

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BASF CORPORATION

AI # 2049

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.

\* Settlement Tracking No.  
\* SA-AE-17-0035  
\*  
\* Enforcement Tracking No.  
\* AE-CN-11-01172  
\*  
\* Docket No. 2014-13445-EQ  
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SETTLEMENT

The following Settlement is hereby agreed to between BASF Corporation (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates a facility located in Ascension Parish, Louisiana (“the Facility”).

II

On September 19, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-11-01172, which was based upon the following findings of fact:

“The Respondent owns and/or operates BASF Corporation – Geismar Site (the Facility), an integrated chemical manufacturing facility located at 8404 River Road in Geismar, Ascension Parish, Louisiana. The Facility operates or has operated under the authority of the following Title V Air Permits:

UNIT	PERMIT	ISSUE DATE
Acetylene Plant	2526-V4A	September 27, 2011
	2526-V4	May 20, 2011
	2526-V3A	August 10, 2010
	2526-V3A	November 19, 2008
	2526-V3	July 11, 2008
	2526-V2A	June 19, 2006
	2526-V2	April 28, 2006
Specialty Amines Complex	2028-V5	December 2, 2011
	2028-V4	November 3, 2009
	2028-V3	December 23, 2005
Aniline 1 and 2	2558-V1A	October 18, 2006
Diols/Intermediates	2353-V1	December 1, 2008
	2353-V0A	July 17, 2007
	2353-V0	February 20, 2006
Ethylene Oxide / Ethylene Glycol (EO/EG)	2459-V4A	September 27, 2011
	2459-V4	June 22, 2010
	2459-V3A	March 30, 2006
Glyoxal Plant	2094-V2	January 5, 2012
	2094-V1	July 13, 2006
MDI-1 Plant	2334-V0	June 5, 2006
MDI-2 Plant	2559-V4A	January 6, 2009
	2559-V4	August 3, 2007
PYR/NVP/PVP/PVP-I Plants	2039-V1A	December 1, 2008
	2039-V1	June 4, 2008
	2039-V0	April 11, 2002
Polyol Unit and Chlorine/Caustic Unloading Unit	2427-V2	August 11, 2010
	2427-V1	July 7, 2006
Surfactants Plant	2582-V4	October 28, 2010
	2582-V3	March 24, 2008
	2582-V2	June 29, 2005
TDI	2643-V1	December 4, 2007
Utilities Plant	2265-V5A	June 9, 2009

UNIT	PERMIT	ISSUE DATE
	2265-V5	October 6, 2008
	2265-V4	November 22, 2000
Utilities Plant Boilers No. 3 & No. 6	2564-V4	November 10, 2011
	2564-V3	May 29, 2009
	2564-V2	May 1, 2007

The Department conducted a file review on January 25, 2012, to determine the Respondent's degree of compliance with the Act, the Air Quality Regulations, and all applicable permits from January 2008 through December 2010. The Department noted the violations found in paragraphs III-X of the Findings of Fact portion of the enforcement action.

The Respondent reported the following unauthorized releases:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (S) (duration)	POLLUTANTS RELEASE	QUANTITY REPORTED	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
A.	Release Notification for Incident 115658 (6.18.2009)	-	TK-610 E&F	6.12.2009	Chlorine	<1 pound	The line used to depressure the tank tied into a line with an out of service valve.	LAC 33:III.501.C.2 LAC 33:III.905.A
B.	Release Notification for Incident 123774 (6.1.2010)	-	-	5.26.2010	Benzene	<1 pound	Bleed valve was left open during the startup of a pump due to operator error.	LAC 33:III.501.C.2 LAC 33:III.905.A
C.	Release Notification for Incident 125134 (7.29.2010)	*not provided	TK-502	7.25.2010	Aniline	78 pounds	Aniline residue vapors escaped from a process safety valve because high pressure caused the valve to weep.	LAC 33:III.501.C.2
D.	Consolidated 2010 Second Semiannual Monitoring Report (3.31.2011)	2265-V5A	Thermal Oxidizer TO-330 EQT325	12.4.2010 (0.57 hrs)	Benzene	not provided*	The control device was bypassed by lifting a PSV on waste water tank TK225.	LAC 33:III.501.C.2 Specific Condition 330 40 CFR 61.342(c)(1)(i)

Each unauthorized release of emissions is a violation of: any applicable permit, any associated permit requirement or regulation listed above, LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and (2).

The Respondent reported the following violations from permitted operating requirements:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (S) (duration)	PERMITTED OPERATING REQUIREMENT	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
A.	Acetylene Plant 2008 First Quarter General Condition R.3 Report (6.30.2008)	2526-V2A	H080B Preheater ACECAP01	1.16.2008 (0.25 hrs)	BACT BOX range parameter **	H080B preheater went outside of the BACT Box operational range.	Specific Requirement 187
B.				2.9.2008 (0.13 hrs)			
C.	Polyol Unit and CCU 2008 First Quarterly Deviation Report (6.30.2008)	2427-V1	HCl Loading Scrubber EQT221	2.6.2008 – 2.9.2008 (80.4 hrs)	maintain caustic recirculating flow rate (10gal/min)	The flow rate on D-407A exceeded the upper range during 3 rail car loadings; appropriate corrective action was not timely.	Specific Requirement 25 40 CFR 63.9025
D.	MDI-2 Plant 2008 First Quarter General Condition R.3 Report (6.30.2008)	2559-V4	Thermal Oxidizer EQT457	1.1.2008- 3.31.2008 (19 days; nonconsecutive)	MDA feed rate <=15.2	The MDA feed rate was above the maximum operating rate.	
E.				1.1.2008- 2.12.2008 (20 days; nonconsecutive)	scrubber flow rate > 28.55 kg/hr	The daily average scrubber flow rate fell slightly below the minimum required.	Specific Condition 11 40 CFR 63.114
F.	MDI-2 Plant 2008 Second Quarter General Condition R.3 Report (9.30.2008)	2559-V4	Thermal Oxidizer EQT457	4.14.2008- 5.12.2008 (4 days; nonconsecutive)	firebox temperature 650°C	The daily average temperature was below the minimum temperature.	Specific Condition 9 40 CFR 63.114
G.				4.3.2008- 5.16.2008 (18 days; nonconsecutive)	MDA feed rate <=15.3	The MDA feed rate was above the maximum operating rate.	
H.	TDI Plant 2008 Second Quarter General Condition R.3 & HCl MACT 2008 First Semiannual Monitoring Reports (9.30.2008)	2643-V1	HCl Loading Scrubber EQT352	6.27.2008 (1 hr)	scrubber recirculation flow rate >140 gpm hourly average	The average water flow rate fell to 139 gpm.	Specific Condition 67 40 CFR 9000(a)
I.	TDI Plant 2008 Annual Report (3.31.2009)	2643-V1	T-510 Destruct Tower Caustic Scrubber EQT354	1.3.2008 (not provided*)	caustic concentration >5%	Caustic concentration fell below 5%.	
J.				6.18.2008 (not provided*)			
K.	TDI Plant General Condition R.3 Report (3.31.2009)	2643-V1	T-520 Caustic Scrubber Tower Vent EQT0554	10.16.2008 (6 hrs)	caustic concentration >= 3%	Caustic concentration fell to 2%.	Specific Condition 195 40 CFR 9000(b)
L.	TDI Plant 2009 First HCl MACT	2643-V1	HCl Loading	2.7.2009 (1 hr)	scrubber recirculation	Incorrect calibration caused low watt trips on	Specific Condition 67 40 CFR 9000(a)

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (S) (duration)	PERMITTED OPERATING REQUIREMENT	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
M.	Semiannual Monitoring Report (9.30.2009)		Scrubber EQT352 and T-520 Caustic Scrubber EQT554	2.20.2009 (1 hr)	flow rate >140 gpm hourly average	the pump.	LAC 33:III.905.A
N.				5.20.2009 (1 hr)		The cause of the pump trip is unknown.	Specific Condition 67 40 CFR 9000(a)
O.	Utilities Plant 2010 First NSPS Subpart GG Semiannual Report (7.30.2010)	2265-V5	Co-generation Unit No.1 EQT317	not provided* (1 hr)	steam to fuel ratio	Loss of steam injection to the cogeneration unit.	Specific Condition 53 40 CFR 60.332(a)(1) 40 CFR 60.334(g)
P.	Consolidated 2010 First Semiannual Monitoring Report (9.30.2010)	2265-V5	Thermal Oxidizer EQT325	2.3.2010 (9 hrs)	temperature >1400°F	Thermal oxidizer tripped and remained offline.	Specific Condition 330 40 CFR 61.349(a)(2)(C) 40 CFR 61.357(d)(7)(vi)(A)
Q.	Utilities Plant Specific Requirement 137 Annual Scrubber Report (2.28.2011)	2265-V5	Thermal Oxidizer EQT325	not provided* (4.15 hr)	pH < 3.7	Board Operator did not properly respond to alarm. The pH fell below 3.7.	Specific Requirement 131 LAC 33:III.905.A
R.	Utilities Plant 2010 Second Semiannual Monitoring Report (3.31.2011)	2265-V5	Co-generation Unit No.1 EQT317	11.6.2010 (8 hrs)	maintain steam to fuel ratio	Loss of steam injection to the cogeneration unit.	Specific Condition 53 40 CFR 60.332(a)(1) 40 CFR 60.334(g)
S.	MDI-2 Plant 2010 Second Semiannual Monitoring Report (3.31.2011)	2559-V4	Thermal Oxidizer EQT457	10.5.2010-10.14.2010 (216 hrs)	daily pH > 7	Caustic valve was not realigned properly after maintenance and the pH was not maintained.	Specific Condition 8 40 CFR 63.113(C)(1)(i) LAC 33:III.905.A

\*\*Note: The Department requests the Respondent to provide the most recent approved BACT Box ranges used to satisfy Specific Requirements 4 and 9 of Title V Air Permit 2526-V3.

Each failure to operate according to permitted requirements is a violation of: the applicable permit, any associated permit requirements and/or regulations listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and (2).

The event listed in Findings of Fact paragraph IV.O was not included in the 2010 Annual Compliance Certification. Failure to include the event in the report is a violation of: Title V Air Permit 2655-V5, LAC 33:III.507.H.5.c.iii, and La. R.S. 30:2057(A)(2).

The Respondent reported the following violations from monitoring requirements:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (S) (duration)	MONITORING PARAMETER	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
A.	TDI Plant 2008 Second Quarter General Condition R.3 Report (9.30.2008)	2643-V1	TDI Flare EQT343	4.18.2008 (2.13 hrs)	continuous presence of flame	Loss of flame indicator.	Specific Condition 14
B.				4.20.2008 (1.35 hrs)			
C.				4.20.2008			

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (S) (duration)	MONITORING PARAMETER	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
				(2.30 hrs)			
D.				4.21.2008 (1.24 hrs)			
E.				4.21.2008 (3.56 hrs)			
F.				4.21.2008 (1.20 hrs)			
G.				4.21.2008 (1.21 hrs)			
H.				4.21.2008 (1.20 hrs)			
I.				4.22.2008 (2.44 hrs)			
J.				4.22.2008 (1.19 hrs)			
K.	Polyol Unit and CCU 2008 Third Quarter General Condition R.3 Report (12.19.2008)	2427-V1	Polyol Cooling Tower EQT294	prior to June 2008 (not provided*)	monthly for 6 months; quarterly thereafter	Monthly sampling not conducted for toluene, hexane, ethylene glycol, and polyethylene glycol.	Specific Condition 630 40 CFR 63.1435
L.	MDI-1 Plant 2008 Fourth Quarter General Condition R.3 Report (3.31.2009)	2334-V0	MDI Flare EQT375	10.25.2008 (2 hrs)	continuous presence of flame	Loss of flame indicator.	Specific Condition 6 40 CFR 63.114(a)(2)
M.				10.26.2008 (15.5 hrs)			
N.	Consolidated 2008 Annual Compliance Certification (3.31.2009)	2334-V0	Plant Fugitives FUG21	April 2008	phosgene presence	Alternative monitoring conducted in April did not meet the Method 21 criteria.	Specific Requirement 380 40 CFR 63.180
O.	Utilities Plant 2008 Fourth Quarter General Condition XI Report (3.31.2009)	2265-V5	Thermal Oxidizer EQT325	10.6.2008-12.31.2008 (87 days)	monitor scrubber effluent pH every 4 hours	The unit lacked the equipment to continuously monitor pH for 439 days.	Specific Requirement 132 LAC 33:III.905.A
P.	Utilities Plant 2009 First Quarter General Condition XI Report (6.30.3009)			1.1.2009-3.31.2009 (90 days)			
Q.	Utilities Plant 2009 Second Quarter General Condition XI Report (9.30.3009)			4.1.2009-6.30.2009 (91 days)			
R.	Consolidated 2009 Second Semiannual Monitoring Report (3.26.2010)			2265-V5A			
S.	Utilities Plant 2009 Second Semiannual General Condition XI Report (1.15.2010)	2265-V3	Gas Turbine EQT0318	9.30.2009	NOx mass emission rate	Programming error in the CEM caused incorrect reading.	Specific Requirement 289 40 CFR 60.334(b) LAC 33:III.905.A

Each failure to monitor parameters as required is a violation of: the applicable permit, any associated permit requirements and/or regulations listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and (2).

The Respondent reported the following emission exceedances:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
A.	Specialty Amines Complex 2008 Fourth Quarter General Condition R.3 Report (3.31.2009)	2028-V3	Specialty Amines Waste Fuel Boiler AME02	11.21.2008 (0.08 hrs)	HCl and Chlorine (31 ppmv)	*not provided	Cold weather led to reduced flue gas flow.	LAC 33:III.501.C.4 Specific Requirement 15 40 CFR 63.1217(a)(1)(i)
B.	Consolidated 2009 First Semiannual Monitoring Report (9.30.2009)	2028-V3	Specialty Amines Waste Fuel Boiler AME02	1.14.2009 (0.03 hrs)	Mercury (19µgm/dscm), Lead and Cadmium (150µgm/dscm) Chromium (370µgm/dscm), and HCl and Chlorine (31ppv)	*not provided	The waste feed cutoff valve trip point was set at the emission limit; therefore burning was not ceased before limit was exceeded.	LAC 33:III.501.C.4 Specific Requirement 15 40 CFR 63.1217(a)
C.				1.16.2009 (0.03 hrs)				
D.				1.28.2009 (0.68 hrs)				
E.	Glyoxal Plant General Condition XI Report (1.28.2010)	2094-V1	Oxidizer Stack RLP009	11.19.2009 (5 hrs)	Formaldehyde (>=98% reduction or <=20ppmv)	~115 pounds	The R-865 tripped offline; the DRE was not met.	LAC 33:III.501.C.4 Specific Requirement 207 Specific Requirement 208 40 CFR 63.113(a)(2) LAC 33:III.5109.A
F.	Consolidated 2009 Second Semiannual Monitoring Report (3.26.2010)	2028-V3	Specialty Amines Waste Fuel Boiler AME02	9.17.2009 (0.02 hrs)	Carbon Monoxide (100 ppmv)	*not provided	The operator opened the AWFCO valve which allowed a slug of liquid waste to impact the burner, causing incomplete combustion caused high CO.	LAC 33:III.501.C.4 Specific Requirement 15 40 CFR 63.1217(a) LAC 33:III.905.A
G.		2265-V5	Thermal Oxidizer TO-330 EQT325	12.5.2009 (14.33 hrs)	Benzene (0.14 lb/hr max)	*not provided	Thermal Oxidizer Trip	LAC 33:III.501.C.4 40 CFR 61.349(a)(2)(C) 40 CFR 61.357(d)(7)(vi)(A)
H.			Co-generation Unit 1 EQT317	1.14.2009 (1hr)	NOx (>75 ppm)	*not provided	Loss of Steam Injection.	LAC 33:III.501.C.4 Specific Requirement 47 40 CFR 60.332(a)(1)
I.			12.10.2009 (4 hrs)					

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	POLLUTANTS RELEASED (permit limit)	QUANTITY REPORTED	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
J.	Utilities Boilers No.3 and No.6 2008 Second Quarter General Condition XI Report (9.30.2008)	2564-V2	No. 6 Boiler EQT162	4.2.2008 (3.23 hrs)	Carbon Monoxide (24.95 lb/hr max)	~444.95 lb/hr	Boiler Startup.	LAC 33:III.501.C.4 Emission Limit Table
K.	Utilities Boilers No.3 and No.6 2008 Fourth Quarter General Condition XI Report (3.31.2009)		No. 3 Boiler EQT161	11.13.2008 (1.2 hrs)	Carbon Monoxide (22.68 lb/hr max)	~309.68 lb/hr	Boiler Startup.	LAC 33:III.501.C.4 Emission Limit Table
L.				11.13.2008 (8.0 hrs)		~309.68 lb/hr	Boiler Startup.	
M.				11.20.2008 (1.1 hrs)		~309.68 lb/hr	Boiler Startup.	
N.				11.26.2008 (2.2 hrs)		~309.68 lb/hr	Boiler Startup.	
O.				12.8.2008 (1.5 hrs)		~309.68 lb/hr	Boiler Startup.	
P.				12.09.2008 (6.3 hrs)		~309.68 lb/hr	Boiler operated at idle conditions.	
Q.				12.15.2008 (1.4 hrs)		~309.68 lb/hr	Boiler Startup.	
R.	Utilities Boilers No. 3 and No. 6 General Condition XI Report (6.30.2008)		No. 3 Boiler EQT161	2.21.2008 (5.37 hrs)	Carbon Monoxide (22.68 lb/hr max)	~145.68 lb/hr	Boiler Startup.	LAC 33:III.501.C.4 Emission Limit Table
S.				3.1.2008 (1.03 hrs)		~145.68 lb/hr	Waste fuel change.	
T.				3.2.2008 (1.2 hrs)		~145.68 lb/hr	Boiler Startup.	
U.				3.30.2008 (1.34 hrs)		~145.68 lb/hr	Boiler Startup.	
V.	No. 6 Boiler EQT162		3.21.2008 (7.92 hrs)	Carbon Monoxide (24.95 lb/hr max)	~444.95 lb/hr	Boiler Startup.		
W.	Utilities Boilers No. 3 and No. 6 General XI Report (6.30.2009)		No. 3 Boiler EQT161	1.21.2009 (4 hrs)	Carbon Monoxide (22.68 lb/hr max)	~141.68 lb/hr	Boiler Startup.	
X.				1.26.2009 (2 hrs)		~141.68 lb/hr	Boiler Startup.	
Y.	No. 6 Boiler EQT162		1.20.2009 (13 hrs)	Carbon Monoxide (24.95 lb/hr max)	~402.95 lb/hr	Boiler Startup.		
Z.	No. 3 Boiler EQT161		3.16.2009 (2 hrs)	Carbon Monoxide (22.68 lb/hr max)	~141.68 lb/hr	Boiler Shutdown.		
AA.	Utilities Boilers No. 3 and No. 6 General XI Report (6.30.2009)		No. 6 Boiler EQT162	3.10.2009 (2 hrs)	Carbon Monoxide (24.95 lb/hr max)	~402.95 lb/hr	Boiler operated at idle conditions.	
BB.				3.11.2009 (2 hrs)		~402.95 lb/hr	Boiler operated at idle conditions.	
CC.				3.13.2009 (4 hrs)		~402.95 lb/hr	Boiler operated at idle conditions.	
DD.				3.14.2009 (2 hrs)		~402.95 lb/hr	Boiler operated at idle conditions.	
EE.				3.16.2009 (8 hrs)		~402.95 lb/hr	Boiler operated at idle conditions.	
FF.				3.17.2009 (143 hrs)		~402.95 lb/hr	Boiler operated at idle conditions.	
GG.	Utilities Boilers No. 3 and No. 6 General		No. 6 Boiler EQT162	4.4.2009 (15 hr)	Carbon Monoxide	~402.95 lb/hr	Boiler startup.	



HH.	XI Report (9.30.2009)		No. 3 Boiler EQT161	4.17.2009 (1 hr)	(24.95 lb/hr max)	~141.68 lb/hr	Boiler startup.	
II.				5.7.2009 (1 hrs)	Carbon Monoxide (22.68 lb/hr max)		Waste fuel change.	
JJ.				5.13.2009 (1 hr)			Boiler shutdown.	
KK.	Utilities Plant General Condition R.3 (6.30.2008)	2265-V4	Cogeneration Unit 2 4-97	1.3.2008 (1 hour)	NO <sub>x</sub> (80 lbs/hr max)	*not provided	A fuse on electric heat tracing tape blew during energizing. The steam injection control valve partially closed allowing NO <sub>x</sub> to increase above permitted limits.	LAC 33:III.501.C.4 Emission Limit Table 40 CFR 52(aa)(14)(ii)
LL.	2009 Second Semiannual Monitoring Report (3.26.2010)	2265-V5	Co- generation Unit No.1 EQT317	1.12.2009 (9 hours)	NO <sub>x</sub> (75ppm)	*not provided	Loss of Steam Injection due to transmitter malfunction.	LAC 33:III.501.C.4 40 CFR 60.332(a)(1)
MM.	General Condition XI.D Report (9.30.2010)	2459-V3	EO Flare EQT 053	5.28.2010 (33 mins)	Ethylene Oxide (0.20 lb/hr)	.43 lb/hr	After a site-wide power outage the instrument air pressure at the flare vent scrubber tower was lost. During repressurization, the signal transducer malfunctioned and caused the valve to remain open.	LAC 33:III.501.C.4

Each emission exceedance of each pollutant is a violation of: the applicable permit, any associated permit requirements and/or regulations listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and (2).

The Respondent reported the following violation from fugitive emission requirements:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	POLLUTANTS INVOLVED	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
A.	EO/EG Plant 2008 First Quarter General Condition R.3 Report (6.30.2008)	2459-V3A	EO/EG/ Gas Additive Fugitives FUG 4	1.1.2008- 2.3.2008 (32 days)	Ethylene VOC	Spare parts became unavailable during shutdown and the repair of GB-8170 was delayed.	Specific Requirement 176 40 CFR 63.171(a)
B.	Consolidated 2010 First Semiannual Monitoring Report (9.30.2010)	2459-V4		3.31.2010 - 4.23.2010 (23 days)	Ethylene	Meter was not repaired at the end of the next process unit shutdown due to operator error.	40 CFR 63.171(a) LAC 33:III.905.A

Each failure to meet fugitive emission requirements is a violation of: any associated permit requirements and/or regulations listed above, LAC 33:III.501.C.4, LAC 33:III.2122.C.3,

La. R.S. 30:2057(A)(1) and (2).

The Respondent reported the following recordkeeping deviations:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	RECORD REQUIREMENT	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
A.	Glyoxal Plant 2008 Second Quarter General Condition R.3 Report (9.30.2008)	2094-V1	E-862 CondenserEQT53 2	6.6.2008	record daily average outlet temperature	A misinterpretation of the operating shutdown procedure. The outlet temperature was not recorded.	Specific Condition 209 40 CFR 63.114(b)(2)
B.	Glyoxal Plant 2008 Third Quarter General Condition R.3 Report (12.19.2008)			7.8.2008			
C.				7.16.2008			
D.				7.17.2008			
E.	Consolidated 2009 Second Semiannual Monitoring Report (3.26.2010)	2564-V3	No. 3 Boiler EQT161	8.27.2009	continuously record and calculate MTEC	Programming error caused loss of data.	Specific Requirement 4 40 CFR 63.1207(m)(1)(ii)(c)
F.			No. 6 Boiler EQT162	9.16.2009			Specific Requirement 33 40 CFR 63.1207(m)(1)(ii)(c)
G.			10.7.2009				
H.	2009 First Semiannual Monitoring Report (9.30.2009)	2265-V3	Cogeneration Unit No. 2 EQT 0647	3.9-20.2009 3.30-23.2009	continuously record NOx emissions	The NOx analyzer malfunctioned and was no longer able to retain monitoring data.	Specific Requirement 304 40 CFR 60.48.b(c)

Each failure to maintain the required records is a violation of: the applicable permit, any associated permit requirement listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and (2).

According to the First Semiannual 40 CFR 63 Subpart A&G Report dated August 29, 2009, the Respondent reported that the “Thermal Oxidizer tripped offline due to a faulty flamer scanner. The back up flare also tripped offline due to an instrument malfunction.” However, at the time the event was not covered by the Startup, Shutdown, Malfunction Plan. Although this report is referenced by the 2009 First Semiannual Monitoring Report and 2009 Annual Compliance Certification, the report does not meet the reporting requirements for Semiannual Monitoring Reports and Annual Compliance Certifications.

On July 19-27, 2011, the Department conducted an inspection and subsequent file review of the Facility to determine the degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. The Department noted the following violations:

The Facility failed to maintain the following weekly safety checklist records for safety equipment in the Polyol/CCU Unit:

INSPECTION AREA	MISSING RECORD
Area 1	3 <sup>rd</sup> week of February 2011
	4 <sup>th</sup> week of March 2011
	4 <sup>th</sup> week of May 2011
Area 2	1 <sup>st</sup> week of April 2011
	3 <sup>rd</sup> week of May 2011
Area 3	4 <sup>th</sup> week of January 2011
	1 <sup>st</sup> week of June 2011
	3 <sup>rd</sup> week of June 2011
Area 4	4 <sup>th</sup> week of January 2011
	1 <sup>st</sup> week May 2011
Area 5	3 <sup>rd</sup> week January 2011
	4 <sup>th</sup> week January 2011
	3 <sup>rd</sup> week February 2011
	1 <sup>st</sup> week March 2011

Each failure to maintain the records that document safety inspections conducted to demonstrate compliance with the Facility’s Emergency Response Program developed in accordance with 40 CFR 68.95(a)(2), is a violation of LAC 33:III.5901.A.”

### III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

### IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), of which Seven Thousand Six Hundred Seventy-Six and 09/100 Dollars (\$7,676.09) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

## VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## IX

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

## X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana,

70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

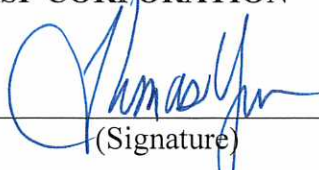
XII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XIII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

**BASF CORPORATION**

BY:   
(Signature)

Thomas Yura  
(Printed)


TITLE: Jr. VP + General Manager

THUS DONE AND SIGNED in duplicate original before me this 30 day of April 30, 20 18, at Geismar, LA.

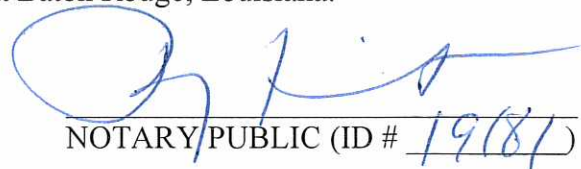
  
NOTARY PUBLIC (ID # 56333)

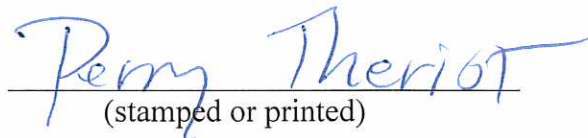
JENNIFER KUNKLE  
NOTARY PUBLIC #56333  
STATE OF LOUISIANA  
PARISH OF ASCENSION  
(stamped or printed)

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Chuck Carr Brown, Ph.D., Secretary

BY:   
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 20th day of July, 20 18, at Baton Rouge, Louisiana.

  
NOTARY PUBLIC (ID # 19181)

  
(stamped or printed)

Approved:   
Lourdes Iturralde, Assistant Secretary