



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 26 2019

REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michele Barney, Site Director
BASF Corporation
120 Pine Street
Elyria, Ohio 44035

Dear Ms. Barney:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves BASF Corporation, Elyria, Ohio, docket no. CAA-05-2019-0011. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on

February 26, 2019.

Pursuant to paragraph 242 of the CAFO, BASF Corporation must pay the civil penalty within 30 days of the filing date. Your check must display the case name and case docket number.

Please direct any questions regarding this case to Kris Vezner, Associate Regional Counsel, 312-886-6827.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens, Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
Kris Vezner/C-14J
Robert Hodanbosi, Ohio Environmental Protection Agency, via email
Tim Fischer, Ohio Environmental Protection Agency, via email
Laura McAfee, Beveridge & Diamond, P.C., via email

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

BASF Corporation
Elyria, Ohio,

Respondent.



Docket No. CAA-05-2019-0011

**Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean Air Act,
42 U.S.C. § 7413(d)**

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is BASF Corporation, a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Pursuant to Section 502(a) of the CAA, 42 U.S.C § 7661a(a), it is unlawful for any person to, among other things, operate a major source subject to Title V of the CAA except in compliance with a Title V permit after the effective date of any permit program approved or promulgated under Title V.

10. EPA first promulgated regulations governing state Title V permit programs on or about July 21, 1992. 57 Fed. Reg. 32295; 40 C.F.R. Part 70.

11. Section 502(a) of the CAA, 42 U.S.C § 7661a(a), provides that after the effective date of any permit program approved or promulgated under Title V of the CAA, it shall be unlawful for any person to violate any requirement of a permit issued under Title V.

12. Failure to comply with any approved regulatory provision of a State Implementation Plan (SIP), or with any permit condition issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, or with any permit limitation or condition in an operating permit issued under an EPA-approved program that is incorporated into the SIP, renders the person so failing to comply in violation of a requirement of an applicable SIP and subject to enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413. 40 C.F.R. § 52.23.

13. On or about April 15, 1974, and on subsequent dates, EPA approved the federally enforceable SIP for the State of Ohio.

14. At all times relevant to this Order, EPA had approved Ohio Administrative Code (OAC) 3745-31 as part of the federally enforceable SIP for the State of Ohio. OAC 3745-31 comprises all or a portion of the CAA permit program approved or promulgated under the CAA for the State of Ohio.

15. At all times relevant to this Order, EPA had approved OAC 3745-31-05 as part of the federally enforceable SIP for the State of Ohio. OAC 3745-31-05 enables the State of Ohio to issue federally-enforceable Permits to Install (PTI) with such terms and conditions as are necessary to ensure compliance with applicable laws and to ensure adequate protection of environmental quality.

16. On or about August 15, 1995, and on subsequent dates, EPA approved OAC 3745-77 as part of the federally enforceable SIP for the State of Ohio. 60 Fed. Reg. 42045. OAC 3745-77 comprises all or a portion of the permit program approved or promulgated under Title V of the CAA for the State of Ohio.

17. Generally, no person may install or modify a new source that will be part of a facility (as OAC 3745-77 defines “facility”) that must obtain a Title V permit under OAC 3745-77, without first obtaining a PTI for that installation or modification from OEPA. OAC 3745-31-02(A)(1)(a).

18. Generally, no person may operate a source that is part of a facility (as OAC 3745-77 defines “facility”) that must obtain a Title V permit under OAC 3745-77, in violation of that facility’s Title V permit. OAC 3745-77-02(A).

19. OAC 3745-31-01(RRRR) defines “person” as including any public or private corporation, individual, partnership or other entity.

20. OAC 3745-77-01(Q) defines a “facility” as all of the emitting activities located on contiguous or adjacent properties that are under the control of the same person or persons or under common control and that are in the same major group as described in the “Standard Industrial Classification Manual”.

21. OAC 3745-31-01(WWW) defines a “new source” as any air contaminant source for which an owner or operator undertakes a continuing program of installation or modification or enters into a binding contractual obligation to undertake and complete, within a reasonable time, a continuing program of installation or modification, after January 1, 1974, and that at the time of installation or modification, would have otherwise been subject to the provisions of OAC Chapter 3745.

22. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), authorizes the Administrator of EPA (the Administrator) to issue an order assessing a civil penalty whenever, among other things, the Administrator finds that any person has violated or is violating a requirement or prohibition of, an applicable SIP, Title V, or any rule or permit promulgated, issued or approved under the CAA.

23. The Administrator may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for CAA violations that occurred after January 12, 2009 through December 6, 2013; up to \$37,500 per day of violation up to a total of \$320,000 for violations that occurred after December 6, 2013 through November 2, 2015; and up to \$46,192 per day of violation with a maximum of \$369,532 for violations that occurred after November 2, 2015, pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

24. Section 113(d)(1) of the CAA limits the Administrator’s authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of

the administrative action, except where the Administrator and Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

25. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this Order.

Factual Allegations and Alleged Violations

26. At all times relevant to this Order, Respondent was a “person” as defined at OAC 3745-31-01(RRRR).

27. At all times relevant to this Order beginning during or before 2009, Respondent owned and operated an industrial inorganic catalyst manufacturing facility at and about 120 Pine Street Elyria, Ohio 44035 (the facility).

28. At all times relevant to this Order, the facility included multiple emitting activities located on contiguous or adjacent properties that were under the control of the same person or persons or under common control and that were in the same major group as described in the “Standard Industrial Classification Manual”.

29. At all times relevant to this Order, the facility was a “facility”, as defined at 3745-77-01(Q).

30. At all times relevant to this Order, OAC 3745-77 required the facility to obtain a Title V permit under OAC 3745-77. OAC 3745-77-02(B).

31. On or about July 27, 2001, Ohio EPA (OEPA) issued a Title V Operating Permit (ID P0085292, hereafter Title V Permit) for the facility pursuant to OAC 3745-77. The requirements of the Title V Permit became effective on or about July 27, 2001.

32. Emissions from the facility's Tunnel Kiln #4 (P005), Copper Calciner #1 (P006), Rotary Calciner #4 (P009), Rotary Calciner #1 (P010), Wyssmont Dryer (P018), PK Blender (P069), CU/CR Strike Tanks (P070), General Catalyst Dryers #2 and #3 (P086), and Copper Calciner #2 (P095) are subject to the requirements set by the Title V Permit. The designations in parentheses in this paragraph appear in the Title V Permit.

33. On or about April 7, 2014, OEPA issued a Permit to Install (ID P0116506) for the General Catalyst Blender (P026) at the facility, pursuant to OAC 3745-31. The requirements of this permit became effective on or about April 7, 2014.

34. On or about October 18, 2001, OEPA issued a Permit to Install (ID P0215619) for the National Dryer (P105) at the facility, pursuant to OAC 3745-31. The requirements of this permit became effective on or about December 18, 2001.

35. On or about June 18, 2014, OEPA issued a Permit to Install (ID P0117027) for the National Dryer (P106) at the facility, pursuant to OAC 3745-31. The requirements of this permit became effective on or about June 18, 2014.

36. On or about February 13, 2015, OEPA issued a Permit to Install (ID P0111903) for the LIB Plant (P129) at the facility, pursuant to OAC 3745-31. The requirements of this permit became effective on or about February 13, 2015.

37. On or about June 23, 2015, OEPA issued a Permit to Install (ID P0115631) for the Copper Tablet Precursor Process (P131) at the facility, pursuant to OAC 3745-31. The requirements of this permit became effective on or about June 23, 2015.

38. On or about September 22, 2017, EPA issued a Notice of Violation/Finding of Violation (NOV/FOV) to Respondent. Among other things, the NOV/FOV alleged that Respondent violated the CAA by failing to comply with the Title V Permit and by Respondent's

improper operation of P026, P105, P106, P129 and P131, from January 1, 2013 to September 7, 2016.

39. On or about November 6, 2017, EPA and Respondent held a conference to discuss the September 22, 2017 NOV/FOV.

Counts 1-4

40. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

41. At all times relevant to this Order, the Title V Permit at p. 21, Section III.A.III.1, required BASF to perform weekly checks, when the emissions unit was in operation and when the weather conditions allowed, for any visible particulate emissions from the stack serving emissions unit P005.

42. Weekly VE checks for the stack serving emissions unit P005 were not performed on the following four dates: 1/1/2013, 1/8/2013, 1/15/2013, 1/22/2013.

43. Each of Respondent's failures to act set forth at paragraph 42, above, violated the Title V Permit.

44. Each of Respondent's failures to act set forth at paragraph 42, above, violated OAC 3745-77-02(A).

45. Each of Respondent's failures to act set forth at paragraph 42, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

46. Each of Respondent's violations of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in these counts subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 5

47. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

48. At all times relevant to this Order, the Title V Permit at p. 21, Section III.A.I.1, required emissions of particulate matter from emissions unit P005 to remain at or below 1.51 lbs/hr.

49. Particulate emissions from emissions unit P005 exceeded 1.51 lbs/hr on 5/31/2014.

50. Respondent's exceedance set forth at paragraph 49, above, violated the Title V Permit.

51. Respondent's exceedance set forth at paragraph 49, above, violated OAC 3745-77-02(A).

52. Respondent's exceedance set forth at paragraph 49, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

53. Respondent's violation of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 6-74

54. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

55. At all times relevant to this Order, the Title V Permit at p. 24, Section III.A.II.2, required the pressure drop across each P006 baghouse to be maintained within the range of 1 to 5 inches of water while emission unit P006 was in operation.

56. The pressure drop across at least one P006 baghouse was outside of the range of 1-5 inches of water during P006 operation on the following 69 dates: 1/8/2013, 1/9/2013, 1/10/2013, 1/11/2013, 1/12/2013, 1/13/2013, 1/14/2013, 1/15/2013, 1/16/2013, 1/17/2013, 1/18/2013, 1/19/2013, 1/20/2013, 1/21/2013, 1/22/2013, 1/23/2013, 1/24/2013, 1/25/2013, 1/26/2013, 1/27/2013, 1/28/2013, 1/29/2013, 1/30/2013, 1/31/2013, 2/1/2013, 2/2/2013, 2/3/2013, 2/4/2013, 2/5/2013, 2/6/2013, 2/7/2013, 2/8/2013, 2/9/2013, 2/10/2013, 2/11/2013, 2/12/2013, 2/13/2013, 2/14/2013, 2/15/2013, 2/16/2013, 2/17/2013, 2/18/2013, 2/25/2013, 2/26/2013, 2/27/2013, 3/4/2013, 3/5/2013, 4/8/2013, 4/11/2013, 4/13/2013, 4/14/2013, 4/15/2013, 4/25/2013, 4/26/2013, 5/1/2013, 5/2/2013, 5/19/2013, 5/20/2013, 5/27/2013, 5/28/2013, 5/29/2013, 5/30/2013, 6/27/2013, 6/28/2013, 1/10/2014, 1/11/2014, 1/12/2014, 4/28/2014, 4/29/2014.

57. Each of Respondent's exceedances set forth at paragraph 56, above, violated the Title V Permit.

58. Each of Respondent's exceedances set forth at paragraph 56, above, violated OAC 3745-77-02(A).

59. Each of Respondent's exceedances set forth at paragraph 56, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

60. Each of Respondent's violations of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 75

61. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

62. At all times relevant to this Order, the Title V Permit at p. 24, Section III.A.III.2, required BASF to record the pressure drop across the P006 baghouse on a daily basis.

63. The pressure drop across the P006 baghouse was not recorded on 1/5/2013.

64. Respondent's failure to act set forth at paragraph 63, above, violated the Title V Permit.

65. Respondent's failure to act set forth at paragraph 63, above, violated OAC 3745-77-02(A).

66. Respondent's failure to act set forth at paragraph 63, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

67. Respondent's violation of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 76-77

68. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

69. At all times relevant to this Order, the Title V Permit at p. 24, Section III.A.I.1, required emissions of particulate matter from emissions unit P006 to remain at or below 1.62 lbs/hr.

70. Particulate emissions from emissions unit P006 exceeded 1.62 lbs/hr on 5/17/2014 and 11/17/2015.

71. Each of Respondent's exceedances set forth at paragraph 70, above, violated the Title V Permit.

72. Each of Respondent's exceedances set forth at paragraph 70, above, violated OAC 3745-77-02(A).

73. Each of Respondent's exceedances set forth at paragraph 70, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

74. Each of Respondent's violations of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 78-117

75. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

76. At all times relevant to this Order, the Title V Permit at p. 27, Section III.A.II.2, required BASF to maintain the pressure drop across the P009 baghouse within the range of 0.3 to 4.5 inches of water while the P009 emissions unit was in operation.

77. The pressure drop across the P009 baghouse was outside of the range of 0.3-4.5 inches of water during P009 operation on the following 40 dates: 1/15/2013, 1/16/2013, 1/28/2013, 1/29/2013, 1/30/2013, 1/31/2013, 2/1/2013, 2/2/2013, 2/3/2013, 2/4/2013, 3/3/2013, 3/9/2013, 3/10/2013, 3/11/2013, 3/12/2013, 3/13/2013, 3/20/2013, 3/21/2013, 3/22/2013, 3/23/2013, 5/15/2013, 5/17/2013, 5/18/2013, 5/19/2013, 5/20/2013, 5/21/2013, 5/22/2013, 5/24/2013, 7/26/2013, 8/1/2013, 8/27/2013, 9/1/2013, 9/5/2013, 9/13/2013, 9/29/2013, 10/6/2013, 10/10/2013, 10/22/2013, 10/25/2013, 11/8/2013.

78. Each of Respondent's exceedances set forth at paragraph 77, above, violated the Title V Permit.

79. Each of Respondent's exceedances set forth at paragraph 77, above, violated OAC 3745-77-02(A).

80. Each of Respondent's exceedances set forth at paragraph 77, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

81. Each of Respondent's violations of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 118

82. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

83. At all times relevant to this Order, the Title V Permit at p. 27, Section III.A.I.1 required emissions of particulate matter from emissions unit P009 to remain at or below 1.62 lbs/hr.

84. Particulate emissions from emissions unit P009 exceeded 1.62 lbs/hr on 4/27/2013.

85. Respondent's exceedance set forth at paragraph 84, above, violated the Title V Permit.

86. Respondent's exceedance set forth at paragraph 84, above, violated OAC 3745-77-02(A).

87. Respondent's exceedance set forth at paragraph 84, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

88. Respondent's violation of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 119-120

89. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

90. At all times relevant to this Order, the Title V Permit at p. 31, Section III.A.I.1, required emissions of particulate matter from emissions unit P010 to remain at or below 1.62 lbs/hr.

91. Particulate emissions from emissions unit P010 exceeded 1.62 lbs/hr on 3/14/2014 and 6/18/2014.

92. Each of Respondent's exceedances set forth at paragraph 91, above, violated the Title V Permit.

93. Each of Respondent's exceedances set forth at paragraph 91, above, violated OAC 3745-77-02(A).

94. Each of Respondent's exceedances set forth at paragraph 91, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

95. Each of Respondent's violations of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an

Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 121-122

96. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

97. At all times relevant to this Order, the Title V Permit at p. 31, Section III.A.I.1, required visible particulate emissions from emissions unit P010 to remain at or below 20% opacity as a six-minute average.

98. Opacity of visible emissions from emissions unit P010 exceeded 20% as a six-minute average on 6/26/13 and 10/11/13.

99. Each of Respondent's exceedances set forth at paragraph 98, above, violated the Title V Permit.

100. Each of Respondent's exceedances set forth at paragraph 98, above, violated OAC 3745-77-02(A).

101. Each of Respondent's exceedances set forth at paragraph 98, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

102. Each of Respondent's violations of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 123

103. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

104. At all times relevant to this Order, the Title V Permit at p. 35, Section III.A.III.1, required BASF to record the pressure drop across the P018 baghouse on a daily basis.

105. The pressure drop across the P018 baghouse was not recorded on 6/7/2014.

106. Respondent's failure to act set forth at paragraph 105, above, violated the Title V Permit.

107. Respondent's failure to act set forth at paragraph 105, above, violated OAC 3745-77-02(A).

108. Respondent's failure to act set forth at paragraph 105, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

109. Respondent's violation of the Title V Permit and of Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 124-125

110. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

111. At all times relevant to this Order, Permit P0116506 at Section C.1.d.3.b required the pressure drop across the second stage of the P026 Tri-Mer caustic scrubber to be maintained within the range of 1 to 5 inches of water while emissions unit P026 was in operation.

112. The pressure drop across the second stage of the P026 Tri-Mer caustic scrubber was outside of the range of 1 to 5 inches of water during P026 operation on 9/24/2015, 9/25/2015.

113. Each of Respondent's exceedances set forth at paragraph 112, above, violated Permit P0116506.

114. Each of Respondent's exceedances set forth at paragraph 112, above, violated 40 C.F.R. § 52.23.

115. Each of Respondent's violations of Permit P0116506 and of 40 C.F.R. § 52.23, set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 126

116. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

117. At all times relevant to this Order, Permit P0116506 at Section C.1.b.1.a required nitrogen oxide emissions from emissions unit P026 to remain at or below 0.95 lbs/hr averaged over each batch.

118. Nitrogen oxide emissions from emissions unit P026 exceeded 0.95 lbs/hr on 11/16/2015.

119. Respondent's exceedance set forth at paragraph 118, above, violated Permit P0116506.

120. Respondent's exceedance set forth at paragraph 118, above, violated 40 C.F.R. § 52.23.

121. Respondent's violation of Permit P0116506 and of 40 C.F.R. § 52.23, set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 127

122. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

123. At all times relevant to this Order, the Title V Permit at p. 87, Section III.A.I.1, required emissions of particulate matter from emissions unit P069 to remain at or below 2.31 lbs/hr.

124. Particulate emissions from emissions unit P069 exceeded 2.31 lbs/hr on 5/27/2014.

125. Respondent's exceedance set forth at paragraph 124, above, violated the Title V Permit.

126. Respondent's exceedance set forth at paragraph 124, above, violated OAC 3745-77-02(A).

127. Respondent's exceedance set forth at paragraph 124, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

128. Respondent's violation of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 128-152

129. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

130. At all times relevant to this Order, the Title V Permit at p. 90, Section III.A.II.1, required the pressure drop across the P070 Interstates Plastics scrubber (model #15) to be

maintained at a value of not less than one inch of water while emissions unit P070 was in operation.

131. The pressure drop across the P070 Interstates Plastics scrubber (model #15) was below 1 inch of water during P070 operation on the following 25 dates: 1/24/2013, 1/25/2013, 3/8/2013, 3/9/2013, 3/16/2013, 3/17/2013, 6/6/2013, 6/7/2013, 6/8/2013, 6/9/2013, 6/10/2013, 6/11/2013, 6/12/2013, 11/2/2013, 11/3/2013, 11/4/2013, 12/11/2013, 12/12/2013, 1/2/2014, 1/7/2014, 1/8/2014, 1/9/2014, 7/31/2014, 8/15/2014, 9/5/2014.

132. Each of Respondent's exceedances set forth at paragraph 131, above, violated the Title V Permit.

133. Each of Respondent's exceedances set forth at paragraph 131, above, violated OAC 3745-77-02(A).

134. Each of Respondent's exceedances set forth at paragraph 131, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

135. Each of Respondent's violations of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 153-160

136. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

137. At all times relevant to this Order, the Title V Permit at p. 90, Section III.A.II.2 required the water flow rate to the P070 Interstates Plastics scrubber to be maintained at a value of not less than 25 gallons per minute while emissions unit P070 was in operation.

138. The water flow rate to the P070 Interstates Plastics scrubber was below 25 gallons per minute during P070 operation on the following eight dates: 6/1/2013, 6/2/2013, 6/11/2013, 10/1/2014, 10/2/2014, 10/18/2014, 10/19/2014, 8/28/2016.

139. Each of Respondent's failures to act set forth at paragraph 138, above, violated the Title V Permit.

140. Each of Respondent's failures to act set forth at paragraph 138, above, violated OAC 3745-77-02(A).

141. Each of Respondent's failures to act set forth at paragraph 138, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

142. Each of Respondent's violations of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 161-169

143. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

144. At all times relevant to this Order, the Title V Permit at p. 90, Section III.A.III.1.a, required BASF to record the pressure drop across the P070 scrubber on a daily basis.

145. The pressure drop across the P070 scrubber was not recorded on the following nine dates: 1/1/2013, 1/4/2013, 1/12/2013, 1/13/2013, 1/20/2013, 1/21/2013, 1/29/2013, 2/17/2013, 9/13/2013.

146. Each of Respondent's failures to act set forth at paragraph 145, above, violated the Title V Permit.

147. Each of Respondent's failures to act set forth at paragraph 145, above, violated OAC 3745-77-02(A).

148. Each of Respondent's failures to act set forth at paragraph 145, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

149. Each of Respondent's violations of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 170-178

150. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

151. At all times relevant to this Order, the Title V Permit at p. 90, Section III.A.III.1.b, required BASF to record the P070 scrubber water flow rate on a daily basis.

152. The P070 scrubber flow rate was not recorded on the following nine dates: 1/1/2013, 1/4/2013, 1/12/2013, 1/13/2013, 1/20/2013, 1/21/2013, 1/29/2013, 2/17/2013, 9/13/2013.

153. Each of Respondent's failures to act set forth at paragraph 152, above, violated the Title V Permit.

154. Each of Respondent's failures to act set forth at paragraph 152, above, violated OAC 3745-77-02(A).

155. Each of Respondent's failures to act set forth at paragraph 152, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

156. Each of Respondent's violations of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 179

157. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

158. At all times relevant to this Order, the Title V Permit at p. 90, Section III.A.I.1, required visible particulate emissions from emissions unit P070 to remain at or below 20% opacity as a six-minute average.

159. Opacity of visible emissions from emissions unit P070 exceeded 20% as a six-minute average on 7/16/2014.

160. Respondent's exceedance set forth at paragraph 159, above, violated the Title V Permit.

161. Respondent's exceedance set forth at paragraph 159, above, violated OAC 3745-77-02(A).

162. Respondent's exceedance set forth at paragraph 159, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

163. Respondent's violation of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the

issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 180-274

164. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

165. At all times relevant to this Order, the Title V Permit at p. 103, Section III.A.II.1.a, required the pressure drop across each P086 scrubber to be maintained at a value of not less than one inch of water while emission unit P086 was in operation.

166. The pressure drop across one or more P086 scrubbers was less than one inch of water during P086 operation on the following 95 dates: 1/11/2013, 1/12/2013, 1/13/2013, 1/17/2013, 1/23/2013, 1/24/2013, 1/25/2013, 1/26/2013, 1/27/2013, 1/28/2013, 1/29/2013, 1/30/2013, 1/31/2013, 2/6/2013, 2/7/2013, 2/8/2013, 2/9/2013, 2/10/2013, 2/11/2013, 2/12/2013, 2/13/2013, 2/14/2013, 2/15/2013, 2/23/2013, 2/24/2013, 2/25/2013, 2/26/2013, 3/2/2013, 3/3/2013, 3/4/2013, 3/5/2013, 3/6/2013, 3/7/2013, 3/8/2013, 3/9/2013, 3/10/2013, 3/11/2013, 3/12/2013, 3/13/2013, 3/14/2013, 3/15/2013, 3/16/2013, 3/17/2013, 3/18/2013, 3/19/2013, 3/20/2013, 3/21/2013, 3/22/2013, 3/23/2013, 3/24/2013, 3/25/2013, 3/26/2013, 3/27/2013, 3/28/2013, 3/29/2013, 3/30/2013, 4/3/2013, 4/6/2013, 4/7/2013, 5/19/2013, 5/21/2013, 5/22/2013, 6/15/2013, 6/16/2013, 6/17/2013, 6/18/2013, 6/19/2013, 6/20/2013, 6/21/2013, 7/18/2013, 7/23/2013, 7/31/2013, 8/6/2013, 8/7/2013, 8/8/2013, 7/21/2014, 7/22/2014, 8/18/2014, 8/19/2014, 8/25/2014, 8/26/2014, 8/27/2014, 8/28/2014, 10/1/2014, 11/2/2014, 11/3/2014, 11/4/2014, 11/5/2014, 11/10/2014, 11/11/2014, 11/12/2014, 11/13/2014, 11/14/2014, 11/15/2014, 12/31/2014.

167. Each of Respondent's deviations set forth at paragraph 166, above, violated the Title V Permit.

168. Each of Respondent's exceedances set forth at paragraph 166, above, violated OAC 3745-77-02(A).

169. Each of Respondent's exceedances set forth at paragraph 166, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

170. Each of Respondent's violations of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 275-338

171. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

172. At all times relevant to this Order, the Title V Permit at p. 103, Section III.A.II.1.b, required the water flow rate to each P086 scrubber to be maintained at a value of not less than 2 gallons per minute while emissions unit P086 was in operation.

173. The water flow rate to one or more P086 scrubbers was below 2 gallons per minute during P086 operation on the following 64 dates: 7/31/2013, 9/9/2013, 9/10/2013, 9/11/2013, 9/20/2013, 9/27/2013, 9/29/2013, 11/17/2013, 11/19/2013, 11/22/2013, 12/14/2013, 12/17/2013, 12/20/2013, 1/5/2014, 1/11/2014, 1/27/2014, 1/28/2014, 1/29/2014, 1/30/2014, 1/31/2014, 2/12/2014, 2/14/2014, 4/6/2014, 4/7/2014, 4/8/2014, 5/9/2014, 5/20/2014, 5/21/2014, 5/22/2014, 5/23/2014, 5/24/2014, 5/25/2014, 5/26/2014, 5/27/2014, 5/28/2014, 5/29/2014, 5/30/2014, 5/31/2014, 6/1/2014, 6/4/2014, 6/5/2014, 6/6/2014, 6/16/2014, 6/17/2014, 8/1/2014,

8/2/2014, 8/11/2014, 8/12/2014, 8/13/2014, 8/14/2014, 8/15/2014, 8/16/2014, 8/17/2014, 8/18/2014, 8/19/2014, 8/20/2014, 8/21/2014, 8/22/2014, 8/23/2014, 8/24/2014, 8/26/2014, 9/9/2014, 9/20/2014, 12/14/2014.

174. Each of Respondent's failures to act set forth at paragraph 173, above, violated the Title V Permit.

175. Each of Respondent's failures to act set forth at paragraph 173, above, violated OAC 3745-77-02(A).

176. Each of Respondent's failures to act set forth at paragraph 173, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

177. Each of Respondent's violations of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 339-346

178. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

179. At all times relevant to this Order, the Title V Permit at p. 104, Section III.A.III.1.a, required BASF to record the pressure drop across each P086 scrubber on a daily basis.

180. The pressure drop across one or more P086 scrubbers was not recorded on the following eight dates: 1/10/2013, 8/19/2013, 8/20/2013, 8/21/2013, 8/22/2013, 8/23/2013, 8/24/2013, 8/25/2013.

181. Each of Respondent's failures to act set forth at paragraph 180, above, violated the Title V Permit.

182. Each of Respondent's failures to act set forth at paragraph 180, above, violated OAC 3745-77-02(A).

183. Each of Respondent's failures to act set forth at paragraph 180, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

184. Each of Respondent's violations of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 347-354

185. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

186. At all times relevant to this Order, the Title V Permit at p. 104, Section III.A.III.1.b, required BASF to record the water flow rate to the P086 scrubbers on a daily basis while emissions unit P086 was in operation.

187. The pressure drop across the P086 scrubbers was not recorded during P086 operation on the following eight dates: 1/10/2013, 8/19/2013, 8/20/2013, 8/21/2013, 8/22/2013, 8/23/2013, 8/24/2013, 8/25/2013.

188. Each of Respondent's failures to act set forth at paragraph 187, above, violated the Title V Permit.

189. Each of Respondent's failures to act set forth at paragraph 187, above, violated OAC 3745-77-02(A).

190. Each of Respondent's failures to act set forth at paragraph 187, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

191. Each of Respondent's violations of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 355-498

192. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

193. At all times relevant to this Order, the Title V Permit at p. 112, Section III.A.II.1, required the pressure drop across each P095 fabric filter baghouse to be maintained within the range of 1 to 6 inches of water while emission unit P095 was in operation.

194. The pressure drop across at least one P095 baghouse was outside of the range of 1-6 inches of water during P095 operation on 144 occasions on the following dates: 1/2/2013, 1/3/2013, 1/3/2013, 1/4/2013, 1/4/2013, 1/5/2013, 1/6/2013, 1/7/2013, 1/7/2013, 1/8/2013, 1/9/2013, 1/9/2013, 1/10/2013, 1/11/2013, 1/11/2013, 1/12/2013, 1/13/2013, 1/14/2013, 1/15/2013, 1/16/2013, 1/17/2013, 1/18/2013, 1/19/2013, 1/20/2013, 1/21/2013, 1/22/2013, 1/23/2013, 1/24/2013, 1/25/2013, 1/25/2013, 1/26/2013, 1/26/2013, 1/27/2013, 1/27/2013, 1/28/2013, 1/28/2013, 1/29/2013, 1/29/2013, 1/30/2013, 1/30/2013, 1/31/2013, 1/31/2013, 2/1/2013, 2/1/2013, 2/2/2013, 2/2/2013, 2/3/2013, 2/3/2013, 2/4/2013, 2/4/2013, 2/5/2013, 2/5/2013, 2/6/2013, 2/6/2013, 2/7/2013, 2/7/2013, 2/8/2013, 2/8/2013, 2/9/2013, 2/9/2013, 2/10/2013, 2/10/2013, 2/10/2013, 2/11/2013, 2/11/2013, 2/12/2013, 2/12/2013, 2/13/2013, 2/13/2013, 2/13/2013, 2/14/2013, 2/14/2013, 2/15/2013, 2/15/2013, 2/16/2013, 2/16/2013,

2/16/2013, 2/17/2013, 2/17/2013, 2/18/2013, 2/26/2013, 2/27/2013, 2/28/2013, 2/29/2013,
3/1/2013, 3/7/2013, 3/8/2013, 3/9/2013, 3/10/2013, 3/17/2013, 3/18/2013, 3/19/2013, 3/20/2013,
3/21/2013, 3/22/2013, 3/23/2013, 3/24/2013, 3/25/2013, 3/26/2013, 3/27/2013, 3/28/2013,
3/29/2013, 3/30/2013, 3/31/2013, 4/1/2013, 4/1/2013, 4/2/2013, 4/2/2013, 4/4/2013, 4/4/2013,
4/5/2013, 4/6/2013, 4/7/2013, 4/8/2013, 4/8/2013, 4/10/2013, 4/10/2013, 4/11/2013, 4/12/2013,
4/12/2013, 4/13/2013, 4/14/2013, 4/14/2013, 5/5/2013, 5/18/2013, 6/17/2013, 6/17/2013,
6/18/2013, 6/25/2013, 6/26/2013, 6/27/2013, 6/28/2013, 1/3/2014, 1/4/2014, 3/4/2014, 3/5/2014,
3/6/2014, 3/10/2014, 6/11/2014, 10/15/2014, 10/16/2014, 10/18/2014, 11/3/2014, 11/4/2014.

195. Each of Respondent's exceedances set forth at paragraph 194, above, violated the Title V Permit.

196. Each of Respondent's exceedances set forth at paragraph 194, above, violated OAC 3745-77-02(A).

197. Each of Respondent's exceedances set forth at paragraph 194, above, violated Section 502(a) of the CAA, 42 U.S.C § 7661a(a).

198. Each of Respondent's violations of the Title V Permit, OAC 3745-77-02(A) and Section 502(a) of the CAA, 42 U.S.C § 7661a(a), set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 499--501

199. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

200. At all times relevant to this Order, Permit P0215619 at Section III.A.II.1 required the pressure drop across the P105 baghouse to be maintained within the range of 1 to 4 inches of water while emission unit P105 was in operation.

201. The pressure drop across the P105 baghouse was outside of the range of 1 to 4 inches of water during P105 operation on the following three dates: 1/29/2014, 1/30/2014, 4/27/2014.

202. Each of Respondent's exceedances set forth at paragraph 201, above, violated Permit P0215619.

203. Each of Respondent's exceedances set forth at paragraph 201, above, violated 40 C.F.R. § 52.23.

204. Each of Respondent's violations of Permit P0215619 and 40 C.F.R. § 52.23, set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 502-504

205. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

206. At all times relevant to this Order, Permit P0117027 at Section C.1.d.2 required BASF to record the pressure drop across the P106 baghouse on a daily basis.

207. The pressure drop across the P106 baghouse was not recorded on the following three dates: 6/27/2015, 6/28/2015, 6/29/2015.

208. Each of Respondent's failures set forth at paragraph 207, above, violated Permit P0117027.

209. Each of Respondent's failures set forth at paragraph 207, above, violated 40 C.F.R. § 52.23.

210. Each of Respondent's violations of Permit P0117027 and 40 C.F.R. § 52.23, set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 505-518

211. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

212. At all times relevant to this Order, Permit P0117027 at Section C.1.c.1 required the pressure drop across the P106 baghouse to be maintained within the range of 1 to 4 inches of water while emission unit P106 was in operation.

213. The pressure drop across the P106 baghouse was outside of the range of 1 to 4 inches of water during P106 operation on the following 14 dates: 7/20/2014, 11/19/2014, 11/20/2014, 1/10/2015, 1/11/2015, 1/21/2015, 3/27/2015, 3/28/2015, 3/29/2015, 3/30/2015, 3/31/2015, 4/2/2015, 4/3/2015, 4/4/2015.

214. Each of Respondent's exceedances set forth at paragraph 213, above, violated Permit P0117027.

215. Each of Respondent's exceedances set forth at paragraph 213, above, violated 40 C.F.R. § 52.23.

216. Each of Respondent's violations of Permit P0117027 and 40 C.F.R. § 52.23, set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 519-532

217. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

218. At all times relevant to this Order, Permit P0111903 at Section B.4.b required there to be no visible emissions of fugitive, hazardous air pollutant (HAP)-containing dust emitted from the operations that process HAP-containing materials and the area in the vicinity of the capture systems serving emissions unit P129.

219. Visible particulate emissions were observed from emissions unit P129 on the following 14 dates: 2/26/2015, 3/9/2015, 4/3/2015, 5/17/2015, 7/20/2015, 7/22/2015, 7/27/2015, 7/27/2015, 8/14/2015, 10/11/2015, 10/12/2015, 2/1/2016, 2/10/2016, 9/7/2016.

220. Each of Respondent's exceedances set forth at paragraph 219, above, violated Permit P0111903.

221. Each of Respondent's exceedances set forth at paragraph 219, above, violated 40 C.F.R. § 52.23.

222. Each of Respondent's violations of Permit P0111903 and 40 C.F.R. § 52.23, set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 533-537

223. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

224. At all times relevant to this Order, Permit P0111903 at Section C.1.d.3 required the pressure drop across each P129 primary control device filter to be based upon the manufacturer's specifications.

225. The pressure drop across at least one P129 primary control device filter was outside of the manufacturer's specified range on the following five dates: 4/9/2015, 7/20/2015, 7/22/2015, 7/27/2015, 8/9/2015.

226. Each of Respondent's exceedances set forth at paragraph 225, above, violated Permit P0111903.

227. Each of Respondent's exceedances set forth at paragraph 225, above, violated 40 C.F.R. § 52.23.

228. Each of Respondent's violations of Permit P0111903 and 40 C.F.R. § 52.23, set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Counts 538-554

229. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

230. At all times relevant to this Order, Permit P0115631 at Section C.3.d.3.b required the pressure drop across the P131 DC-10-01 Donaldson Torit Model DFT 3-6 cartridge filter to be no less than one inch of water.

231. The pressure drop across the P131 DC-10-01 Donaldson Torit Model DFT 3-6 cartridge filter exceeded one inch of water on the following 17 dates: 7/27/2015, 7/30/2015, 7/31/2015, 8/1/2015, 8/2/2015, 8/3/2015, 8/4/2015, 8/5/2015, 8/6/2015, 8/7/2015, 8/8/2015, 8/9/2015, 8/10/2015, 8/13/2015, 8/14/2015, 8/15/2015, 8/16/2015.

232. Each of Respondent's exceedances set forth at paragraph 231, above, violated Permit P0115631.

233. Each of Respondent's exceedances set forth at paragraph 231, above, violated 40 C.F.R. § 52.23.

234. Each of Respondent's violations of Permit P0115631 and 40 C.F.R. § 52.23, set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Count 555-611

235. Complainant incorporates paragraphs 1 through 39 of this Order, as if set forth in this paragraph.

236. At all times relevant to this Order, Permit P0115631 at Section C.3.d required BASF to record certain control equipment parameters for emissions unit P131 on a daily basis.

237. 57 records of control equipment parameters are missing from 7/13/15 to 10/4/15.

238. Each of Respondent's failures set forth at paragraph 237, above, violated Permit P0115631.

239. Each of Respondent's failures set forth at paragraph 237, above, violated 40 C.F.R. § 52.23.

240. Each of Respondent's violations of Permit P0115631 and 40 C.F.R. § 52.23, set forth in this count subjects Respondent to the issuance of an Administrative Order assessing a civil penalty under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1).

Civil Penalty

241. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and the facts of this case, Complainant has determined that an appropriate civil penalty to settle this action is \$257,950.

242. Within 30 days after the effective date of this CAFO, Respondent must pay a \$257,950 civil penalty by one of the following methods:

1) For checks sent by regular U.S. Postal Service mail: send a cashier's or certified check noted with Respondent's name and the docket number of this CAFO, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

2) For checks sent by express mail (non-U.S. Postal Service, which won't deliver mail to P.O. Boxes): send a cashier's or certified check noted with Respondent's name and the docket number of this CAFO, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

243. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Attn: Compliance Tracker (AE-18J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Kris Vezner (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

244. This civil penalty is not deductible for federal tax purposes.

245. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

246. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

247. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

248. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

249. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 247, above,

compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

250. Respondent certifies, based on reasonable inquiry, that as of June 30, 2018, it is in compliance at the facility with the Clean Air Act, the Ohio SIP, and all applicable air permits, except for any deviations reported to EPA and/or Ohio EPA in writing on or before the date of Respondent's execution of this CAFO, such as in the facility's semi-annual deviation reports or immediate malfunction reports.

251. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

252. The terms of this CAFO bind Respondent, its successors and assigns.

253. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

254. Each party agrees to bear its own costs and attorneys fees in this action.

255. This CAFO constitutes the entire agreement between the parties.


BASF Corporation, Respondent

12/21/18
Date

Michele Barney
Michele Barney
Site Director
BASF Corporation

United States Environmental Protection Agency, Complainant

2/19/19
Date



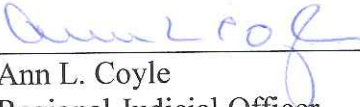
Edward Nam
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: BASF Corporation, Elyria, Ohio
Docket No. CAA-05-2019-0011

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

2/26/19
Date


Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the matter of: BASF Corporation, Elyria, Ohio
Docket Number: CAA-05-2019-0011

CERTIFICATE OF SERVICE

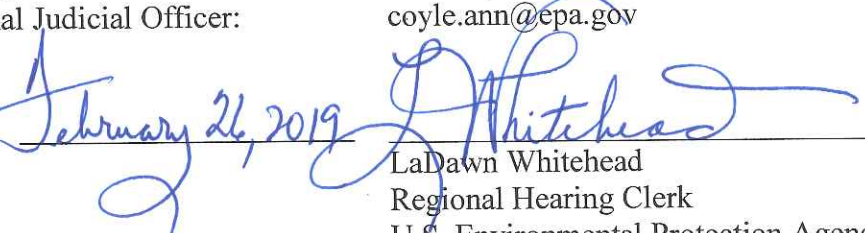
I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number CAA-05-2019-0011, which was filed on February 26, 2019, in the following manner to the following addressees:

Copy by Certified Mail to Respondent: Michele Barney
BASF Corporation
120 Pine Street
Elyria, Ohio 44035

Copy by E-mail to Attorney for Complainant: Kris Vezner
Vezner.Kris@epa.gov

Copy by E-mail to Attorney for Respondent: Laura McAfee
LMcAfee@bdlaw.com

Copy by E-mail to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: February 26, 2019

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): 7011 1150 0000 2643 7664