

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-0427-AIR-E **TCEQ ID:** RN100218247 **CASE NO.:** 37369
RESPONDENT NAME: Albemarle Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Albemarle Houston Plant, 2500 North South Street, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-0687-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 14, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Charles Seaton, Environmental Supervisor, Albemarle Corporation, 2500 North South Street, Pasadena, Texas 77503 Mr. J. Michael Brown, Plant Manager, Albemarle Corporation, 2500 North South Street, Pasadena, Texas 77503 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 26, 2009</p> <p>Date of NOV/NOE Relating to this Case: March 10, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to maintain the HB-2 Dry Flare, Unit ID B-D-O, above the minimum net heating value of 300 British Thermal Units per standard cubic feet ("BTU/scf"). Specifically, between February 1, 2006 through August 19, 2006, the net heating value was below the required 300 BTU/scf for 2,818 hours, and between August 22, 2007 and March 5, 2008 for 12 hours [30 TEX. ADMIN. CODE §§ 115.722(d) and 116.115(c), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(3)(ii), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 48710, Special Condition No. 8(A), Air Permit No. 2101, Special Condition No. 5(A), Air Permit No. 48576, Special Condition No. 7, and Air Permit No. 77644, Special Condition No. 3(A)].</p> <p>2) Failure to report all deviations in a semi-annual deviation report. Specifically, two deviations that should have been reported in the semi-annual deviation report dated September 19, 2006 were not reported until March 17, 2008 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit O-02310, General Terms and Conditions].</p>	<p>Total Assessed: \$20,989</p> <p>Total Deferred: \$4,197 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$16,792</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Adjusted the natural gas addition system to maintain the HB-2 Dry Flare, Unit ID B-D-O above the minimum net heating value, and confirmed compliance on March 17, 2008 and September 10, 2008; and</p> <p>b. Reported the two deviations that should have been reported in the semi-annual deviation report dated September 19, 2006 on March 17, 2008.</p>

Additional ID No(s): HG0225N



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Mar-2009	Screening	25-Mar-2009	EPA Due	
	PCW	14-Apr-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Albermarle Corporation
Reg. Ent. Ref. No.	RN100218247
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37369	No. of Violations	2
Docket No.	2009-0427-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 25-Mar-2009

Docket No. 2009-0427-AIR-E

PCW

Respondent Albemarle Corporation

Policy Revision 2 (September 2002)

Case ID No. 37369

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218247

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 64%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhanced due to one NOV for a same or similar violation, eight NOV's for unrelated violations, one agreed order containing a denial of liability and one agreed order without denial of liability. Penalty reduced due to two notice of audits submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 64%

Screening Date 25-Mar-2009	Docket No. 2009-0427-AIR-E	PCW														
Respondent Albermarle Corporation		<i>Policy Revision 2 (September 2002)</i>														
Case ID No. 37369		<i>PCW Revision October 30, 2008</i>														
Reg. Ent. Reference No. RN100218247																
Media [Statute] Air																
Enf. Coordinator Roshondra Lowe																
Violation Number <input type="text" value="1"/>																
Rule Cite(s)	30 Tex. Admin. Code §§ 115.722(d) and 116.115(c), 40 Code of Federal Regulations § 60.18(c)(3)(ii), Tex. Health & Safety Code § 382.085(b), Air Permit No. 48710, Special Condition No. 8(A), Air Permit No. 2101, Special Condition No. 5(A), Air Permit No. 48576, Special Condition No. 7 and Air Permit No. 77644, Special Condition No. 3(A)															
Violation Description	Failed to maintain the HB-2 Dry Flare, Unit ID B-D-O, above the minimum net heating value of 300 British Thermal Units per standard cubic feet ("BTU/scf"). Specifically, between February 1, 2006 through August 19, 2006, the net heating value was below the required 300 BTU/scf for 2,818 hours, and between August 22, 2007 and March 5, 2008 for 12 hours.															
	Base Penalty	<input type="text" value="\$10,000"/>														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release Major Moderate Minor															
	Actual <input type="text"/> <input type="text"/> <input type="text"/>															
	Potential <input type="text"/> <input type="text" value="x"/> <input type="text"/>	Percent <input type="text" value="25%"/>														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="0%"/>														
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area will or could be exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.															
	Adjustment	<input type="text" value="\$7,500"/>														
		<input type="text" value="\$2,500"/>														
Violation Events																
	Number of Violation Events <input type="text" value="6"/>	<input type="text" value="204"/> Number of violation days														
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text" value="x"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text" value="x"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$15,000"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text" value="x"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
	Six quarterly events are recommended based on the periods of February 1, 2006 through August 19, 2006 and August 22, 2007 through March 5, 2008 when the violations occurred.															
Good Faith Efforts to Comply	<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$3,750"/>														
	Before NOV NOV to EDPRP/Settlement Offer															
	Extraordinary <input type="text"/>															
	Ordinary <input type="text" value="x"/>															
	N/A <input type="text"/> (mark with x)															
Notes	Compliance was confirmed on March 17, 2008 and September 10, 2008, prior to the March 10, 2009 NOE.															
	Violation Subtotal	<input type="text" value="\$11,250"/>														
Economic Benefit (EB) for this violation																
	Estimated EB Amount <input type="text" value="\$238"/>	Violation Final Penalty Total <input type="text" value="\$20,850"/>														
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$20,850"/>															

Economic Benefit Worksheet

Respondent Albermarle Corporation
Case ID No. 37369
Reg. Ent. Reference No. RN100218247
Media Air-
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Feb-2006	17-Mar-2008	2.12	\$159	n/a	\$159
Other (as needed)	\$1,500	22-Aug-2007	10-Sep-2008	1.05	\$79	n/a	\$79

Notes for DELAYED costs

Estimated cost to adjust the natural gas addition system to maintain the HB-2 Dry Flare, Unit ID B-D-O above the minimum net heating value. The dates required are the begin dates of the violations. The final dates are based on the date compliance was reported.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$238

Screening Date 25-Mar-2009	Docket No. 2009-0427-AIR-E	PCW			
Respondent Albemarle Corporation	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 37369	<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN100218247					
Media [Statute] Air					
Enf. Coordinator Roshondra Lowe					
Violation Number 2					
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b) and Federal Operating Permit O-02310, General Terms and Conditions				
Violation Description	Failed to report all deviations in a semi-annual deviation report. Specifically, two deviations that should have been reported in the semi-annual deviation report dated September 19, 2006 were not reported until March 17, 2008.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
		Percent	0%		
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
		Percent	1%		
Matrix Notes	Approximately 30% of the rule requirement was not met.				
		Adjustment	\$9,900		
					\$100
Violation Events					
		Number of Violation Events	1	Number of violation days	1
<small>mark only one with an x</small>	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>			
		Violation Base Penalty	\$100		
One single event is recommended for one report which did not contain all deviations.					
Good Faith Efforts to Comply		25.0% Reduction		\$25	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>			
N/A	<small>(mark with x)</small>				
Notes	Compliance was achieved on March 17, 2008, prior to the March 10, 2009 NOE.				
		Violation Subtotal	\$75		
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$37	Violation Final Penalty Total	\$139	
			This violation Final Assessed Penalty (adjusted for limits)	\$139	

Economic Benefit Worksheet

Respondent Albermarle Corporation
Case ID No. 37369
Reg. Ent. Reference No. RN100218247
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	19-Sep-2006	17-Mar-2008	1.49	\$37	n/a	\$37

Notes for DELAYED costs Estimated cost to ensure reporting of all deviations on semi-annual deviation reports. The date required is the date the deficient semi-annual deviation report was submitted. The final date is the date the deviations were reported.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**

\$500		\$37
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN600129589 Albemarle Corporation	Classification: AVERAGE	Rating: 5.05
Regulated Entity:	RN100218247 ALBEMARLE HOUSTON PLANT	Classification: AVERAGE	Site Rating: 1.20

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0225N
	AIR OPERATING PERMITS	PERMIT	1537
	AIR OPERATING PERMITS	PERMIT	2283
	AIR OPERATING PERMITS	PERMIT	2284
	AIR OPERATING PERMITS	PERMIT	2285
	AIR OPERATING PERMITS	PERMIT	2310
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000004986
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	83328
	WASTEWATER	PERMIT	WQ0000492000
	WASTEWATER	PERMIT	TPDES0004731
	WASTEWATER	PERMIT	TX0004731
	AIR NEW SOURCE PERMITS	PERMIT	48576
	AIR NEW SOURCE PERMITS	PERMIT	13055
	AIR NEW SOURCE PERMITS	PERMIT	18114
	AIR NEW SOURCE PERMITS	PERMIT	22650
	AIR NEW SOURCE PERMITS	PERMIT	26930
	AIR NEW SOURCE PERMITS	PERMIT	29614
	AIR NEW SOURCE PERMITS	PERMIT	38662
	AIR NEW SOURCE PERMITS	PERMIT	41176
	AIR NEW SOURCE PERMITS	PERMIT	41510
	AIR NEW SOURCE PERMITS	PERMIT	43083
	AIR NEW SOURCE PERMITS	PERMIT	44004
	AIR NEW SOURCE PERMITS	PERMIT	44510
	AIR NEW SOURCE PERMITS	PERMIT	44466
	AIR NEW SOURCE PERMITS	PERMIT	45370
	AIR NEW SOURCE PERMITS	PERMIT	45857
	AIR NEW SOURCE PERMITS	PERMIT	46167
	AIR NEW SOURCE PERMITS	PERMIT	46836
	AIR NEW SOURCE PERMITS	PERMIT	47703
	AIR NEW SOURCE PERMITS	PERMIT	48710
	AIR NEW SOURCE PERMITS	PERMIT	49298
	AIR NEW SOURCE PERMITS	PERMIT	50163
	AIR NEW SOURCE PERMITS	PERMIT	50112
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0225N
	AIR NEW SOURCE PERMITS	PERMIT	69A
	AIR NEW SOURCE PERMITS	PERMIT	69C
	AIR NEW SOURCE PERMITS	PERMIT	734
	AIR NEW SOURCE PERMITS	PERMIT	2036
	AIR NEW SOURCE PERMITS	PERMIT	2101
	AIR NEW SOURCE PERMITS	PERMIT	3962
	AIR NEW SOURCE PERMITS	PERMIT	4814A
	AIR NEW SOURCE PERMITS	PERMIT	6267
	AIR NEW SOURCE PERMITS	PERMIT	6268
	AIR NEW SOURCE PERMITS	PERMIT	6598
	AIR NEW SOURCE PERMITS	PERMIT	6599
	AIR NEW SOURCE PERMITS	PERMIT	7751
	AIR NEW SOURCE PERMITS	PERMIT	8327
	AIR NEW SOURCE PERMITS	PERMIT	10260
	AIR NEW SOURCE PERMITS	REGISTRATION	72099
	AIR NEW SOURCE PERMITS	REGISTRATION	71918
	AIR NEW SOURCE PERMITS	PERMIT	53311
	AIR NEW SOURCE PERMITS	REGISTRATION	55200
	AIR NEW SOURCE PERMITS	REGISTRATION	54904
	AIR NEW SOURCE PERMITS	REGISTRATION	75627
	AIR NEW SOURCE PERMITS	AFS NUM	4820100015
	AIR NEW SOURCE PERMITS	REGISTRATION	56786
	AIR NEW SOURCE PERMITS	REGISTRATION	56177

AIR NEW SOURCE PERMITS	PERMIT	71045
AIR NEW SOURCE PERMITS	REGISTRATION	71550
AIR NEW SOURCE PERMITS	PERMIT	50606
AIR NEW SOURCE PERMITS	PERMIT	53546
AIR NEW SOURCE PERMITS	PERMIT	52999
AIR NEW SOURCE PERMITS	REGISTRATION	72203
AIR NEW SOURCE PERMITS	PERMIT	54638
AIR NEW SOURCE PERMITS	PERMIT	52809
AIR NEW SOURCE PERMITS	PERMIT	54215
AIR NEW SOURCE PERMITS	PERMIT	53312
AIR NEW SOURCE PERMITS	PERMIT	52405
AIR NEW SOURCE PERMITS	PERMIT	53817
AIR NEW SOURCE PERMITS	PERMIT	54708
AIR NEW SOURCE PERMITS	PERMIT	73012
AIR NEW SOURCE PERMITS	PERMIT	52060
AIR NEW SOURCE PERMITS	REGISTRATION	73127
AIR NEW SOURCE PERMITS	PERMIT	52207
AIR NEW SOURCE PERMITS	REGISTRATION	73657
AIR NEW SOURCE PERMITS	REGISTRATION	73954
AIR NEW SOURCE PERMITS	REGISTRATION	74050
AIR NEW SOURCE PERMITS	REGISTRATION	74294
AIR NEW SOURCE PERMITS	REGISTRATION	74311
AIR NEW SOURCE PERMITS	REGISTRATION	75327
AIR NEW SOURCE PERMITS	REGISTRATION	76399
AIR NEW SOURCE PERMITS	PERMIT	77644
AIR NEW SOURCE PERMITS	REGISTRATION	77959
AIR NEW SOURCE PERMITS	REGISTRATION	78067
AIR NEW SOURCE PERMITS	REGISTRATION	78222
AIR NEW SOURCE PERMITS	REGISTRATION	79418
AIR NEW SOURCE PERMITS	REGISTRATION	79127
AIR NEW SOURCE PERMITS	REGISTRATION	78870
AIR NEW SOURCE PERMITS	REGISTRATION	81535
AIR NEW SOURCE PERMITS	REGISTRATION	81634
AIR NEW SOURCE PERMITS	REGISTRATION	84493
AIR NEW SOURCE PERMITS	REGISTRATION	87160
AIR NEW SOURCE PERMITS	REGISTRATION	86420
AIR NEW SOURCE PERMITS	PERMIT	83815
AIR NEW SOURCE PERMITS	PERMIT	83814
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011172
WATER LICENSING	LICENSE	1011172
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	83328

Location: 2500 N. SOUTH ST, PASADENA, TX, 77503 Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 19, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 19, 2004 to March 19, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Roshondra Lowe Phone: (713) 767-3553

Site Compliance History Components

- 1. Has the site been in existence and/or operation for the full five year compliance period? Yes
- 2. Has there been a (known) change in ownership of the site during the compliance period? No
- 3. If Yes, who is the current owner? N/A
- 4. If Yes, who was/were the prior owner(s)? N/A
- 5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/23/2005

ADMINORDER 2004-0941-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)

30 TAC Chapter 335, SubChapter A 335.2(b)

Description: Failure to properly dispose of industrial Class 1 waste at an authorized disposal site on November 14, 2003.

Effective Date: 10/25/2007

ADMINORDER 2007-0316-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No.48710, Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during a November 21, 2006 emissions event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/12/2004	(250422)
2	04/23/2004	(295118)
3	05/04/2004	(250424)
4	05/24/2004	(295120)
5	06/17/2004	(269114)
6	06/21/2004	(295122)
7	06/30/2004	(267059)
8	07/26/2004	(351974)
9	08/11/2004	(286941)
10	08/11/2004	(287328)
11	08/11/2004	(288142)
12	08/11/2004	(289016)
13	08/24/2004	(351975)
14	08/31/2004	(289538)
15	08/31/2004	(289682)
16	08/31/2004	(292444)
17	09/16/2004	(291903)
18	09/21/2004	(351976)
19	09/30/2004	(335910)
20	10/25/2004	(351977)
21	11/11/2004	(290083)
22	11/11/2004	(291136)
23	11/23/2004	(351978)
24	12/13/2004	(337500)
25	12/22/2004	(381793)
26	01/24/2005	(381794)
27	01/31/2005	(348991)
28	02/03/2005	(349275)
29	02/22/2005	(381792)
30	03/22/2005	(419619)
31	04/22/2005	(378589)
32	04/25/2005	(378237)
33	04/25/2005	(419620)
34	05/24/2005	(419621)
35	06/21/2005	(419622)
36	07/22/2005	(440758)
37	08/23/2005	(440759)
38	09/07/2005	(406522)

39	09/23/2005	(440760)
40	10/21/2005	(468311)
41	11/28/2005	(468312)
42	12/12/2005	(440125)
43	12/22/2005	(468313)
44	01/23/2006	(468314)
45	01/25/2006	(452604)
46	02/21/2006	(468309)
47	02/27/2006	(456027)
48	02/28/2006	(457717)
49	03/22/2006	(468310)
50	04/24/2006	(498110)
51	04/25/2006	(458981)
52	05/01/2006	(462217)
53	05/22/2006	(498111)
54	06/21/2006	(498112)
55	06/27/2006	(457297)
56	06/27/2006	(457402)
57	07/24/2006	(520123)
58	08/17/2006	(520124)
59	09/19/2006	(520125)
60	10/17/2006	(520126)
61	11/20/2006	(544391)
62	12/06/2006	(519556)
63	12/19/2006	(544392)
64	01/18/2007	(544393)
65	02/12/2007	(532627)
66	02/19/2007	(544390)
67	02/20/2007	(535641)
68	03/19/2007	(575140)
69	03/29/2007	(532628)
70	04/17/2007	(575141)
71	05/17/2007	(575142)
72	05/23/2007	(532626)
73	05/31/2007	(542886)
74	06/19/2007	(575143)
75	07/19/2007	(575144)
76	08/17/2007	(601561)
77	08/24/2007	(252542)
78	08/24/2007	(566774)
79	09/26/2007	(601562)
80	10/11/2007	(566713)
81	10/17/2007	(601563)
82	11/16/2007	(595126)
83	11/20/2007	(619470)
84	12/18/2007	(619471)
85	01/15/2008	(595611)
86	01/17/2008	(619472)
87	02/15/2008	(612816)
88	02/15/2008	(612860)
89	02/20/2008	(671978)
90	03/19/2008	(671979)
91	04/18/2008	(671980)
92	04/30/2008	(636882)
93	05/16/2008	(689896)
94	06/13/2008	(689897)
95	07/18/2008	(689898)
96	08/11/2008	(681814)

97 08/14/2008 (687864)
 98 08/19/2008 (710677)
 99 08/26/2008 (610612)
 100 09/22/2008 (710678)
 101 10/20/2008 (710679)
 102 11/18/2008 (727440)
 103 12/04/2008 (707724)
 104 12/17/2008 (727441)
 105 01/16/2009 (727442)
 106 03/10/2009 (722688)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 09/16/2004 (291903)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all pressure maintenance facilities and related appurtenances in a watertight condition.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)

Description: Failure to provide a ground storage capacity which is equal to 50 percent of the maximum daily demand.

Date: 09/30/2004 (351977)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/13/2004 (337500)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with effluent permit limits for biochemical oxygen demand (BOD5).

Date: 02/28/2005 (419619)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/22/2005 (406522)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all pressure maintenance facilities and related appurtenances in a watertight condition.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)

Description: Failure to provide a ground storage capacity which is equal to 50 percent of the maximum daily demand.

Date: 09/30/2007 (601563)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/11/2008 (681814)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP General Terms and Conditions

Description: Failure to report all deviations in a semi-annual deviation report.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP General Terms and Conditions
 Description: Failure to include all deviations in the annual compliance certification report.
 Date: 08/26/2008 (610612)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP General Terms and Conditions

Description: Failure to submit a complete and accurate deviation report.
 Date: 10/31/2008 (727440)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 03/10/2009 (722688)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-02310 Special Terms and Condition 1(A)
 Description: Failure to maintain the calibrations on the CEMS for F-4502 Furnace, Unit ID A-C-1.
 (CATEGORY C4 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT NSR 29614, Special Condition 1
 PERMIT NSR 48576, Special Condition 1
 OP O-02310 Special Terms and Conditions 11
 Description: Failure to control the emissions on the HB-2 Dry Flare, Unit ID B-D-0 during operations
 during the period 02/01/2006 through 08/19/2006. (CATEGORY B14 Violation)

F. Environmental audits.

Notice of Intent Date: 11/07/2005 (400642)
 No DOV Associated

Notice of Intent Date: 12/03/2008 (722245)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ALBEMARLE CORPORATION
RN100218247

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0427-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Albemarle Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 2500 North South Street in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 15, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty Thousand Nine Hundred Eighty-Nine Dollars (\$20,989) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixteen Thousand Seven Hundred Ninety-Two Dollars (\$16,792) of the administrative penalty and Four Thousand One Hundred Ninety-Seven Dollars

(\$4,197) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Adjusted the natural gas addition system to maintain the HB-2 Dry Flare, Unit ID B-D-O above the minimum net heating value, and confirmed compliance on March 17, 2008 and September 10, 2008; and
 - b. Reported the two deviations that should have been reported in the semi-annual deviation report dated September 19, 2006 on March 17, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to maintain the HB-2 Dry Flare, Unit ID B-D-O, above the minimum net heating value of 300 British Thermal Units per standard cubic feet ("BTU/scf"), in violation of 30 TEX. ADMIN. CODE §§ 115.722(d) and 116.115(c), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(3)(ii), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 48710, Special Condition No. 8(A), Air Permit No. 2101, Special Condition No. 5(A), Air Permit No. 48576, Special Condition No. 7 and Air Permit No. 77644, Special Condition No. 3(A), as documented during an investigation conducted on January 26, 2009. Specifically, between February 1, 2006 through August 19, 2006, the net heating value was below the required 300 BTU/scf for 2,818 hours, and between August 22, 2007 and March 5, 2008 for 12 hours.

2. Failed to report all deviations in a semi-annual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b) and Federal Operating Permit O-02310, General Terms and Conditions, as documented during an investigation conducted on January 26, 2009. Specifically, two deviations that should have been reported in the semi-annual deviation report dated September 19, 2006 were not reported until March 17, 2008.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Albemarle Corporation, Docket No. 2009-0427-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sedler

For the Executive Director

8/21/2009

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

J. Michael Brown

Signature

July 01, 2009

Date

J. Michael Brown

Name (Printed or typed)
Authorized Representative of
Albemarle Corporation

Plant Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.