

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

BASF Corporation
Beaumont, Texas

RESPONDENT

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DOCKET NO. CAA-06-2024-3371

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act, (the “CAA” or the “Act”), 42 U.S.C. § 7413(d), and Sections 22.13, 22.18, and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 6 (“EPA”). On EPA’s behalf, the Director of the Enforcement and Compliance Assurance Division, EPA Region 6, has been delegated the authority to settle civil administrative penalty and

compliance proceedings under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

3. BASF Corporation (“BASF” or “Respondent”) is a corporation doing business in the State of Texas. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as the “CAFO” without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

B. JURISDICTION

5. This CAFO is entered into under Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violation in this CAFO is pursuant to Section 113(a)(1)(B) of the Act, 42 U.S.C. § 7413(a)(1)(B).

6. In satisfaction of the notice requirements of Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), on May 21, 2024, EPA issued to Respondent a Notice of Violation and Opportunity to Confer (the “NOVOC”) and provided a copy of the NOVOC to the State of Texas. In the NOVOC, EPA provided notice to both Respondent and the State of Texas that EPA found Respondent committed the alleged violation of the Texas State Implementation Plan (“SIP”) described in Section E of this CAFO and provided Respondent an opportunity to confer with EPA.

7. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

8. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

C. GOVERNING LAW

9. The Act is designed “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” 42 U.S.C. § 7401(b)(1).

10. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in SIPs and federally enforceable permits.

a. Texas State Implementation Plan

11. Section 109(a) of the CAA, 42 U.S.C. § 7409(a), requires the Administrator of EPA to publish national ambient air quality standards (“NAAQS”) for certain air pollutants. Section 109(b) of the CAA, 42 U.S.C. § 7409(b), provides that the NAAQS establish primary air quality standards to protect public health and secondary standards to protect public welfare.

12. To achieve the objectives of the NAAQS and the CAA, Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each State to adopt a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS, and to submit it to the Administrator of EPA for approval.

13. The State of Texas has adopted a SIP that has been approved by EPA. *See* 40 C.F.R. Part 52, Subpart SS. The Texas SIP includes authorization for Texas to establish a program

for New Source Review (“NSR”) permits, which can be found at 30 Tex. Admin. Code Chapter 116, Subchapter B – New Source Review Permits. *See* 40 C.F.R. § 52.2270(c).

14. Subchapter B of Chapter 116 of Title 30 Texas Administrative Code regulates the construction of any new facility and the modification of any existing facility that may emit air contaminants. Specifically, NSR authorization is required for new construction or modification of a facility that may emit air contaminants. NSR permits establish emission controls and limits based on applicable state and federal rules and a best available control technology (“BACT”) and impacts review. The NSR permit regulations include the following requirement relevant to this CAFO:

a. “The holder of permits, special permits, standard permits, and special exemptions shall comply with all special conditions contained in the permit document.”

30 Tex. Admin. Code § 116.115(c).

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

15. Respondent owns and operates a pesticide production facility located at 14385 West Port Arthur Road, Beaumont, Texas 77705 (the “Facility”).

16. Respondent is the owner and operator of the Facility within the meaning of the Act, Section 111(a)(5), 42 U.S.C. § 7411(a)(5), 40 C.F.R. § 60.2, and/or 40 C.F.R. § 51.100(f).

17. The Facility is subject to the State of Texas’s NSR permit program under Subchapter B of Chapter 116 of Title 30 Texas Administrative Code.

18. The Texas Commission on Environmental Quality (“TCEQ”) issued NSR Permit No. 20057 (the “Permit”) to the Respondent under the SIP-approved NSR permit program. The

Permit covers various emission units at the Facility, including wastewater storage tanks and control equipment.

19. Respondent is required to operate in compliance with certain provisions of the Texas SIP. Specifically, Respondent is required to comply with all special conditions contained in the Permit. Special Condition 10 of the Permit provides that the Wastewater Tanks “shall be routed to the Wastewater Tank Scrubber (EPN WB-1769).” See Permit No. 20057.

20. EPA contracted helicopter flyovers of areas in and around Beaumont and Port Arthur, Texas between November 7, 2023, and November 9, 2023, to assess emission sources using Optical Gas Imaging (“OGI”) technology. EPA conducted a helicopter flyover of the Facility at issue in this CAFO on November 8, 2023, to assess emission sources using Optical Gas Imaging (“OGI”) technology.

21. On December 1, 2023, EPA sent Respondent OGI video captures showing potentially unauthorized emissions from a wastewater storage tank at the Facility. EPA asked Respondent to verify ownership, provide current site-specific permit information and inspection records, and take any necessary corrective action to address unauthorized emissions at the Facility. EPA considered information provided by Respondent to determine whether violations occurred at the Facility.

22. On December 14, 2023, Respondent provided information to EPA that an investigation was completed at the Facility to address the compliance issue observed during the flyover.

23. More than thirty (30) days before the issuance of this CAFO, Respondent was notified of the violation alleged herein. On May 21, 2024, EPA sent Respondent the NOVOC and

provided a copy to the State of Texas, in accordance with Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1).

24. On June 12, 2024, EPA conferred with Respondent regarding the violation alleged herein and provided an opportunity for Respondent to submit additional information or materials.

E. ALLEGED VIOLATION

25. EPA has conducted a comprehensive review of the facility-specific information gathered based upon observations made from the OGI video captures, facility permitted operations, and information provided by Respondent. Based on this review, EPA alleges that Respondent violated 30 Tex. Admin. Code § 116.115(c) by emitting emissions directly to the atmosphere from Wastewater Tank WB-501 when Special Condition 10 in the Permit requires that emissions from the wastewater tanks be routed to the Wastewater Tank Scrubber. See NSR Permit No. 20057.

F. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT

a. General

26. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. neither admits nor denies the specific factual allegations contained in the CAFO;
- c. consents to the assessment of a civil penalty, as stated below;

d. consents to the issuance of any specified compliance or corrective action order¹;

e. consents to the conditions specified in this CAFO;

f. consents to any stated Permit Action;

g. waives any right to contest the alleged violation set forth in Section E of this CAFO; and

h. waives its rights to appeal the Final Order included in this CAFO.

27. For the purpose of this proceeding, Respondent:

a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;

b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action;

c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);

d. consents to personal jurisdiction in any action to enforce this CAFO in the Western District of Texas;

¹ Although 40 C.F.R. § 22.18(b)(2) requires each item in this list to be stated in this CAFO, subparagraphs (d) and (f) are not applicable to this particular case.

e. waives any right it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action; and

f. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to this Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

b. Penalty Assessment and Collection

28. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the penalty on the business, Respondent's full compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of any penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require, EPA has assessed a civil penalty in the amount of \$89,200.00 (the "EPA Penalty"). The EPA Penalty has been determined in accordance with Section 113 of the CAA, 42, U.S.C. § 7413, and at no time exceeded EPA's statutory authority.

29. Respondent agrees to:

a. pay the EPA Penalty within thirty (30) calendar days of the Effective Date of this CAFO; and

b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment shall be remitted in one of five (5) ways: (1) regular U.S. Postal Service mail including certified mail; (2) overnight mail; (3) wire transfer; (4) Automated Clearinghouse for receiving U.S. currency; or (5) Online Payment. For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, payment should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, *e.g.* FedEx), payment should be remitted to:

U.S. Bank
U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

Contact: Natalie Pearson
(314) 418-4087

For wire transfer, payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

For Automated Clearinghouse (also known as "remittance express" or "REX"):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: Jesse White
(301) 887-6548

For Online Payment:

<https://www.pay.gov/paygov/>
Enter sfo 1.1 in search field
Open form and complete required fields.

PLEASE NOTE: The docket number CAA-06-2024-3371 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number CAA-06-2024-3371. Respondent's adherence to this request will ensure proper credit is given when penalties are received for Region 6. Respondent shall also email a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following email addresses:

Nicolas Studebaker
U.S. EPA Region 6
studebaker.nicolas@epa.gov

And

Region 6 Hearing Clerk
U.S. EPA Region 6
Vaughn.Lorena@epa.gov

30. Respondent agrees to pay the following on any overdue EPA Penalty:

a. Interest. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), any unpaid portion of a civil penalty must bear interest at the rates established pursuant to 26 U.S.C. § 6621(a)(2).

b. Nonpayment Penalty. On any portion of a civil penalty more than ninety (90) calendar days delinquent, Respondent must pay a nonpayment penalty, pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), which shall accrue from the date the penalty payment became delinquent, and which shall be in addition to the interest which accrues under subparagraph (a) of this Paragraph.

31. Respondent shall pay a charge to cover the cost of processing and handling any delinquent penalty claim, pursuant to 42 U.S.C. § 7413(d)(5), including, but not limited to, attorney's fees incurred by the United States for collection proceedings.

32. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the assessed

penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13, 13.14, and 13.33;

b. collect the above-referenced debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

c. suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

c. Conditions of Settlement

33. Operation and Maintenance Procedures. Within thirty (30) days of the Effective Date of this CAFO, Respondent shall review its operation and maintenance procedures for inspecting tanks J-1765, WB-1767, WB-501, WB-502A, WB-502B, and WB-1746 ("Wastewater Storage Tanks") and their associated closed-vent system and update the procedures, as necessary, to ensure that these procedures, at a minimum, meet the requirements described in Appendix A. If Respondent does not have such procedures, it shall create such procedures in accordance with Appendix A.

34. Compliance Monitoring. Respondent shall conduct a total of four (4) quarterly visual, optical gas imaging ("OGI"), and EPA Method 21 inspections at each of the Wastewater

Storage Tanks and the associated closed vent system at the Facility within eleven (11) months from the Effective Date of this CAFO. The inspections shall be conducted quarterly, no less than forty-five (45) days apart. Each inspection shall follow written procedures developed by the Respondent. The initial inspection shall be conducted within thirty (30) days of the Effective Date of this CAFO.

- a. Visual inspections shall include audio, visual, and olfactory (AVO) observations to ensure all components are free from wear and defects;
- b. OGI surveys shall be conducted by a certified OGI operator;
- c. Method 21 inspections shall utilize a leak definition of 500 parts per million; and
- d. If an inspection identifies visible defects, detection of leak via OGI, or if an instrument reading of 500 parts per million by volume or greater above background concentration is measured conducting Method 21 monitoring, then the Facility shall take the following corrective action:
 - i. A first effort to repair or correct the deficiency shall be made as soon as practicable but no later than five (5) calendar days after the defect or leak is identified.
 - ii. The final repair or corrective action shall be completed no later than fifteen (15) calendar days after the defect or leak is identified.

35. Reporting. Within thirty (30) days of completing each inspection required by Paragraph 34, Respondent shall submit the following records to EPA at studebaker.nicolas@epa.gov:

- a. The dates each quarterly inspection was completed;
- b. Information showing adherence to the procedures and requirements set forth in EPA Method 21;
- c. A description of the issue(s) observed, including OGI video capture documenting any emissions and/or readings of any detected leaks; and
- d. The nature and timing of all modifications, corrective actions, repairs, or other actions planned or undertaken as a result of the inspections.

36. EPA reserves the right to pursue enforcement of any violations identified as a result of Paragraphs 33 through 35 (“Conditions of Settlement”).

d. Additional Terms of Settlement

37. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraphs 33 through 35 of this CAFO are completed (the “Tolling Period”) shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims set forth in Section E of this CAFO (the “Tolled Claims”). Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

38. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors and assigns. From the Effective Date of this Agreement until the end of the Tolling Period, as set out in Paragraph 37 of this CAFO, Respondent must give written notice and a

copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion or interest in the Facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment or delegation, Respondent shall continue to be bound by the obligations or liabilities of this CAFO until EPA has provided written approval.

39. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information. See 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).

40. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has legal capacity to bind the party he or she represents to this CAFO.

41. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

42. EPA and Respondent agree to the use of electronic signatures for this matter. EPA and Respondent further agree to electronic service of this CAFO by email to the following addresses:

To EPA: roland.alexandrea@epa.gov

To Respondent: elizabeth.monroe@basf.com

43. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 31 of this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

44. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at Chalifoux.Jessica@epa.gov, within thirty (30) days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within thirty (30) days after the Effective Date, then Respondent, using the same email address identified in the preceding subparagraph, shall further:

i. notify EPA's Cincinnati Finance Center of this fact, via email, within thirty (30) days after the thirty (30) days after the Effective Date of this Order per Section H of this CAFO; and

ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER

45. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violation and facts specifically alleged in Sections D and E above.

46. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraphs 33 through 35 of this CAFO, then Complainant may compel Respondent to perform

the conditions in Paragraphs 33 through 35, seek civil penalties that accrue from the Effective Date of this CAFO until compliance is achieved, and seek other relief in a civil judicial action pursuant to the Clean Air Act, pursuant to contract law, or both.

47. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

48. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraphs 33 through 35 is restitution, remediation, or required to come into compliance with the law.

49. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

50. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

51. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$121,275 per day of violation, or both, as provided in Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

52. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it

restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. EPA does not, by its consent to the entry of this CAFO, warrant or aver in any manner that Respondent's compliance with any aspect of this CAFO will result in compliance with provisions of the Clean Air Act, 42 U.S.C. § 7401, et seq., or with any other provisions of federal, state, or local laws, regulations, or permits.

53. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

H. EFFECTIVE DATE

54. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

The foregoing Consent Agreement In the Matter of BASF Corporation, Docket No. CAA-06-2024-3371, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Date: _____



Digitally signed by
HUBACEE
Date: 2024.09.13
13:56:55 -05'00'

Elizabeth Monroe
Site Director
14385 West Port Arthur Road
Beaumont, Texas 77705
BASF Corporation

FOR COMPLAINANT:

Date: September 17, 2024

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

APPENDIX A

I. Operation and Maintenance Procedures

For the Facility, review operation and maintenance procedures for inspecting the Wastewater Storage Tanks and associated closed vent system to ensure that unauthorized emissions are timely identified and addressed to minimize emissions from such equipment.

The operation and maintenance procedures, at a minimum, shall include written Standard Operating Procedures (“SOPs”) for the following:

1. Conducting inspections of Wastewater Storage Tanks and associated closed-vent system at the Facility.
2. Preventative Maintenance. SOPs shall include maintenance, inspection, and replacement schedules for equipment related to Wastewater Storage Tanks and associated closed vent system that are subject to wear and tear.
3. Quality Control and Training. SOPs shall establish a quality control program that ensures the quality and performance of facility maintenance activities; and appropriate and regular training for personnel implementing the operation and maintenance procedures. The SOP shall include a procedure by which Respondent evaluates compliance with operation and maintenance procedures on a regular basis.
4. Recordkeeping and Reporting. SOPs shall establish and implement requirements for documenting compliance with operation and maintenance procedures, including recordkeeping of the date of inspection/maintenance activities, the performance of any corrective actions, and all training conducted.
5. Documentation Protocol. SOPs shall establish document generation and retention protocols, personnel roles and responsibilities, safety protocols, and work order system to ensure problems are timely identified and addressed.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

BASF Corporation
Beaumont, Texas

RESPONDENT

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DOCKET NO. CAA-06-2024-3371

FINAL ORDER

Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

BASF Corporation is ORDERED to comply with all terms of the Consent Agreement. In accordance with 40 C.F.R. §22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated _____

Thomas Rucki
Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Consent Agreement and Final Order was filed with the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the addressees:

Copy via Email to Complainant - READ RECEIPT REQUESTED

roland.alexandrea@epa.gov

Copy via Email to Respondent – READ RECEIPT REQUESTED

elizabeth.monroe@basf.com

Office of Regional Counsel
U.S. EPA, Region 6
Dallas, Texas