

Executive Summary – Enforcement Matter – Case No. 61812
Braskem America, Inc.
RN102888328
Docket No. 2022-0102-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

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 No. 2023-0304-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 30, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,050

Total Paid to General Revenue: \$14,025

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$14,025

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: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 8, 2021 through October 20, 2021 and from December 16, 2021 through December 30, 2021

Date(s) of NOE(s): January 4, 2022 and March 8, 2022

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RN102888328
Docket No. 2022-0102-AIR-E

Violation Information

1. Failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions. Specifically, the Respondent released 421.60 pounds ("lbs") of volatile organic compounds ("VOC") from the C Flare, Emissions Point Number ("EPN") 140, during an emissions event (Incident No. 367554) that occurred on September 29, 2021 and lasted one hour. The emissions event occurred due to a sudden breakdown of the C Flare Pilots and when intense rain and high winds extinguished all three pilots that prevented the automatic re-light system from lighting any of the pilots and keeping them lit, 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 [30 TEX. ADMIN. CODE §§ 101.20(1), 115.722(d), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), 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)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 503.70 lbs of carbon monoxide, 241.10 lbs of nitrogen oxides, and 2,778.75 lbs of VOC from the C Flare, EPN 140, and 1,530.60 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 371186) that occurred on December 8, 2021 and lasted one hour and 56 minutes. The emissions event occurred when the head flange for Propylene Feed Filter F201B was not fully bolted before adjusting the isolation valve during a maintenance activity, 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 [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)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By April 21, 2023, installed a new flare tip assembly, pilots, and thermocouples that improved the design to prevent severe weather events from extinguishing all three pilots and/or from preventing the automatic re-light system from re-lighting any extinguished pilots and keep them lit, began daily specific operations inspection routes that are conducted on days when part of the unit is shutdown to ensure that the functionality of compliance-related equipment is still operating, and implemented the

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"Preparation for Maintenance" Procedures for periodic inspection of the C Flare flame front generator panel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 367554 and to ensure that the C Flare is operated with the flame present at all times; and

b. By April 23, 2023, replaced and upgraded all four isolation valves around the Propylene Feed Filter F201B and conducted hot-bolt refresher training for all maintenance and operations personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 371186.

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, Amandes Amandes PLLC, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

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

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	10-Jan-2022	Screening	19-Jan-2022	EPA Due	
	PCW	4-May-2023				

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

CASE INFORMATION			
Enf./Case ID No.	61812	No. of Violations	2
Docket No.	2022-0102-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	87.0% Adjustment	Subtotals 2, 3, & 7	\$13,050
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Notes: Enhancement for two NOVs 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.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$7,329
 Estimated Cost of Compliance: \$100,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,050
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$28,050
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,050
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral 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).

PAYABLE PENALTY	\$28,050
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Screening Date 19-Jan-2022

Docket No. 2022-0102-AIR-E

PCW

Respondent Braskem America, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61812

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102888328

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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) 87%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, 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) 87%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 87%

Screening Date 19-Jan-2022

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PCW

Respondent Braskem America, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61812

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102888328

Media Air

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 115.722(d), 116.115(c), and 122.143(4), 40 Code of Federal Regulations § 60.18(c)(2), 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 operate the flare with a flame present at all times and failed to prevent unauthorized emissions. Specifically, the Respondent released 421.60 pounds ("lbs") of volatile organic compounds ("VOC") from the C Flare, Emissions Point Number ("EPN") 140, during an emissions event (Incident No. 367554) that occurred on September 29, 2021 and lasted one hour. The emissions event occurred due to a sudden breakdown of the C Flare Pilots and when intense rain and high winds extinguished all three pilots that prevented the automatic re-light system from lighting any of the pilots and keeping them lit, 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

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (30.0%). Includes 'OR' label.

>> Programmatic Matrix

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

Matrix Notes

Human health or the environment has been exposed to 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 Number of violation days 1

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

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,897

Violation Final Penalty Total \$14,025

This violation Final Assessed Penalty (adjusted for limits) \$14,025

Economic Benefit Worksheet

Respondent Braskem America, Inc.
Case ID No. 61812
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50,000	29-Sep-2021	21-Apr-2023	1.56	\$3,897	n/a	\$3,897

Notes for DELAYED costs

Estimated cost to install a new flare tip assembly, pilots, and thermocouples that improved the design to prevent severe weather events from extinguishing all three pilots and/or from preventing the automatic re-light system from re-lighting any extinguished pilots and keep them lit, beginning daily specific operations inspection routes that are conducted on days when part of the unit is shutdown to ensure that the functionality of compliance-related equipment is still operating, and implement the "Preparation for Maintenance" Procedures for periodic inspection of the C Flare flame front generator panel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 367554 and to ensure that the C Flare is operated with a flame present at all times. 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

\$50,000

TOTAL

\$3,897

Screening Date 19-Jan-2022
Respondent Braskem America, Inc.
Case ID No. 61812
Reg. Ent. Reference No. RN102888328
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2022-0102-AIR-E

PCW

*Policy Revision 5 (January 28, 2021)
 PCW Revision February 11, 2021*

Violation Number 2

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 503.70 lbs of carbon monoxide, 241.10 lbs of nitrogen oxides, and 2,778.75 lbs of VOC from the C Flare, EPN 140, and 1,530.60 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 371186) that occurred on December 8, 2021 and lasted one hour and 56 minutes. The emissions event occurred when the head flange for Propylene Feed Filter F201B was not fully bolted before adjusting the isolation valve during a maintenance activity, 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

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

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,432

Violation Final Penalty Total \$14,025

This violation Final Assessed Penalty (adjusted for limits) \$14,025

Economic Benefit Worksheet

Respondent Braskem America, Inc.
Case ID No. 61812
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$50,000	8-Dec-2021	23-Apr-2023	1.37	\$3,432	n/a	\$3,432

Notes for DELAYED costs

Estimated cost to replace and upgrade all four isolation valves around the Propylene Feed Filter F201B and conduct hot-bolt refresher training for all maintenance and operations personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 371186. 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

\$50,000

TOTAL

\$3,432



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: April 14, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2018 to April 14, 2023

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).

2

Date: 02/16/2023 (1841315)
 Self Report? YES Classification: Moderate
 Citation: 1424 OP
 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Failure to continually operate flow monitoring system while Unit Cooling Tower was operational; EPN 33 (Category B1)
 Self Report? YES Classification: Moderate
 Citation: 1424 OP
 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)(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 flare net heating value for FLARE-2; emission point number (EPN) 140 (Category B17)
 Self Report? YES Classification: Moderate
 Citation: 1424 OP
 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Failure to perform manual sampling at FLARE-2; EPN 140 (Category B1)
 Self Report? YES Classification: Moderate
 Citation: 1424 OP
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(b)(4)
 5572B PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit semi-annual NESHAPS compliance report (Category C3)
 Self Report? YES 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 monitor components within 15 days of being placed in service at Unit CFUGS; EPN 150 (Category B1)
 Self Report? YES Classification: Moderate
 Citation: 1424 OP
 30 TAC Chapter 115, SubChapter H 115.781(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Failure to identify all components within HRVOC service at unit CFUGS; EPN 150 (Category B3)

Self Report? YES Classification: Moderate
Citation: 1424 OP
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter H 115.781(b)(8)
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 monitor HRVOC components on a quarterly basis at unit CFUGS; EPN 150 (Category B1)

Self Report? YES Classification: Moderate
Citation: 1424 OP
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)(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 flare net heating value for unit FLARE-3; emission point number (EPN) 202 (Category B17)

Self Report? YES Classification: Minor
Citation: 1424 OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviations in the August 3, 2018 through February 2, 2019 semi-annual deviation report. (Category B3)

Self Report? YES Classification: Moderate
Citation: 1424 OP
30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with combined total annual NOx Registered Emission limits for C Line Boilers: EPNs 180D through 180M and EPN 120 (Category B17)

Self Report? NO Classification: Minor
Citation: 1424 OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviations in the February 3, 2019 through August 2, 2019 semi-annual deviation report. (Category B3)

Self Report? NO Classification: Minor
Citation: 1424 OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviations in the August 3, 2019 through February 2, 2020 semi-annual deviation report. (Category B3)

Self Report? NO Classification: Minor
Citation: 1424 OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviations in the February 3, 2020 through August 2, 2020 semi-annual deviation report. (Category B3)

Self Report? NO Classification: Minor
Citation: 1424 OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviations in the August 3, 2020 through February 2, 2021 semi-annual deviation report. (Category B3)

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: BRASKEM AMERICA INC LAPORTE SITE

Reg Entity Add: 8811 STRANG RD

Reg Entity City: LA PORTE

Reg Entity No: RN102888328

EPA Case No: 06-2018-0920

Order Issue Date (yyyymmdd): 20180502

Case Result: Final Order With Penalty

Statute: RCRA

Sect of Statute: 3008A

Classification: Minor

Program: Solid Waste Managemen

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2022-0102-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding 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 together stipulate that:

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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$28,050 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,025 of the penalty. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$14,025 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.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN.

CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By April 21, 2023, installed a new flare tip assembly, pilots, and thermocouples that improved the design to prevent severe weather events from extinguishing all three pilots and/or from preventing the automatic re-light system from re-lighting any extinguished pilots and keep them lit, began daily specific operations inspection routes that are conducted on days when part of the unit is shutdown to ensure that the functionality of compliance-related equipment is still operating, and implemented the "Preparation for Maintenance" Procedures for periodic inspection of the C Flare flame front generator panel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 367554 and to ensure that the C Flare is operated with the flame present at all times.
 - b. By April 23, 2023, replaced and upgraded all four isolation valves around the Propylene Feed Filter F201B and conducted hot-bolt refresher training for all maintenance and operations personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 371186.

II. ALLEGATIONS

1. During a record review for the Plant conducted from October 8, 2021 through October 20, 2021, an investigator documented that the Respondent failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.722(d), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), 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). Specifically, the Respondent released 421.60 pounds ("lbs") of volatile organic compounds ("VOC") from the C Flare, Emissions Point Number ("EPN") 140, during an emissions event (Incident No. 367554) that occurred on September 29, 2021 and lasted one hour. The emissions event occurred due to a sudden breakdown of the C Flare Pilots and when intense rain and high winds extinguished all three pilots that prevented the automatic re-light system from lighting

any of the pilots and keeping them lit, 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.

2. During a record review for the Plant conducted from December 16, 2021 through December 30, 2021, an investigator documented that 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). Specifically, the Respondent released 503.70 lbs of carbon monoxide, 241.10 lbs of nitrogen oxides, and 2,778.75 lbs of VOC from the C Flare, EPN 140, and 1,530.60 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 371186) that occurred on December 8, 2021 and lasted one hour and 56 minutes. The emissions event occurred when the head flange for Propylene Feed Filter F201B was not fully bolted before adjusting the isolation valve during a maintenance activity, 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.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Braskem America, Inc., Docket No. 2022-0102-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$14,025 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. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

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.

Signature

Date

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

Title

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

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

Attachment A
Docket Number: 2022-0102-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Braskem America, Inc.
Payable Penalty Amount:	\$28,050
SEP Offset Amount:	\$14,025
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

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

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

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

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number

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

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Amandes PLLC
1800 Post Oak Boulevard, Suite 400
Houston, Texas 77056

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.