. TCEQ staff documented 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.
7. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. By September 30, 2019, implemented emissions dashboards for all EPNs that include the required measured flows and concentrations to ensure speciated emissions data are available for preparing the final records for emissions events and implemented a system that requires the appropriate Plant area engineer to be assigned to provide the information required to prepare the final records for emissions events that involve fugitive emission points and for which the dashboard does not provide all of the required information in order to ensure that all of the required information are identified on the final records for reportable emissions events;
  - b. By February 7, 2020, added gussets to the nozzle on the D-555 Vessel, changed the existing pressure safety valve connections to long weld neck connections with a butt weld, and inspected the entire C Line Production Unit to identify the same or similar pressure safety valve inlet piping configuration as the one that exists for D-555 Vessel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 307046;
  - c. By April 1, 2021, constructed and commissioned ten on-demand steam generators to provide steam when needed to provide back-up steam for the C Boiler in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 292022;
  - d. On May 30, 2021, submitted the initial notification for Incident No. 359264;
  - e. On July 9, 2021, provided the estimated total quantities for the speciated VOC that were released during Incident No. 292022;
  - f. By August 10, 2021, revised the preventative maintenance task lists for the transformers to require that the relay electronic cards be replaced at least every ten years and implemented a plan to replace all obsolete relay electronic cards in the transformers at the Plant in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355077;
  - g. By November 12, 2021, upgraded the seal and piping configuration for the main Propylene Feed Pump and implemented the work instructions for the seal installations on the main Propylene Feed Pumps and the spare Propylene Feed

Pump in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 320081;

- h. By December 15, 2022, increased the redundancy of the steam generation system by adding ten on-demand steam generators to provide back-up steam for the steam provided by the boiler and changed the electricity supply for the boiler feedwater pumps and related equipment from Substation 4 to a recently constructed Substation 10 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 359264; and
- i. By December 24, 2022, implemented a one-point lesson for the submittal of emissions event notifications in order to ensure that the initial notifications for reportable emissions events are submitted in a timely manner.

## 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 evidence by Finding of Facts No. 2, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 5527B, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1424, General Terms and Conditions ("GTC") and Special Terms and Conditions ("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.
3. As evidenced by Finding of Fact No. 3, the Respondent failed to prevent unauthorized emissions and failed to limit the HRVOC emissions to 1,200 lbs or less per one-hour block period, in violation of 30 TEX. ADMIN. CODE §§ 115.722(c)(1), 116.115(a), and 122.143(4), NSR Permit No. 5527B, 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.
4. As evidenced by Finding of Fact No. 4.a, the Respondent failed to prevent unauthorized emissions and failed to limit the HRVOC emissions to 1,200 lbs or less per one-hour block period, in violation of 30 TEX. ADMIN. CODE §§ 115.722(c)(1), 116.115(a), and 122.143(4), NSR Permit No. 5527B, SC No. 1, FOP No. O1424, GTC and 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 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, 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.b, the Respondent failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1424, GTC and STC No. 2.F, 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. 5527B, 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)(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. As evidenced by Finding of Fact No. 6, 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.
9. 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.
10. An administrative penalty in the amount of \$74,536 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 \$37,268 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$37,268 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. 10 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. 2021-0874-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 Conclusions of Law No. 10. The amount of \$37,268 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.
7. 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.

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. 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.
10. 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.
11. 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

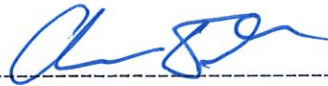

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For the Commission  
  
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Date  
5/15/2023  
-----  
For the Executive Director  
Date

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 OAG 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 OAG 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.

  
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Signature  
Date  
03/06/2023  
-----  
  
-----  
Name (Printed or typed)  
Title  
Alec Dobson  
La Porte Site Leader  
-----  
Authorized Representative of  
Title  
Braskem America, Inc.

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: 2021-0874-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Braskem America, Inc.</b>
<b>Payable Penalty Amount:</b>	<b>\$74,536</b>
<b>SEP Offset Amount:</b>	<b>\$37,268</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The 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  
c/o 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 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.