

INSPECTION REPORT

Inspection Entry Date/Time	06/24/2024 09:05 (CT)		Announced: No	
Inspection Exit Date/Time	06/24/2024 11:10 (CT)		Access: Granted	
Regulatory Program	RCRA			
Type of Inspection	Focused Compliance Inspection (FCI)			
Facility or Site Name	BASF Corporation			
Facility/Site Identifier	TX0000195966			
Facility/Site Physical Address	1451 Navigation Blvd			
City, State, Zip Code	Freeport, TX 77541			
County/Borough	Brazoria County			
Generator Status	Very Small Quantity Generator (VSQG)			
NAICS	424690			
Type of Operation	BASF Corporation (BASF) is an export terminal for anhydrous ammonia.			
Geographic Coordinates	28.942075, - 95.34704			
Additional Persons Participating in Inspection:				
Name	Title	Organization	Email	Phone
Elizabeth Pham	Inspector	EPA REGION 6	Pham.Elizabeth@epa.gov	(214) 665-8354
Erin Young-Dahl	Inspector	EPA REGION 6	YoungDahl.Erin@epa.gov	(214) 665-3166
Neil Rapp	Contractor	Eastern Research Group (ERG)	Neil.Rapp@erg.com	(480) 450-6517
Lead Inspector:				
Vince Damiano				
	ERG	Vince.Damiano@erg.com	(703) 633-1732	

SECTION I – INTRODUCTION**Site Entry and Purpose of the Inspection**

The Port Freeport and surrounding facilities were selected for inspection based on an Environmental Justice and Regional initiative to evaluate facilities at ports receiving or transporting Resource Conservation and Recovery Act (RCRA)-regulated hazardous wastes, and/or have an International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V Certificate of Adequacy (COA) issued by the U.S. Coast Guard (USCG) .

This report is based on information supplied by the facility representatives, inspector observations, and other records, including photographs taken (see Appendix 1), verbal or written statements made during or after the on-site inspection, and/or materials shown, demonstrated, or submitted to the EPA during or after the on-site inspection. In addition, information gathered prior to or after the inspection from a review of EPA, State, and public records may be included in this report.

Attendees

Title/Organization	Name	Phone	Email	Opening Conf.	Closing Conf.
Lead Inspector/ Contractor/ERG	Vince Damiano	(703) 633-1732	Vince.Damiano@erg.com	Yes	Yes
RCRA Inspector/ Contractor/ERG	Neil Rapp	(480) 450-6517	Neil.Rapp@erg.com	Yes	Yes
Inspector/Enforcement Officer/EPA Region 6	Elizabeth Pham	(214) 665-8354	Pham.Elizabeth@epa.gov	Yes	Yes
Inspector/Enforcement Officer/EPA Region 6	Erin Young-Dahl	(214) 665-3166	YoungDahl.Erin@epa.gov	Yes	Yes

Facility General Description

Tenant/Area	Inspection Date	Process Description	Area of Concern
BASF Corporation	06/24/24	BASF Corporation (BASF) is an export terminal for anhydrous ammonia that directly loads barges and ships. It also has the ability to receive ammonia, but only does this in special cases. The facility maintains a MARPOL COA for Annex I and V but does not receive waste from vessels.	Yes

SECTION II – OBSERVATIONS

Tenant: BASF Corporation			
Section: 2.1	Date: 06/24/24, 09:05 AM	Contains AOC: Yes	Contains CBI: No
Lead Inspector: Vince Damiano	Attendees: James Muhl (Superintendent) and Julie Tran (Compliance Engineer)		
BASF is located just south of Port Freeport and operates within the same shipping channel, but it is not a tenant of Port Freeport. BASF operates as a terminal for anhydrous ammonia, which is produced at the BASF chemical plant nine miles away from the terminal site. The ammonia is liquified at the chemical plant and hard-piped to the BASF terminal, where it is stored in one of two storage tanks (30,000 and 20,000 metric tons). From the storage tanks, it is piped to the dock where the ammonia can be loaded on to barges and vessels using a loading arm. BASF maintains a MARPOL COA (see Appendix 2) for Annex I and V and is registered with EPA as a VSQG of hazardous waste (EPA ID TX0000195966). BASF stated that it has not allowed a third party to remove waste from ships at its docks in at least seven years. Mr. Muhl explained to the inspection team that most of the waste generated onsite is used oil, which is transported and disposed of by Lion Recycling. Other wastes are transported and disposed of by Clean Harbors; these include universal waste, spills, and other miscellaneous wastes that are generated from operations. The inspection team began the visual inspection at 10:10 AM. The team first observed the waste storage area, where one partially-full 5-gallon bucket of used oil labeled as 'glycol/oil, glycol/water' and one partially-full 55-gallon drum labeled as 'waste oil' were found (see Appendix 1 – Photo 1). Mr. Muhl explained the waste oil came from maintenance operations and the inspection team stated it should be labeled as used oil [AOC#1 - BASF <i>did not clearly label containers used to store used oil with the words "Used Oil" - 40 CFR 279.22(c)(1)</i>]. Next, the inspection team observed a drum of aerosol cans outside the control building. The container was labeled as Universal Waste and had an accumulation start date on the label. The inspection team observed the maintenance building and found two half-full 55-gallon drums labeled as 'RCRA Empty' behind the building (see Appendix 1 – Photo 2). When asked why the drums were labeled as RCRA Empty when they were not empty, Mr. Muhl said the drums contained used oil (see AOC#1). The inspection team did not observe other apparent AOCs at the time of the inspection. A closing conference was conducted at approximately 10:35 AM with BASF personnel, during which the AOCs were communicated. Following the inspection, Mr. Muhl sent photos (see Appendix 3) addressing each of the AOCs where he properly labeled the drums as used oil.			

SECTION III – RECORDS REVIEW

No RCRA-regulated records were reviewed during this focused onsite inspection.

SECTION IV – AREAS OF CONCERN

The presentation of Area(s) of Concern does not constitute a formal compliance determination or violation.

Tenant: BASF Corporation		
AOC #1 – BASF did not clearly label containers used to store used oil with the words “Used Oil”	Citation: 40 CFR 279.22(c)(1)	Section: 2.1

SECTION V – FOLLOW UP

Any facility follow-up items are as discussed in the observations in Section II. Documents or files provided by the facility were transmitted via email and included responses to AOCs or provision of documents requested.

Communication Log

During and after the inspection, additional information was emailed to EPA including:

1. 06/24/24 BASF email – James Muhl provided the inspection team with photos taken during the inspection as a BASF intrinsically safe camera had to be used on site.
2. 03/14/24 BASF email – James Muhl sent photos of the AOCs being addressed.

SECTION VI – LIST OF APPENDICES

Appendix 1. Photograph Log

Appendix 2. BASF MARPOL COA

Appendix 3. BASF Follow-Up Photos to AOCs

APPENDIX 1.
PHOTOGRAPH LOG



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 1

Location: BASF Ammonia Terminal		
City: Freeport	County/Parish: Brazoria	State: Texas



Photo File Name: 20240624_103111

Date of Photo: 06/24/2024

Time of Photo: 10:31 hrs.

Photographer: Vince Damiano

Description: View of 55-gallon drum of used oil labeled as waste oil in waste storage area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: BASF Ammonia Terminal		
City: Freeport	County/Parish: Brazoria	State: Texas



Photo File Name: 20240624_104044

Date of Photo: 06/24/2024

Time of Photo: 10:40 hrs.

Photographer: Vince Damiano

Description: View of two 55-gallon drums of used oil labeled as RCRA Empty behind maintenance building.

APPENDIX 2.
BASF MARPOL COA

United States Coast Guard
Certificate Of Adequacy
for
Reception Facility



This certifies that: BASF-Ammonia Terminal has facilities adequate MARPOL I
to receive _____

MARPOL V _____

From oceangoing ships, as required by the International Convention for the Prevention of Pollution from Ships, 1973. As modified by the protocol of 1978 (MARPOL 73/78), The Act to Prevent Pollution from Ships, 33 USC 1901-1912 and associated U.S. Regulations in 33 CFR 158.

This certificate is issued pursuant to an application dated **20SEP2017** and an inspection dated **17OCT2017**, copies of which are attached, and part of this certificate. Each terminal listed in the application shall maintain a copy of this certificate available for inspection by Coast Guard personnel and the master, operator, agent, or owner of any ship using or intending to use this terminal.

Terminals and ports required to have an operations manual for oil transfer described in 33 CFR 154.300 shall attach a copy of this certificate thereto.

The terminal/port person in charge identified in the attached application shall notify the U.S. Coast Guard Captain of the Port (COTP) in writing after any of the reception facility information or terminal/port information identified in 33 CFR 158.165 changes.

The terminal/port owner, operator, or person in charge is liable for civil penalties of up to \$40,000 for violations of the provisions of 33 CFR 158.

The terminal/port owner, operator, or person in charge shall ensure that the reception facility holds each state, local, and federal permit and license required by environmental laws and regulations concerning garbage, residues and mixtures containing oil or noxious liquid substances. This certificate certifies compliance with applicable sections of 33 CFR 158, but does not certify compliance with any other law or regulation.

This certificate is valid for a period of 5 years from the date issuance; or until suspended or revoked; or until 30 days after the operator cited on the certificate changes; at which time it shall be promptly returned to the U.S. Coast Guard COTP.

This Certificate Expires:

20SEP2022

5 years from date of issuance

Signature of COTP

Date

GREG A. CALLAGHAN, CDR, USCG, BY DIRECTION

Typed Name of COTP

Date

Marine Safety Unit Texas City

COTP Zone

Phone

The following waivers to this certificate are granted. The waivers shall be attached to and are part of this certificate.

Waiver Description (brief description)

Expire Date (if applicable)

APPENDIX 3.
BASF FOLLOW-UP PHOTOS TO AOCs



55-gallon drum now labeled as Used Oil



Two 55-gallon drums now labeled as Used Oil