

**From:** [Jonathan Walling](#)  
**To:** [REDACTED]  
**Cc:** [OCE](#)  
**Subject:** Enforcement Discretion- BASF TOTAL  
**Date:** Tuesday, June 9, 2020 2:20:39 PM  
**Attachments:** [image001.png](#)  
[SAP CGA.pdf](#)

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Good afternoon, Mr. Wojnowski:

The TCEQ has reviewed your request. Given that the CGA was conducted on February 19, 2020 and that it was conducted incorrectly, BASF TOTAL could have reasonably known that another CGA should have been scheduled before the COVID-19 challenges began in mid-March 2020. In this case, enforcement discretion is not appropriate.

The TCEQ is committed to working cooperatively and reasonably with the regulated community during the COVID-19 pandemic. The decision to disapprove this request will not reflect on any future request that BASF TOTAL may make. Each enforcement discretion request is evaluated based on its own merits.

Please note that since a proper CGA was not conducted for the first quarter of 2020, this will need to be indicated on BASF TOTAL's appropriate deviation report.

Regards,

Jonathan Walling, Area Director  
Coastal & East Texas Area  
Texas Commission on Environmental Quality

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**From:** Gary Wojnowski <[REDACTED]>  
**Sent:** Monday, June 8, 2020 12:38 PM  
**To:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Subject:** RE: Enforcement Discretion

Mr. Walling

Thanks for your quick response. We schedule and track our CGAs in SAP. Attached is a document of the workflow for the CGA.

It shows the release date of 2/13/2020, The scheduled date of 2/19/2020, ready to TECO date of 2/19/2020, and TECO dated of 3/12/2020.

A little explanation; the CGA was performed, on February 19th, but was done incorrectly, (the wrong bottle of test gas was hooked up for gas #2).

Usually after the CGA is done it is printed out on the Environmental printer for review.

[REDACTED], due to COVID-19, we did not see the results of the CGA until after the end of the quarter.

We would normally would have had another chance to complete the CGA before the end of the quarter, but in this case we did not.

Thank you for your consideration.

**Gary Wojnowski**

Phone: +1 409 960-5242, Mobile: +1-409-300-0246, Fax: +1 409 960-5201, Email: [REDACTED]

Postal Address: BASF Corporation, Highway 366, Gate 99, 77642 Port Arthur, United States



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**From:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>

**Sent:** Friday, June 5, 2020 2:12 PM

**To:** Gary Wojnowski <[REDACTED]>

**Subject:** FW: Enforcement Discretion

Good afternoon, Mr. Wojnowski:

The TCEQ is evaluating your request. Does BASF TOTAL have any documentation to show that the first quarter CGA was scheduled prior to COVID-related restrictions?

Thank you,

Jonathan Walling, Director  
Coastal & East Texas Area  
Texas Commission on Environmental Quality

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**From:** Gary Wojnowski <[REDACTED]>

**Sent:** Thursday, June 4, 2020 4:46 PM

**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>

**Subject:** Enforcement Discretion

RN100216977, CN604166967

The BASF TOTAL Petrochemical LLC, BTP, site NSR Permit 36644 Special Condition 30. B. 2. requires quarterly CGA's be performed on the H-1000 Cracking Furnace. Due to COVID-19 related site access

restrictions, a valid Cylinder Gas Audit, CGA, was not done for the first quarter 2020 for the Cracking Furnace H-1000. A CGA was done for this furnace on June 2, 2020 and the Continuous Emissions Monitoring, CEMS, equipment was found to be accurate.

The previous CGA done the 4<sup>th</sup> quarter of 2019 also found the CEMS accurate. All daily calibrations for this CEMS unit have also been accurate and no adjustments were made to the CEMS.

BTP is requesting enforcement discretion for this deviation from required CGA testing.

Regards

**Gary Wojnowski**

Phone: +1 409 960-5242, Mobile: +1-409-300-0246, Fax: +1 409 960-5201, Email: [REDACTED]

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We create chemistry

Order: 807812229  
 Created By: IP1020191223 Created On: 12/23/2019

Date	Time	Changed By	Subobject	Changed Field	Field contents (new)/(old)
03/12/2020	12:57:53	Levi West	Order	Status	Technically completed
03/12/2020	12:57:53	Levi West	Order	Status	Reset: Released
02/25/2020	15:37:39	Laura Miller	Order	Status	Partially confirmed
02/19/2020	20:37:04	David Landry	Order	Status	Ready to TECO
02/19/2020	20:37:04	David Landry	Order	Status	Reset: Scheduled
02/13/2020	12:19:21	David Landry	Order	Status	Mat.availability not checked
02/13/2020	12:17:48	David Landry	Order	Status	Scheduled
02/13/2020	12:17:48	David Landry	Order	Status	Reset: Unplanned
02/13/2020	12:16:38	David Landry	Order	Status	Released
02/13/2020	12:16:38	David Landry	Order	Status	Settlement rule created
02/13/2020	12:16:38	David Landry	Order	Status	Reset: Created
02/13/2020	12:16:38	David Landry	Order	Status	Reset: Mat.availability not check
12/23/2019	06:54:49	North America	Order	Status	Created
12/23/2019	06:54:49	North America	Order	Status	Mat.availability not checked
12/23/2019	06:54:49	North America	Order	Status	No material components
12/23/2019	06:54:49	North America	Order	Status	Object created
12/23/2019	06:54:49	North America	Order	Status	Pre-costed
12/23/2019	06:54:49	North America	Order	Status	Unplanned
12/23/2019	06:54:49	North America	Order	Status	Reset: Dates are not updated