

Executive Summary – Enforcement Matter – Case No. 62441
BASF TotalEnergies Petrochemicals LLC
RN100216977
Docket No. 2022-0678-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

BASF Total FINA NAFTA Region Olefins Complex, 2260 Atlantic Road, Groves, Jefferson County

Type of Operation:

Petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 15, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$111,175

Total Paid to General Revenue: \$55,588

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$55,587

Name of SEP: Southeast Texas Regional Planning Commission (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: March 30, 2022, July 29, 2022, and July 12, 2023

Date(s) of NOE(s): August 8, 2023

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Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,554.66 pounds ("lbs") of carbon monoxide ("CO") and 7,747.79 lbs of volatile organic compounds from the Flare System, Emissions Point Number ("EPN") N-15 and N-15A, during an emissions event (Incident No. 374442) that occurred on February 14, 2022 and lasted five hours. [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 36644, PSDTX903M5 and N007M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2551, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the NOx hourly MAER of 4.25 pounds per hour ("lbs/hr") by 15.10 lbs/hr for one hour on March 3, 2021 and by 2.43 lbs/hr for one hour on April 4, 2021 for Boiler B-7290, EPN N-24B, resulting in 17.53 lbs of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Nos. 36644, PSDTX903M5 and N007M1, SC No. 1, FOP No. O2551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the MAER. Specifically, the Respondent exceeded the NH3 hourly MAER of 1.87 lbs/hr by 0.53 lb/hr for one hour on August 19, 2021 for Boiler B-7280, EPN N-24A, resulting in 0.53 lb of unauthorized NH3 emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, FOP No. O2551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the MAER. Specifically, the Respondent exceeded the CO hourly MAER of 61.25 lbs/hr by a range from 10.23 to 15.03 lbs/hr and the NOx hourly MAER of 12.02 lbs/hr by a range from 1.85 to 2.79 lbs/hr for two hours on January 20, 2022 for the High-Pressure Flare, EPN P-7, resulting in 25.26 lbs of unauthorized CO emissions and 4.64 lbs of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Nos. 41945, PSDTX950, and N018, SC No. 1, FOP No. O2629, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,992.40 lbs of NH3 as fugitive emissions, during an emissions event (Incident No. 378856) that occurred on May 6, 2022 and lasted five hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, FOP No. O2551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to comply with the MAER and concentration limit. Specifically, the Respondent exceeded the CO MAER of 89.51 lbs/hr by a range from 14.24 to 38.43 lbs/hr and the CO concentration limit of 50 parts per million by volume dry ("ppmvd")

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corrected to 15 percent oxygen ("15% O₂") on an hourly average by up to 70.6 ppmvd for 41 hours from March 2, 2022 through March 4, 2022 for Cogeneration Train Unit 1, EPN N-20A, resulting in 1,355.15 lbs of unauthorized CO emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC Nos. 1 and 15.A, FOP No. O2551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to comply with the MAERs and concentration limit. Specifically, the Respondent exceeded the NO_x MAER of 17.65 lbs/hr by a range from 8.57 to 34.77 lbs/hr for four hours, the NO_x concentration limit of 6 ppmvd corrected to 15% O₂ by as much as 15.9 ppmvd for four hours, and the NH₃ MAER of 7.61 lbs/hr by 1.35 lbs/hr and 3.63 lbs/hr for two hours on September 29, 2022 for Cogeneration Train Unit 2, EPN N-20B, resulting in 98.24 lbs of unauthorized NO_x emissions and 4.98 lbs of unauthorized NH₃ emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC Nos. 1 and 15.A, FOP No. O2551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to comply with the maximum emission rates ("MERs") and concentration limits. Specifically, the Respondent exceeded the CO MER of 8.85 lbs/hr by a range from 23.62 to 40.79 lbs/hr and the CO concentration limit of 50 ppmvd corrected to 3% O₂ by a range from 201 to 216 ppmvd for eight hours from July 6, 2022 through July 7, 2022, the NH₃ MER of 1.07 lbs/hr by a range from 0.11 to 0.41 lb/hr for 23 hours from August 7, 2022 through August 8, 2022, and the NH₃ concentration limit of 10 ppmvd corrected to 3% O₂ by a range from 1.14 to 8.48 ppmvd for 47 hours from August 6, 2022 through August 8, 2022 for the C4 Boiler, EPN C4BLR, resulting in 301.30 lbs of unauthorized CO emissions and 7.60 lbs of unauthorized NH₃ emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.615, and 122.143(4), Standard Permit Registration No. 166183, General Requirements Nos. (4)(B)(v) and (vi), FOP No. O2629, GTC and STC No. 14, 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 4, 2022, increased the frequency of Ethylene Dryer Regenerations from every year to every nine months in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 374442.
- b. By September 22, 2022, calibrated the fuel split in order to comply with the CO hourly MAER and concentration limit for the Cogeneration Train Unit 1, EPN N-20A.
- c. By September 22, 2022, correctly installed air blower louvers to improve air flow to the boiler, updated the CO alarm configuration to reset so that it may re-alarm if

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BASF TotalEnergies Petrochemicals LLC
RN100216977
Docket No. 2022-0678-AIR-E

emissions stay above the limit, introduced hold logic to the ammonia (“NH₃”) system to account for calibration data, and fixed an error in the NH₃ alarm so that it may activate properly in order to comply with the CO and NH₃ hourly MERs and the CO and NH₃ concentration limits for EPN C4BLR.

d. By March 21, 2023, took the Cogeneration Train Unit 2, EPN N-20B, out of lean mode in order to comply with the NO_x and NH₃ hourly MAERs and the NO_x concentration limit

Technical Requirements:

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

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Submit written documentation to demonstrate actions that have been taken to comply with the NO_x hourly MAER for EPN N-24B;

ii. Submit written documentation to demonstrate actions that have been taken to comply with the NH₃ hourly MAER for EPN N-24A;

iii. Submit written documentation to demonstrate actions that have been taken to comply with the CO and NO_x hourly MAERs for EPN P-7; and

iv. Submit written documentation to demonstrate actions that have been taken to prevent the reoccurrence of emissions events due to the same or similar causes as Incident No. 378856.

b. Within 45 days, submit certification demonstrating compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Southeast Texas Regional Planning Commission, 2210 Eastex Freeway, Beaumont, Texas 77703

Respondent: Jordan Lycan, Vice President, BASF TotalEnergies Petrochemicals LLC, P.O. Box 2506, Port Arthur, Texas 77643-2506

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-May-2022	Screening	2-Jun-2022	EPA Due	
	PCW	16-Sep-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	BASF TotalEnergies Petrochemicals LLC				
Reg. Ent. Ref. No.	RN100216977				
Facility/Site Region	10-Beaumont	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	62441	No. of Violations	8
Docket No.	2022-0678-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$72,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	68.0%	Adjustment	Subtotals 2, 3, & 7	\$49,300
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Notes

Enhancement for two NOV's with same/similar violations, one NOV with dissimilar violations, and three orders containing a denial of liability.
Reduction for two notices of intent to conduct an audit and one disclosure 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	-\$10,625
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$7,968
Estimated Cost of Compliance	\$70,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$111,175
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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	\$111,175
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$111,175
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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	\$111,175
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Screening Date	2-Jun-2022	Docket No.	2022-0678-AIR-E	PCW
Respondent	BASF TotalEnergies Petrochemicals LLC			Policy Revision 5 (January 28, 2021)
Case ID No.	62441			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100216977			
Media	Air			
Enf. Coordinator	Johnnie Wu			

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	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>)	1	-2%
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) 68%

>> 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, one NOV with dissimilar violations, and three orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 68%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 68%

Screening Date	2-Jun-2022	Docket No.	2022-0678-AIR-E	PCW
Respondent	BASF TotalEnergies Petrochemicals LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62441	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN100216977			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 36644, PSDTX903M5, and N007M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2551, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 22, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,554.66 pounds ("lbs") of carbon monoxide ("CO") and 7,747.79 lbs of volatile organic compounds from the Flare System, Emissions Point Number ("EPN") N-15 and N-15A, during an emissions event (Incident No. 374442) that occurred on February 14, 2022 and lasted five hours.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		
	Potential				
Percent 50.0%					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Percent 0.0%					
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

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent completed the corrective measures by April 4, 2022, prior to the Notice of Enforcement ("NOE") dated May 19, 2022.		
Violation Subtotal			\$9,375

Economic Benefit (EB) for this violation

Estimated EB Amount	\$67	Statutory Limit Test	
		Violation Final Penalty Total	\$17,875
		This violation Final Assessed Penalty (adjusted for limits)	\$17,875

Economic Benefit Worksheet

Respondent BASF TotalEnergies Petrochemicals LLC
Case ID No. 62441
Reg. Ent. Reference No. RN100216977
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	14-Feb-2022	4-Apr-2022	0.13	\$67	n/a	\$67

Notes for DELAYED costs

Estimated cost to increase the frequency of Ethylene Dryer Regenerations from every year to every nine months in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 374442. 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

\$67

Screening Date	2-Jun-2022	Docket No.	2022-0678-AIR-E	PCW
Respondent	BASF TotalEnergies Petrochemicals LLC			
Case ID No.	62441	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN100216977	<i>PCW Revision February 11, 2021</i>		
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, FOP No. 02551, GTC and STC No. 22, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the nitrogen oxides ("NOx") hourly MAER of 4.25 pounds per hour ("lbs/hr") by 15.10 lbs/hr for one hour on March 3, 2021 and by 2.43 lbs/hr for one hour on April 4, 2021 for Boiler B-7290, EPN N-24B, resulting in 17.53 lbs of unauthorized NOx emissions.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 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.
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Adjustment	\$17,500
\$7,500	

Violation Events

Number of Violation Events	1	2	Number of violation days
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daily		Violation Base Penalty	
weekly			
monthly	x		
quarterly			
semiannual			
annual			
single event			

One monthly event is recommended.

Good Faith Efforts to Comply

	0.0%	Reduction	
	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			\$7,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$2,396
Violation Final Penalty Total	\$12,600
This violation Final Assessed Penalty (adjusted for limits)	
	\$12,600

Economic Benefit Worksheet

Respondent BASF TotalEnergies Petrochemicals LLC
Case ID No. 62441
Reg. Ent. Reference No. RN100216977
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	3-Mar-2021	16-Dec-2025	4.79	\$2,396	n/a	\$2,396

Notes for DELAYED costs

Estimated cost to submit written documentation to demonstrate actions that have been taken to comply with the NOx hourly MAER for Boiler B-7290, EPN N-24B. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$2,396

Screening Date	2-Jun-2022	Docket No.	2022-0678-AIR-E	PCW
Respondent	BASF TotalEnergies Petrochemicals LLC			
Case ID No.	62441	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN100216977	<i>PCW Revision February 11, 2021</i>		
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Nos. 36644, N007M1 and PSDTX903M5, SC No. 1, FOP No. 02551, GTC and STC No. 22, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the MAER. Specifically, the Respondent exceeded the ammonia ("NH3") hourly MAER of 1.87 lbs/hr by 0.53 lb/hr for one hour on August 19, 2021 for Boiler B-7280, EPN N-24A, resulting in 0.53 lb of unauthorized NH3 emissions.			
Base Penalty			\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				
					Percent 30.0%

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
					Percent 0.0%	
Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.						
Adjustment					\$17,500	

\$7,500

Violation Events

Number of Violation Events	1	Number of violation days	1														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event			
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%		
	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			\$7,500

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$2,164	Violation Final Penalty Total \$12,600
This violation Final Assessed Penalty (adjusted for limits) \$12,600	

Economic Benefit Worksheet

Respondent BASF TotalEnergies Petrochemicals LLC
Case ID No. 62441
Reg. Ent. Reference No. RN100216977
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	19-Aug-2021	16-Dec-2025	4.33	\$2,164	n/a	\$2,164

Notes for DELAYED costs

Estimated cost to submit written documentation to demonstrate actions that have been taken to comply with the NH3 hourly MAER for Boiler B-7280, EPN N-24A. The Date Required is the date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$2,164

Screening Date 2-Jun-2022 Respondent BASF TotalEnergies Petrochemicals LLC Case ID No. 62441 Reg. Ent. Reference No. RN100216977 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2022-0678-AIR-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW	
Violation Number 4			
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Nos. 41945, PSDTX950, and N018, SC No. 1, FOP No. 02629, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)			
Violation Description Failed to comply with the MAER. Specifically, the Respondent exceeded the CO hourly MAER of 61.25 lbs/hr by a range from 10.23 to 15.03 lbs/hr and the NOx hourly MAER of 12.02 lbs/hr by a range from 1.85 to 2.79 lbs/hr for two hours on January 20, 2022 for the High-Pressure Flare, EPN P-7, resulting in 25.26 lbs of unauthorized CO emissions and 4.64 lbs of unauthorized NOx emissions.			
Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual		x
	Potential		
		Percent	30.0%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
		Percent	0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment		\$17,500	
		\$7,500	
Violation Events			
Number of Violation Events		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
	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		\$7,500	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$1,953	Violation Final Penalty Total	\$12,600
This violation Final Assessed Penalty (adjusted for limits)		\$12,600	

Economic Benefit Worksheet

Respondent BASF TotalEnergies Petrochemicals LLC
Case ID No. 62441
Reg. Ent. Reference No. RN100216977
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	20-Jan-2022	16-Dec-2025	3.91	\$1,953	n/a	\$1,953

Notes for DELAYED costs

Estimated cost to submit written documentation to demonstrate actions that have been taken to comply with the CO and NOx hourly MAERs for the High Pressure Flare, EPN P-7. The Date Required is the date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,953

Screening Date 2-Jun-2022	Docket No. 2022-0678-AIR-E	PCW
Respondent BASF TotalEnergies Petrochemicals LLC	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No. 62441	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No. RN100216977		
Media Air		
Enf. Coordinator Johnnie Wu		
Violation Number	5	
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, FOP No. O2551, GTC and STC No. 22, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,992.40 lbs of NH3 as fugitive emissions, during an emissions event (Incident No. 378856) that occurred on May 6, 2022 and lasted five hours.	
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 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
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	daily			Violation Base Penalty \$7,500
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

One monthly 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 \$7,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$904	Violation Final Penalty Total \$12,600
This violation Final Assessed Penalty (adjusted for limits) \$12,600	

Economic Benefit Worksheet

Respondent BASF TotalEnergies Petrochemicals LLC
Case ID No. 62441
Reg. Ent. Reference No. RN100216977
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	6-May-2022	16-Dec-2025	3.62	\$904	n/a	\$904

Notes for DELAYED costs

Estimated cost to submit written documentation to demonstrate actions that have been taken to prevent the reoccurrence of emissions events due to the same or similar causes as Incident No. 378856. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$904

Screening Date	2-Jun-2022	Docket No.	2022-0678-AIR-E	PCW
Respondent	BASF TotalEnergies Petrochemicals LLC			
Case ID No.	62441	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN100216977	<i>PCW Revision February 11, 2021</i>		
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC Nos. 1 and 15.A, FOP No. O2551, GTC and STC No. 22, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the MAER and concentration limit. Specifically, the Respondent exceeded the CO MAER of 89.51 lbs/hr by a range from 14.24 to 38.43 lbs/hr and the CO concentration limit of 50 parts per million by volume dry ("ppmvd") corrected to 15 percent oxygen ("15% O2") on an hourly average by up to 70.6 ppmvd for 41 hours from March 2, 2022 through March 4, 2022 for Cogeneration Train Unit 1, EPN N-20A, resulting in 1,355.15 lbs of unauthorized CO emissions.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix						
OR		Harm				
		Major	Moderate	Minor		
	Release					
	Actual			x		
	Potential				Percent	30.0%

>> Programmatic Matrix						
		Major	Moderate	Minor		
	Falsification					
	Actual					
	Potential					
	Potential				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	3	
		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 September 22, 2022, prior to the NOE dated August 8, 2023.			
Violation Subtotal				\$5,625	

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$140	Violation Final Penalty Total	\$10,725
This violation Final Assessed Penalty (adjusted for limits)		\$10,725	

Economic Benefit Worksheet

Respondent BASF TotalEnergies Petrochemicals LLC
Case ID No. 62441
Reg. Ent. Reference No. RN100216977
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)	\$5,000	2-Mar-2022	22-Sep-2022	0.56	\$140	n/a	\$140

Notes for DELAYED costs

Estimated cost to calibrate the fuel split in order to comply with the CO hourly MAER and concentration limit for the Cogeneration Train Unit 1, EPN N-20A. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$140

Screening Date	2-Jun-2022	Docket No.	2022-0678-AIR-E	PCW
Respondent	BASF TotalEnergies Petrochemicals LLC			
Case ID No.	62441	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN100216977	<i>PCW Revision February 11, 2021</i>		
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC Nos. 1 and 15.A, FOP No. 02551, GTC and STC No. 22, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the MAERs and concentration limit. Specifically, the Respondent exceeded the NOx MAER of 17.65 lbs/hr by a range from 8.57 to 34.77 lbs/hr for four hours, the NOx concentration limit of 6 ppmvd corrected to 15% O2 by as much as 15.9 ppmvd for four hours, and the NH3 MAER of 7.61 lbs/hr by 1.35 lbs/hr and 3.63 lbs/hr for two hours on September 29, 2022 for Cogeneration Train Unit 2, EPN N-20B, resulting in 98.24 lbs of unauthorized NOx emissions and 4.98 lbs of unauthorized NH3 emissions.			
Base Penalty			\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				
					Percent 30.0%

>> Programmatic Matrix

	Harm				
	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%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent completed the corrective measures by March 21, 2023, prior to the NOE dated August 8, 2023.	

Reduction \$1,875

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Estimated EB Amount	\$237	Statutory Limit Test
		Violation Final Penalty Total \$10,725
		This violation Final Assessed Penalty (adjusted for limits) \$10,725

Economic Benefit Worksheet

Respondent BASF TotalEnergies Petrochemicals LLC
Case ID No. 62441
Reg. Ent. Reference No. RN100216977
Media Air
Violation No. 7

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-Sep-2022	21-Mar-2023	0.47	\$237	n/a	\$237

Notes for DELAYED costs

Estimated cost to take the Cogeneration Train Unit 2, EPN N-20B, out of lean mode in order to comply with the NOx and NH3 hourly MAERs and the NOx concentration limit . The Date Required is the date of non-compliance 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

\$237

Screening Date 2-Jun-2022 Respondent BASF TotalEnergies Petrochemicals LLC Case ID No. 62441 Reg. Ent. Reference No. RN100216977 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2022-0678-AIR-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW																
Violation Number 8																		
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.615, and 122.143(4), Standard Permit Registration No. 166183, General Requirements Nos. (4)(B)(v) and (vi), FOP No. 02629, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)																		
Violation Description Failed to comply with the maximum emission rates ("MER") and concentration limits. Specifically, the Respondent exceeded the CO MER of 8.85 lbs/hr by a range from 23.62 to 40.79 lbs/hr and the CO concentration limit of 50 ppmvd corrected to 3% O2 by a range from 201 to 216 ppmvd for eight hours from July 6, 2022 through July 7, 2022, the NH3 MER of 1.07 lbs/hr by a range from 0.11 to 0.41 lb/hr for 23 hours from August 7, 2022 through August 8, 2022, and the NH3 concentration limit of 10 ppmvd corrected to 3% O2 by a range from 1.14 to 8.48 ppmvd for 47 hours from August 6, 2022 through August 8, 2022 for the C4 Boiler, EPN C4BLR, resulting in 301.30 lbs of unauthorized CO emissions and 7.60 lbs of unauthorized NH3 emissions.																		
Base Penalty		\$25,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Release Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm				Major	Moderate	Minor	Release Actual			x	Potential				Percent 30.0%
		Harm																
		Major	Moderate	Minor														
Release Actual			x															
Potential																		
>> Programmatic Matrix																		
Matrix Notes	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Falsification	Major	Moderate	Minor						Percent 0.0%						
		Falsification	Major	Moderate	Minor													
		Adjustment \$17,500																
		\$7,500																
Violation Events																		
Number of Violation Events 2		Number of violation days 5																
<table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>		daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty \$15,000		
daily																		
weekly																		
monthly	x																	
quarterly																		
semiannual																		
annual																		
single event																		
Two monthly events are recommended for the instances of non-compliance that occurred from July 6, 2022 to August 8, 2022.																		
Good Faith Efforts to Comply		Reduction \$3,750																
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer <table border="1" style="margin: auto;"> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>N/A</td> <td></td> <td></td> </tr> </table>		Extraordinary			Ordinary	x		N/A										
Extraordinary																		
Ordinary	x																	
N/A																		
Notes The Respondent completed the corrective measures by September 22, 2022, prior to the NOE dated August 8, 2023.																		
Violation Subtotal		\$11,250																
Economic Benefit (EB) for this violation																		
Estimated EB Amount		\$107																
Statutory Limit Test		Violation Final Penalty Total \$21,450																
This violation Final Assessed Penalty (adjusted for limits)		\$21,450																

Economic Benefit Worksheet

Respondent BASF TotalEnergies Petrochemicals LLC
Case ID No. 62441
Reg. Ent. Reference No. RN100216977
Media Air
Violation No. 8

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	6-Jul-2022	22-Sep-2022	0.21	\$107	n/a	\$107

Notes for DELAYED costs

Estimated cost to correctly install air blower louvers to improve air flow to the boiler, update the CO alarm configuration to reset so that it may re-alarm if emissions stay above the limit, introduce hold logic to the NH3 system to account for calibration data, and fix an error in the NH3 alarm so that it may activate properly in order to comply with the CO and NH3 hourly MERs and the CO and NH3 concentration limits for EPN C4BLR. The Date Required is the date the violation began 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

\$107



Compliance History Report

Compliance History Report for CN604166967, RN100216977, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN604166967, BASF TotalEnergies Petrochemicals LLC	Classification:	SATISFACTORY	Rating:	2.90
Regulated Entity:	RN100216977, BASF TOTAL FINA NAFTA REGION OLEFINS COMPLEX	Classification:	SATISFACTORY	Rating:	2.90
Complexity Points:	27	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	2260 ATLANTIC ROAD NEAR GROVES, JEFFERSON COUNTY, TX				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0843F
AIR OPERATING PERMITS PERMIT 2629
AIR NEW SOURCE PERMITS PERMIT 36644
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX950
AIR NEW SOURCE PERMITS EPA PERMIT N007
AIR NEW SOURCE PERMITS EPA PERMIT N018
AIR NEW SOURCE PERMITS EPA PERMIT N007M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M3
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M4
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M5
AIR NEW SOURCE PERMITS REGISTRATION 167921
AIR NEW SOURCE PERMITS REGISTRATION 167920
AIR NEW SOURCE PERMITS REGISTRATION 166966
AIR NEW SOURCE PERMITS REGISTRATION 160348
AIR NEW SOURCE PERMITS REGISTRATION 176496
WASTEWATER PERMIT WQ0004135000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0843F
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000039909

AIR OPERATING PERMITS PERMIT 2551
AIR NEW SOURCE PERMITS AFS NUM 4824500182
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0843F
AIR NEW SOURCE PERMITS PERMIT 41945
AIR NEW SOURCE PERMITS REGISTRATION 169666
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M2
AIR NEW SOURCE PERMITS REGISTRATION 79052
AIR NEW SOURCE PERMITS EPA PERMIT N018M1
AIR NEW SOURCE PERMITS EPA PERMIT N018M2
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX3
AIR NEW SOURCE PERMITS REGISTRATION 164240
AIR NEW SOURCE PERMITS REGISTRATION 170435
AIR NEW SOURCE PERMITS REGISTRATION 160345
AIR NEW SOURCE PERMITS REGISTRATION 172347
AIR NEW SOURCE PERMITS PERMIT AMOC220
WASTEWATER EPA ID TX0119369
POLLUTION PREVENTION PLANNING ID NUMBER P06698
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 86596

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024
Date Compliance History Report Prepared: April 14, 2025
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: April 14, 2020 to April 14, 2025

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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

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

- | | | | |
|---|----------------------------|----------------------------|---------------------------------------|
| 1 | Effective Date: 05/19/2020 | ADMINORDER 2019-1166-AIR-E | (1660 Order-Agreed Order With Denial) |
|---|----------------------------|----------------------------|---------------------------------------|

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(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 23 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event (Incident 302915).

2 Effective Date: 06/16/2020 ADMINORDER 2019-0356-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(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 23 OP

Description: Failure to prevent unauthorized emissions.

Classification: Minor

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

Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions 2F OP

Description: Failure to submit the Initial Notification and Final Report for Incident 300194 in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 23 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event (Incident 299585).

Classification: Moderate

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

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

3 Effective Date: 07/07/2021 ADMINORDER 2020-0894-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 15 OP

Description: Failure to maintain emissions rates for Carbon Monoxide (CO) and Oxides of Nitrogen (NOx) below the allowable tons per year (tpy) emission limits.

A12(i)(6), Mod2d

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 28, 2020	(1644184)
Item 2	May 11, 2020	(1661843)
Item 3	June 17, 2020	(1668382)
Item 4	June 25, 2020	(1650943)
Item 5	June 26, 2020	(1658480)
Item 6	July 07, 2020	(1657423)
Item 7	July 08, 2020	(1659273)
Item 8	July 14, 2020	(1658241)
Item 9	July 15, 2020	(1675327)
Item 10	July 29, 2020	(1664802)
Item 11	August 11, 2020	(1666493)
Item 12	August 13, 2020	(1682108)
Item 13	August 17, 2020	(1664508)
Item 14	August 31, 2020	(1663813)
Item 15	September 10, 2020	(1688672)
Item 16	September 18, 2020	(1669949)
Item 17	September 24, 2020	(1670297)
Item 18	October 15, 2020	(1695038)
Item 19	October 23, 2020	(1677541)
Item 20	November 19, 2020	(1717722)
Item 21	December 15, 2020	(1717723)
Item 22	January 07, 2021	(1678793)
Item 23	January 20, 2021	(1699087)
Item 24	January 27, 2021	(1670169)
Item 25	February 08, 2021	(1699849)
Item 26	February 18, 2021	(1730769)
Item 27	March 11, 2021	(1701099)
Item 28	March 12, 2021	(1665343)
Item 29	April 15, 2021	(1730771)
Item 30	April 16, 2021	(1706221)
Item 31	May 05, 2021	(1706658)
Item 32	May 10, 2021	(1711485)
Item 33	May 12, 2021	(1706085)
Item 34	May 14, 2021	(1704451)
Item 35	May 18, 2021	(1742662)
Item 36	June 11, 2021	(1742663)
Item 37	June 30, 2021	(1723802)
Item 38	August 03, 2021	(1746379)
Item 39	August 16, 2021	(1758821)
Item 40	September 13, 2021	(1768157)
Item 41	September 17, 2021	(1755025)
Item 42	September 23, 2021	(1755316)
Item 43	October 12, 2021	(1778695)
Item 44	November 10, 2021	(1772010)
Item 45	November 18, 2021	(1785362)
Item 46	December 14, 2021	(1775869)
Item 47	December 16, 2021	(1792401)
Item 48	January 05, 2022	(1781024)
Item 49	January 18, 2022	(1782787)
Item 50	February 08, 2022	(1788117)
Item 51	February 10, 2022	(1788472)
Item 52	March 09, 2022	(1815120)
Item 53	April 06, 2022	(1821688)
Item 54	June 07, 2022	(1836835)

Item 55	July 19, 2022	(1826422)
Item 56	August 08, 2022	(1850181)
Item 57	August 22, 2022	(1833627)
Item 58	September 14, 2022	(1857951)
Item 59	October 06, 2022	(1864305)
Item 60	October 20, 2022	(1805159)
Item 62	October 31, 2022	(1853795)
Item 63	November 09, 2022	(1871213)
Item 64	November 10, 2022	(1854298)
Item 65	December 08, 2022	(1861882)
Item 66	December 15, 2022	(1866591)
Item 67	December 19, 2022	(1866218)
Item 68	December 21, 2022	(1866897)
Item 69	January 05, 2023	(1845855)
Item 70	January 10, 2023	(1867389)
Item 71	February 03, 2023	(1891692)
Item 72	March 03, 2023	(1900264)
Item 73	April 12, 2023	(1907064)
Item 74	May 04, 2023	(1860770)
Item 75	May 09, 2023	(1914219)
Item 76	June 06, 2023	(1920826)
Item 77	July 13, 2023	(1898261)
Item 78	August 08, 2023	(1934753)
Item 79	September 06, 2023	(1940928)
Item 80	September 22, 2023	(1925770)
Item 81	October 10, 2023	(1947727)
Item 82	November 06, 2023	(1953416)
Item 83	December 08, 2023	(1963199)
Item 84	February 07, 2024	(1978855)
Item 85	March 11, 2024	(1985417)
Item 86	March 12, 2024	(1931469)
Item 87	April 15, 2024	(1991959)
Item 88	May 08, 2024	(1998393)
Item 89	June 12, 2024	(1988498)
Item 90	June 17, 2024	(2005358)
Item 91	August 12, 2024	(2018741)
Item 92	August 29, 2024	(2007296)
Item 93	September 09, 2024	(2007742)
Item 94	October 07, 2024	(2007851)
Item 95	October 08, 2024	(2009154)
Item 96	October 11, 2024	(2010471)
Item 97	October 14, 2024	(2007937)
Item 98	November 05, 2024	(2037957)
Item 99	November 22, 2024	(1937182)
Item 100	December 02, 2024	(2021555)
Item 101	December 06, 2024	(2044346)
Item 102	January 08, 2025	(2050905)
Item 103	February 04, 2025	(2015302)
Item 104	February 05, 2025	(1911122)
Item 105	March 14, 2025	(1943112)

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: 06/30/2024 (2012925)		
	Self Report? YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

2 Date: 07/26/2024 (1995850)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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)
 General Terms and Conditions OP
 Maximum Emission Rates Table PERMIT
 Special Condition 18A PERMIT
 Special Condition 4(B)(ii) PERMIT
 Special Term and Condition 15 OP
 Special Term and Condition 1A OP

Description: Failure to maintain the permitted limits of nitrogen oxide (NOx) for the C4 Boiler (EPN C4BLR).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12D PERMIT
 Special Term and Condition 24 OP

Description: Failure to prevent the High-Pressure Flare (EPN P-7) from smoking for more than 5 minutes in a two-hour period.

3 Date: 07/26/2024 (1995849)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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)
 General Terms and Conditions OP
 Special Condition 29D PERMIT
 Special Term and Condition 22 OP

Description: Failure to maintain the firing rate below the tested firing rate of 58.82 million British Thermal Units per hour (MMBtu/hr.) for DP Reactor Feed Heater (EPN N-12).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Term and Condition 22 OP

Description: Failure to maintain the authorized carbon monoxide (CO) limits for the Thermal Oxidizer (EPN N-19).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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)
 General Terms and Conditions OP
 Special Condition 29D PERMIT
 Special Term and Condition 22 OP

Description: Failure to maintain the firing rate below the tested firing rate of 468.83 MMBtu/hr. for Fresh Feed Cracking Furnace H-0900 (EPN N-9).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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)
 General Terms and Conditions OP
 Special Condition 13F (2) PERMIT
 Special Term and Condition 22 OP

Description: Failure to calibrate the flow meter for the cracker flare system (EPN 15/15A) annually.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report deviations in the reporting period in which they occurred.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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)
 General Terms and Conditions OP
 Special Condition 22 PERMIT
 Special Term and Condition 22 OP
 Description: Failure to maintain opacity for the Fresh Feed Cracking Furnace H-0900 (EPN N-9).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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)
 General Terms and Conditions OP
 Special Condition 30B (2) PERMIT
 Special Term and Condition 22 OP
 Description: Failure to verify daily calibrations on the CEMS analyzer for the Cogeneration Train (EPN N-20A).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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)
 General Terms and Conditions PERMIT
 Special Condition 13G PERMIT
 Special Condition 6A PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 22 OP
 Description: Failure to maintain the minimum net heating value for vent gases being routed to the Ground Flare (EPN N-15).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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)
 General Terms and Conditions OP
 Special Condition 29D PERMIT
 Special Term and Condition 22 OP
 Description: Failure to maintain the firing rate below the tested firing rate of 387.07 MMBtu/hr. for Boiler 7290 (EPN N-24B).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Term and Condition 22 OP
 Description: Failure to maintain the authorized NH3 limit for Boiler B-7280 (EPN N-24A).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 15A PERMIT
 Special Term and Condition 22 OP
 Description: Failure to maintain the authorized nitrogen oxides (NOx) limits for Cogeneration Train Unit 1 (EPN N-20A).

F. Environmental audits:

Notice of Intent Date: 07/19/2021 (1750374)

Disclosure Date: 09/02/2021

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)

Description: Failure to accurately represent VOC emissions in permit. Specifically, the permit limits for VOC emissions from Cogen Startup Engines, EPN's GTGENG-1 and GTGENG-2, NSR Permit 36644, were inaccurately represented in the permit application, which resulted in permit exceedances.

Notice of Intent Date: 05/04/2023 (1903595)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASF TOTALENERGIES
PETROCHEMICALS LLC
RN100216977

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

AGREED ORDER DOCKET NO. 2022-0678-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF TotalEnergies Petrochemicals LLC (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 petrochemical manufacturing plant located at 2260 Atlantic Road in Groves, Jefferson 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 \$111,175 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$55,588 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$55,587 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 4, 2022, increased the frequency of Ethylene Dryer Regenerations from every year to every nine months in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 374442.
 - b. By September 22, 2022, calibrated the fuel split in order to comply with the carbon monoxide ("CO") hourly maximum allowable emissions rate ("MAER") and concentration limit for the Cogeneration Train Unit 1, Emissions Point Number ("EPN") N-20A.
 - c. By September 22, 2022, correctly installed air blower louvers to improve air flow to the boiler, updated the CO alarm configuration to reset so that it may re-alarm if emissions stay above the limit, introduced hold logic to the ammonia ("NH3") system to account for calibration data, and fixed an error in the NH3 alarm so that it may activate properly in order to comply with the CO and NH3 hourly maximum emission rates ("MERs") and the CO and NH3 concentration limits for EPN C4BLR.
 - d. By March 21, 2023, took the Cogeneration Train Unit 2, EPN N-20B, out of lean mode in order to comply with the nitrogen oxides ("NOx") and NH3 hourly MAERs and the NOx concentration limit

II. ALLEGATIONS

1. During a record review for the Plant conducted on March 30, 2022, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 36644, PSDTX903M5 and N007M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 02551, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 2,554.66 pounds ("lbs") of CO and 7,747.79 lbs of volatile organic compounds from the Flare System, EPN N-15 and N-15A, during an emissions event (Incident No. 374442) that occurred on February 14, 2022 and lasted five hours.

2. During a record review for the Plant conducted on July 29, 2022, an investigator documented that the Respondent:
 - a. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Nos. 36644, PSDTX903M5 and N007M1, SC No. 1, FOP No. 02551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx hourly MAER of 4.25 pounds per hour ("lbs/hr") by 15.10 lbs/hr for one hour on March 3, 2021 and by 2.43 lbs/hr for one hour on April 4, 2021 for Boiler B-7290, EPN N-24B, resulting in 17.53 lbs of unauthorized NOx emissions.
 - b. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, FOP No. 02551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NH3 hourly MAER of 1.87 lbs/hr by 0.53 lb/hr for one hour on August 19, 2021 for Boiler B-7280, EPN N-24A, resulting in 0.53 lb of unauthorized NH3 emissions.
3. During a record review for the Plant conducted on July 29, 2022, an investigator documented that the Respondent failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Nos. 41945, PSDTX950, and N018, SC No. 1, FOP No. 02629, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO hourly MAER of 61.25 lbs/hr by a range from 10.23 to 15.03 lbs/hr and the NOx hourly MAER of 12.02 lbs/hr by a range from 1.85 to 2.79 lbs/hr for two hours on January 20, 2022 for the High-Pressure Flare, EPN P-7, resulting in 25.26 lbs of unauthorized CO emissions and 4.64 lbs of unauthorized NOx emissions.
4. During a record review for the Plant conducted on November 15, 2022, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, FOP No. 02551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 4,992.40 lbs of NH3 as fugitive emissions, during an emissions event (Incident No. 378856) that occurred on May 6, 2022 and lasted five hours.
5. During a record review for the Plant conducted on July 12, 2023, an investigator documented that the Respondent
 - a. Failed to comply with the MAER and concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC Nos. 1 and 15.A, FOP No. 02551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO MAER of 89.51 lbs/hr by a range from 14.24 to 38.43 lbs/hr and the CO concentration limit of 50 parts per million by volume dry ("ppmvd") corrected to 15 percent oxygen ("15% O2") on an hourly average by up to 70.6 ppmvd for 41 hours from March 2, 2022 through March 4, 2022 for Cogeneration Train Unit 1, EPN N-20A, resulting in 1,355.15 lbs of unauthorized CO emissions.
 - b. Failed to comply with the MAERs and concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit

Nos. 36644, PSDTX903M5, and N007M1, SC Nos. 1 and 15.A, FOP No. O2551, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx MAER of 17.65 lbs/hr by a range from 8.57 to 34.77 lbs/hr for four hours, the NOx concentration limit of 6 ppmvd corrected to 15% O2 by as much as 15.9 ppmvd for four hours, and the NH3 MAER of 7.61 lbs/hr by 1.35 lbs/hr and 3.63 lbs/hr for two hours on September 29, 2022 for Cogeneration Train Unit 2, EPN N-20B, resulting in 98.24 lbs of unauthorized NOx emissions and 4.98 lbs of unauthorized NH3 emissions.

- c. Failed to comply with the MERs and concentration limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.615, and 122.143(4), Standard Permit Registration No. 166183, General Requirements Nos. (4)(B)(v) and (vi), FOP No. O2629, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO MER of 8.85 lbs/hr by a range from 23.62 to 40.79 lbs/hr and the CO concentration limit of 50 ppmvd corrected to 3% O2 by a range from 201 to 216 ppmvd for eight hours from July 6, 2022 through July 7, 2022, the NH3 MER of 1.07 lbs/hr by a range from 0.11 to 0.41 lb/hr for 23 hours from August 7, 2022 through August 8, 2022, and the NH3 concentration limit of 10 ppmvd corrected to 3% O2 by a range from 1.14 to 8.48 ppmvd for 47 hours from August 6, 2022 through August 8, 2022 for the C4 Boiler, EPN C4BLR, resulting in 301.30 lbs of unauthorized CO emissions and 7.60 lbs of unauthorized NH3 emissions.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF TotalEnergies Petrochemicals LLC, Docket No. 2022-0678-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 \$55,587 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order:
 - i. Submit written documentation to demonstrate actions that have been taken to comply with the NOx hourly MAER for EPN N-24B.
 - ii. Submit written documentation to demonstrate actions that have been taken to comply with the NH3 hourly MAER for EPN N-24A.
 - iii. Submit written documentation to demonstrate actions that have been taken to comply with the CO and NOx hourly MAERs for EPN P-7.
 - iv. Submit written documentation to demonstrate actions that have been taken to prevent the reoccurrence of emissions events due to the same or similar causes as Incident No. 378856.

- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language::

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



10/26/2025

For the Executive Director

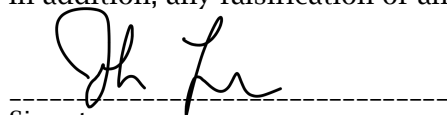
Date

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

9/23/2025

Date

John Lycan

VP Operations - Site Manager

Name (Printed or typed)

Title

Authorized Representative of

BASF TotalEnergies Petrochemicals LLC

☐ *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: 2022-0678-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BASF TotalEnergies Petrochemicals LLC
Payable Penalty Amount:	\$111,175
SEP Offset Amount:	\$55,587
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Lighthouse Program</i>
Total Project Budget:	\$5,679,300.00
Location of SEP:	Jefferson 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 offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Lighthouse Program* Project (the “Project”). The Project is to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners, coordinate between the contractors and the homeowners to answer questions, ensure that work is done timely and properly, and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP agreement between the Third-Party Administrator and the TCEQ.

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

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

B. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

BASF TotalEnergies Petrochemicals LLC
Docket No. 2022-0678-AIR-E
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.