

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-1425-AIR-E TCEQ ID: RN100221472 CASE NO.: 36471**  
**RESPONDENT NAME: ALCOA INC.**

<b>ORDER TYPE:</b>		
<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	

<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

**SITE WHERE VIOLATION(S) OCCURRED:** 4069 Charles Martin Hall Road, Rockdale, Milam County

**TYPE OF OPERATION:** primary aluminum smelting plant

**SMALL BUSINESS:**  Yes  No  N/A

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired January 4, 2010. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Anna M. Treadwell, Litigation Division, MC 175, (512) 239-0974  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

**TCEQ Enforcement Coordinator:** Ms. Miriam Hall, Air Enforcement Section, MC 149, (512) 239-1044

**TCEQ Regional Contact:** Mr. Gary Goldman, Waco Regional Office, MC R-9, (254) 761-3008

**Respondent:** Mr. Alain Belda, CEO, Alcoa Inc., 201 Isabella Street, Pittsburgh, Pennsylvania 15212

**Respondent's Attorney:** Mr. John Reily, Vinson & Elkins L.L.P., The Terrace 7, 2801 Via Fortuna, Suite 100, Austin, Texas 78746

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> July 1, 2008 and March 16, 2009</p> <p><b>Dates of NOEs Relating to this Case:</b> August 11, 2008 and March 15, 2009</p> <p><b>Background Facts:</b> The EDPRP was filed March 5, 2009. The EDFARP was filed on June 19, 2009. The Respondent filed an answer. Settlement was achieved and the Agreed Order was signed on October 29, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p><b>AIR:</b></p> <ol style="list-style-type: none"> <li>Failed to comply with total chlorine flux injection rate [30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), 40 CFR § 63.1506(n)(1), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), NSRP No. 56300, SC No. 4, and FOP No. O-2050, STC No. 1.D].</li> <li>Failed to comply with PM emission rates [30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), 40 CFR § 63.1505(k)(1), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), NSRP No. 56300, SC No. 4, and FOP No. O-2050, STC No. 1.D].</li> <li>Failed to comply with the maximum allowable emission rate ("MAER") for hydrogen fluoride ("HF") for Potline 4 roof monitors (EPNs F10D-1, F10D-2, F10D-3, and F10D-4) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), NSRP No. 56300, SC No. 1, and FOP No. O-2050, STC No. 6].</li> <li>Failed to comply with the MAER for Potline 7 roof monitors (EPNs Nos. F10G-1, F10G-2, F10G-3, and F10G-4) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), NSRP No. 56300, SC No. 1, and FOP No. O-2050, STC No. 6].</li> </ol>	<p><b>Total Assessed:</b> \$24,568</p> <p><b>Total Deferred:</b> \$14,740  <input checked="" type="checkbox"/> Expedited Order (\$4,913)  <input type="checkbox"/> Financial Inability to Pay  <input checked="" type="checkbox"/> SEP Conditional Offset (\$9,827)</p> <p><b>Total Paid to General Revenue:</b> \$9,828</p> <p>The Respondent paid \$9,828 of the administrative penalty. The amount of \$9,827 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent performed the following corrective actions at the Plant:</p> <ol style="list-style-type: none"> <li>On May 29, 2007, completed adding additional alarm features and enhancing process controls to disallow operations beyond the parametric limit for the chlorine flux injection rate.</li> <li>On November 26, 2007, modified procedures for the introduction of silicon metal to reduce PM emissions and on November 28, 2007, retested the new operating conditions to ensure lower emissions.</li> <li>On June 19, 2008, Potlines 4 and 5 were shut down and on November 7, 2008, Potline 7 was shut down.</li> <li>On August 12, 2008, submitted the appropriate deviation reports.</li> </ol> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</li> <li>Within 180 days after the startup of the Potlines, submit written certification demonstrating compliance with NSRP No. 56300 HF emission limits. If Respondent cannot show compliance with NSRP No. 56300 HF emission limits, then Respondent shall either reduce or cease operations of the Potlines until such time compliance can be demonstrated.</li> </ol>

**VIOLATION SUMMARY CHART:**

<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>5. Failed to comply with the MAER for HF and particulate fluoride ("PF") for the Potline 4 roof monitors (EPNs F10D-1, F10D-2, F10D-3, and F10D-4) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), NSRP No. 56300, SC No. 1, and FOP No. O-2050, STC 6].</p> <p>6. Failed to comply with the MAER for PF for the Potline 5 roof monitors (EPNs F10E-1, F10E-2, F10E-3, and F10E-4) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), NSRP No. 56300, SC No. 1, and FOP No. O-2050, STC 6].</p> <p>7. Failed to report all instances of deviation within 30 days after the end of each reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and FOP No. O-2050, General Terms and Conditions].</p>		

Attachment A  
Docket Number: 2008-1425-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	Alcoa Inc.
<b>Penalty Amount:</b>	Nineteen thousand six hundred fifty-five dollars (\$19,655)
<b>SEP Offset Amount:</b>	Nine thousand eight hundred twenty-seven dollars (\$9,827)
<b>Type of SEP:</b>	Pre-approved
<b>Third-Party Recipient:</b>	Texas PTA – <i>Texas PTA Clean School Buses</i>
<b>Location of SEP:</b>	Texas Air Quality Control Region 212 Austin-Waco

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas PTA  
Atten: Alex Peterson, Director of Finance  
408 W. 11<sup>th</sup> Street  
Austin, Texas 78701

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

Alcoa Inc.  
TCEQ Docket No. 2008-1425-AIR-E Attachment A

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	11-Aug-2008	Screening	28-Aug-2008	EPA Due	5-May-2009
	PCW	12-Oct-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Alcoa Inc.		
Reg. Ent. Ref. No.	RN100221472		
Facility/Site Region	9-Waco	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36471	No. of Violations	4
Docket No.	2008-1425-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
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	\$463
Approx. Cost of Compliance	\$6,500

\*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**

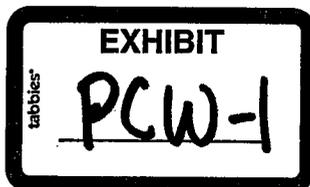
**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes:

**PAYABLE PENALTY**



Screening Date 28-Aug-2008

Docket No. 2008-1425-AIR-E

PCW

Respondent Alcoa Inc.

Policy Revision 2 (September 2002)

Case ID No. 36471

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100221472

Media [Statute] Air

Enf. Coordinator Miriam Hall

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%
	Other written NOVs	6	12%
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	0	0%
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)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%

Please Enter Yes or No

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) 69%

>> 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

The penalty was enhanced for nine same or similar NOVs, 6 other NOVs, and one 1660 order. The penalty was reduced for four Notices of Audit and two Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 69%

Screening Date 28-Aug-2008

Docket No. 2008-1425-AIR-E

PCW

Respondent Alcoa Inc.

Policy Revision 2 (September 2002)

Case ID No. 36471

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100221472

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 116.115(c), 122.143(4), 40 Code of Federal Regulations ("CFR") § 63.1506(n)(1), New Source Review Permit ("NSRP") No. 56300, Special Condition ("SC") No. 4, Federal Operating Permit ("FOP") No. O-2050, Special Terms and Conditions ("STC") No. 1.D., and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the total chlorine flux injection rate on February 1, 2007. Specifically, the maximum allowable flux injection rate is 4.24 pounds of chlorine per ton of aluminum ("lbs Cl/ton Al"). On February 1, 2007, the flux injection rate was 28.738 lbs Cl/ton Al.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment have been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended for February 1, 2007.

Good Faith Efforts to Comply

	25% Reduction	
	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary	X	
N/A		(mark with x)

\$625

Notes The corrective actions were completed by May 29, 2007 and the NOE was issued August 11, 2008.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$3,600

This violation Final Assessed Penalty (adjusted for limits) \$3,600

## Economic Benefit Worksheet

**Respondent** Alcoa Inc.  
**Case ID No.** 36471  
**Reg. Ent. Reference No.** RN100221472  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description 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
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Feb-2007	29-May-2007	0.32	\$8	n/a	\$8

Notes for DELAYED costs

The estimated cost of adding additional alarm features and enhancing process controls to disallow operations beyond the parametric limit from the date of the violation to the date that corrective actions were completed.

**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

\$500

**TOTAL**

\$8

Screening Date 28-Aug-2008

Docket No. 2008-1425-AIR-E

PCW

Respondent Alcoa Inc.

Policy Revision 2 (September 2002)

Case ID No. 36471

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100221472

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2), 116.115(c), 122.143(4), 40 CFR § 63.1505(k)(1), NSRP No. 56300, SC No. 4, FOP No. O-2050, STC No. 1.D., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with particulate matter ("PM") emission rates on November 13 and 14, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment have been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The limit was exceeded by 4.34-5.21%.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

Corrective actions were completed on November 28, 2007, and the NOE was issued August 11, 2008.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$3,600

This violation Final Assessed Penalty (adjusted for limits) \$3,600

## Economic Benefit Worksheet

**Respondent** Alcoa Inc.  
**Case ID No.** 36471  
**Reg. Ent. Reference No.** RN100221472  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	13-Nov-2007	28-Nov-2007	0.04	\$2	n/a	\$2

Notes for DELAYED costs

The estimated cost of modifying procedures for the introduction of silicon metal to reduce PM emissions and retesting under the new operating procedures to ensure lower emissions. The "Date Required" is the date of the first violation and the "Final Date" is the date corrective actions were completed.

### 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

\$1,000

TOTAL

\$2

Screening Date 28-Aug-2008

Docket No. 2008-1425-AIR-E

PCW

Respondent Alcoa Inc.

Policy Revision 2 (September 2002)

Case ID No. 36471

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100221472

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 56300, SC No. 1, FOP No. O-2050, STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the maximum allowable emission rate ("MAER") for hydrogen fluoride ("HF") for Potline 4 roof monitors [Emission Point Nos. ("EPNs") F10D-1, F10D-2, F10D-3, F10D-4]. Specifically, from July 9, 2007 through July 26, 2007, HF emissions averaged 1.31 pounds per hour ("lbs/hr") whereas the MAER is 1.27 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment have been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The excess emissions for the time period were approximately 65.28 lbs of HF.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

17 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$453

Violation Final Penalty Total \$4,225

This violation Final Assessed Penalty (adjusted for limits) \$4,225

## Economic Benefit Worksheet

**Respondent** Alcoa Inc.  
**Case ID No.** 36471  
**Reg. Ent. Reference No.** RN100221472  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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
Permit Costs	\$5,000	9-Jul-2007	30-Apr-2009	1.81	\$453	n/a	\$453
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of obtaining a permit amendment from the first day of violation to the estimated permit amendment issuance date.

### 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

\$5,000

TOTAL

\$453

Screening Date 28-Aug-2008

Docket No. 2008-1425-AIR-E

PCW

Respondent Alcoa Inc.

Policy Revision 2 (September 2002)

Case ID No. 36471

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100221472

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 56300, SC No. 1, FOP No. O-2050, STC 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER for HF for Potline 7 roof monitors (EPNs F10G-1, F10G-2, F10G-3, F10G-4). Specifically, from September 4, 2007 through September 22, 2007, HF emissions averaged 2.20 lbs/hr, whereas the MAER is 1.91 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment have been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The excess emissions for the time period were approximately 501.12 lbs of HF.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

18 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
single event		

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,225

This violation Final Assessed Penalty (adjusted for limits) \$4,225

# Economic Benefit Worksheet

**Respondent** Alcoa Inc.  
**Case ID No.** 36471  
**Reg. Ent. Reference No.** RN100221472  
**Media** Air  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is included in Violation No. 3.

**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

\$0

**TOTAL**

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN600130884    Alcoa, Inc.	Classification: AVERAGE	Rating: 1.58
Regulated Entity:	RN100221472    ALCOA ROCKDALE	Classification: AVERAGE	Site Rating: 0.68

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	MM0001T
	AIR OPERATING PERMITS	PERMIT	2050
	DAM SAFETY	ID NUMBER	TX02376
	DAM SAFETY	ID NUMBER	TX06918
	PETROLEUM STORAGE TANK	REGISTRATION	41130
	REGISTRATION		
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008091712
	GENERATION		
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE	30132
	GENERATION	REGISTRATION # (SWR)	
	AIR NEW SOURCE PERMITS	PERMIT	13292
	AIR NEW SOURCE PERMITS	PERMIT	454A
	AIR NEW SOURCE PERMITS	PERMIT	2156
	AIR NEW SOURCE PERMITS	PERMIT	2158
	AIR NEW SOURCE PERMITS	PERMIT	2780
	AIR NEW SOURCE PERMITS	PERMIT	4476
	AIR NEW SOURCE PERMITS	PERMIT	4612
	AIR NEW SOURCE PERMITS	PERMIT	7472
	AIR NEW SOURCE PERMITS	PERMIT	7559
	AIR NEW SOURCE PERMITS	PERMIT	8429
	AIR NEW SOURCE PERMITS	PERMIT	9465
	AIR NEW SOURCE PERMITS	PERMIT	11599
	AIR NEW SOURCE PERMITS	PERMIT	17673
	AIR NEW SOURCE PERMITS	PERMIT	31205
	AIR NEW SOURCE PERMITS	PERMIT	36880
	AIR NEW SOURCE PERMITS	PERMIT	42311
	AIR NEW SOURCE PERMITS	PERMIT	42739
	AIR NEW SOURCE PERMITS	PERMIT	45781
	AIR NEW SOURCE PERMITS	PERMIT	45780
	AIR NEW SOURCE PERMITS	PERMIT	46014
	AIR NEW SOURCE PERMITS	PERMIT	46662
	AIR NEW SOURCE PERMITS	PERMIT	46975
	AIR NEW SOURCE PERMITS	PERMIT	48437
	AIR NEW SOURCE PERMITS	PERMIT	49554
	AIR NEW SOURCE PERMITS	PERMIT	50234
	AIR NEW SOURCE PERMITS	PERMIT	50251
	AIR NEW SOURCE PERMITS	PERMIT	51967
	AIR NEW SOURCE PERMITS	PERMIT	55296
	AIR NEW SOURCE PERMITS	REGISTRATION	76028
	AIR NEW SOURCE PERMITS	REGISTRATION	75895
	AIR NEW SOURCE PERMITS	REGISTRATION	75891
	AIR NEW SOURCE PERMITS	REGISTRATION	75582
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	MM0001T
	AIR NEW SOURCE PERMITS	AFS NUM	4833100001
	AIR NEW SOURCE PERMITS	PERMIT	56300
	AIR NEW SOURCE PERMITS	PERMIT	49147
	AIR NEW SOURCE PERMITS	REGISTRATION	70528
	AIR NEW SOURCE PERMITS	PERMIT	52481
	AIR NEW SOURCE PERMITS	REGISTRATION	77294
	AIR NEW SOURCE PERMITS	REGISTRATION	77247
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1088
	AIR NEW SOURCE PERMITS	REGISTRATION	85059
	AIR NEW SOURCE PERMITS	REGISTRATION	37909
	AIR NEW SOURCE PERMITS	REGISTRATION	78437
	AIR NEW SOURCE PERMITS	REGISTRATION	84327
	WASTEWATER	PERMIT	WQ0000395000
	WASTEWATER	PERMIT	TPDES0000876
	WASTEWATER	PERMIT	TX0000876
	WASTEWATER LICENSING	LICENSE	WQ0000395000
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1660012
	IHW CORRECTIVE ACTION	SOLID WASTE	30132
		REGISTRATION # (SWR)	



Location: 4069 CHARLES MARTIN HALL RD, ROCKDALE, TX, Rating Date: 9/1/2008 Repeat Violator: NO 76567

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: September 09, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 09, 2003 to September 09, 2008

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

Name: Miriam Hall Phone: (512) 239-1044

### 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: 11/03/2006

ADMINORDER 2006-0279-AIR-E

Classification: Major

Citation: 30 TAC Chapter 111, SubChapter A 111.151(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to comply with its allowable PM emission rate at its lignite dryer stack (EPN No. 16F10).

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 48437/General Condition No. 8 PERMIT

Description: Failed to comply with its allowable PM emission rate at Boiler No. 3 (EPN No. 17B).

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 56300/Special Condition No. 1 PERMIT

Description: Failed to comply with its allowable PM emission rate at the 16 West Scrubber Outlet (EPN No.10F8).

- 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	09/10/2003	(248246)
2	10/09/2003	(251577)
3	11/11/2003	(254538)
4	12/11/2003	(257489)
5	01/07/2004	(258828)
6	02/24/2004	(263906)
7	02/27/2004	(264069)
8	02/27/2004	(263972)
9	03/12/2004	(265706)

10	05/20/2004	(271783)
11	06/28/2004	(277879)
12	08/11/2004	(289272)
13	08/27/2004	(286866)
14	11/17/2004	(341084)
15	03/21/2005	(374349)
16	03/21/2005	(372904)
17	03/21/2005	(374074)
18	04/15/2005	(377626)
19	04/15/2005	(376205)
20	04/15/2005	(377617)
21	04/15/2005	(377375)
22	04/19/2005	(374114)
23	04/20/2005	(378257)
24	04/22/2005	(378642)
25	04/26/2005	(379155)
26	05/17/2005	(392459)
27	05/17/2005	(392462)
28	05/18/2005	(392632)
29	05/18/2005	(392666)
30	05/18/2005	(392632)
31	06/17/2005	(395277)
32	06/27/2005	(396884)
33	06/28/2005	(397997)
34	06/29/2005	(398127)
35	07/06/2005	(399023)
36	07/13/2005	(399964)
37	08/05/2005	(403455)
38	08/11/2005	(404526)
39	08/11/2005	(404520)
40	08/16/2005	(405202)
41	08/16/2005	(404541)
42	09/01/2005	(406442)
43	12/06/2005	(439443)
44	12/06/2005	(439443)
45	01/19/2006	(433702)
46	02/23/2006	(456619)
47	04/10/2006	(462035)
48	04/19/2006	(463293)
49	05/19/2006	(467015)
50	06/06/2006	(481376)
51	06/06/2006	(481376)
52	06/08/2006	(481847)
53	06/08/2006	(481818)
54	06/08/2006	(481855)
55	06/08/2006	(481831)
56	06/08/2006	(481849)
57	06/09/2006	(481941)
58	06/09/2006	(482106)
59	06/20/2006	(483251)
60	07/13/2006	(482151)
61	07/14/2006	(486796)
62	07/18/2006	(486320)
63	08/11/2006	(497179)
64	09/08/2006	(511745)
65	09/08/2006	(511714)
66	10/25/2006	(517196)

67	10/25/2006	(517198)
68	01/30/2007	(537773)
69	01/30/2007	(537635)
70	02/27/2007	(542076)
71	05/10/2007	(560030)
72	08/10/2007	(571411)
73	08/24/2007	(573398)
74	08/29/2007	(563453)
75	08/29/2007	(563453)
76	08/29/2007	(563453)
77	08/29/2007	(563453)
78	10/22/2007	(598641)
79	10/22/2007	(598638)
80	10/22/2007	(598491)
81	01/18/2008	(614565)
82	03/04/2008	(637519)
83	03/07/2008	(637773)
84	03/07/2008	(637733)
85	03/28/2008	(640132)
86	03/28/2008	(640116)
87	03/28/2008	(640132)
88	03/28/2008	(640072)
89	03/28/2008	(640123)
90	03/28/2008	(640132)
91	07/15/2008	(685465)
92	08/08/2008	(685719)
93	08/08/2008	(685719)
94	08/08/2008	(688719)
95	08/08/2008	(685719)
96	09/05/2008	(700625)

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

1	Date: 01/29/2004	(261010)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)	
	Description:	Failure to notify within 24 hours of reportable opacity event.	
2	Date: 04/17/2004	(269186)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)	
	Description:	Failure to notify within 24 hours of a reportable opacity event which exceeded the opacity limit of 30 percent.	
3	Date: 09/14/2004	(334176)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.151(a)	
	Description:	Failure to comply with the allowable emission rate for Particulate Matter figured by Table 1 of 30 TAC §111.151.	
4	Date: 10/27/2004	(339092)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 112, SubChapter A 112.3(a)	
	Description:	Failure to maintain sulfur dioxide net ground level concentrations at or below 0.4 parts per million.	
5	Date: 04/18/2005	(374114)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter F 101.222(d)(2) 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)	
	Description:	Failure to prevent an excess opacity event due to an activity that could have been foreseen and avoided by good operation practices.	
6	Date: 04/30/2005	(419255)	
	Self Report?	YES	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	

7 Description: Failure to meet the limit for one or more permit parameter  
Date: 05/31/2005 (419256)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

8 Description: Failure to meet the limit for one or more permit parameter  
Date: 04/27/2006 (459901)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

9 Description: Failure to adhere to particulate matter emission limitations set in the  
Maximum Allowable Emission Rate Table of Permit 56300.  
Date: 06/05/2006 (467287)  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to submit quarterly Excess Emissions and Monitoring System  
Performance reports.  
Self Report? NO Classification: Major  
Citation: 40 CFR Part 60, Subpart Y 60.252(c)

10 Description: Failure to perform monthly Method 9 opacity readings.  
Date: 06/12/2006 (481941)  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to prevent the use of propane as a backup fuel.  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to observe visible emissions by Method 9 in the Atomizer process  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain a allowable limits of chlorine per ton of aluminum charged.  
Self Report? NO Classification: Major  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.850(e)(4)(xi)

Description: Failure to maintain records for daily visible emission observations.  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to perform visible observations for Potroom, Casthouse, and  
Electrode Process areas.  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(2)(G)

Description: Failure to report the total amount of emissions released.  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

11 Description: Failure to adhere to annual unloading limits of alumina.  
Date: 06/08/2007 (563273)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the reporting terms and conditions of Title 30 Texas  
Administrative Code, Subchapter B, §122.145(2).  
Date: 08/24/2007 (563453)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Special Condition No. 4  
Description: Failure to comply with the monitoring requirements of 40 Code of Federal  
Regulations (CFR), Part 63, Subpart RRR.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Special Condition No. 3  
Description: Failure to comply with the record keeping requirements specified in 40 CFR,  
Part 63, Subpart LL.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Special Condition No. 1

- 13 Description: Failure to meet the emission limits stated in the Maximum Allowable Emissions Rate Table of TCEQ Permit No. 7559.  
 Date: 10/31/2007 (599717)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT Special Condition No. 4  
 Description: Failure to comply with the monitoring requirements of 40 Code of Federal Regulations (CFR), Part 63, Subpart RRR.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT Special Condition No. 3  
 Description: Failure to comply with the record keeping requirements specified in 40 CFR, Part 63, Subpart LL.
- 14 Date: 02/12/2008 (618242)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT Special Condition No. 1  
 Description: Failure to meet the emission limits stated in the Maximum Allowable Emissions Rate Table of TCEQ Permit No. 7559.
- 15 Date: 08/11/2008 (685719)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: PERMIT Special Condition No. 9(G)(2)  
 Description: Failure comply with all the special conditions stated in the permit document. The facility failed to comply with Special Condition No. 9(G)(2) of TCEQ Permit No. 56300; which requires the facility to maintain a temperature below 1300 degrees Fahrenheit in the Holding Furnace 7.

F. Environmental audits.

- 1 Notice of Intent Date: 12/23/2005 (452319)  
 1 Disclosure Date: 02/09/2006  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT RRR 63.1506(k)(4)  
 Rqmt Prov: PERMIT NSR permit 56300  
 Description: The parametric limit of 0.37 lbs of chlorine/ton aluminum charged under MACT was exceeded when casting operations were temporarily halted due to equipment problems. The chlorine injection rate at the DC3 in-line degasser reached 0.388 lbs. of chlorine/ton aluminum charged.  
 Viol. Classification: Major  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT NSR Permit 56300  
 Description: Combustion devices used propane as a back up fuel without prior approval from TCEQ due to an interrupted natural gas supply during supplier pipeline repair.  
 Viol. Classification: Moderate  
 Rqmt Prov: PERMIT Operating Permit O-02050  
 Description: Visible emissions observations were not conducted for the Potroom and Electrodes process areas from July 1, 2005 to September 30, 2005. Visible emissions observations were not conducted for the Casthouse process area from July 1, 2005 to December 31, 2005.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.848(g)  
 Description: Missing documentation of daily visible emissions observations Green Mill area.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
 Description: The amount of emissions during an emissino event were under reported to the TCEQ, in that only the amount of emissions that exceeded the permit allowable were reported for the emission event.
- 2 Notice of Intent Date: 02/08/2006 (456570)  
 2 Disclosure Date: 03/24/2006  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(1)

Rqmt Prov: PERMIT AIR NSR permit 48437

OP O-1510

Description: Failure to timely submit quarterly report

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 101, SubChapter A 101.8

30 TAC Chapter 122, SubChapter B 122.145

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Y 60.252(c)

Rqmt Prov: OP O-1510

Description: Failure to use Method 9

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.224(1)

Rqmt Prov: OP O-1510

Description: Failure to conduct inspection for liquid leaks, visible vapors or significant odors resulting during gasoline transfer operations.

Viol. Classification: Moderate

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

Rqmt Prov: OP O-1510

Description: Failure to comply with Title V operating permit recordkeeping requirements of General Terms & Conditions No. 15

Citation: 30 TAC Chapter 111, SubChapter A 111.153

Rqmt Prov: OP O-1510

Description: Failure to maintain the precipitator voltage within acceptable limits

3 Notice of Intent Date: 08/28/2006 (514089)

No DOV Associated

4 Notice of Intent Date: 04/08/2008 (654964)

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

## TCEQ

DATES	Assigned	27-Apr-2009	Screening	12-May-2009	EPA Due	15-Dec-2009
	PCW	12-Oct-2009				

## RESPONDENT/FACILITY INFORMATION

Respondent	Alcoa Inc.		
Reg. Ent. Ref. No.	RN100221472		
Facility/Site Region	9-Waco	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	36471	No. of Violations	3
Docket No.	2008-1425-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
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 indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**



Screening Date 12-May-2009

Docket No. 2008-1425-AIR-E

PCW

Respondent Alcoa Inc.

Policy Revision 2 (September 2002)

Case ID No. 36471

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221472

Media [Statute] Air

Enf. Coordinator Miriam Hall

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%
	Other written NOVs	5	10%
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	0	0%
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 judgements 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)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%

Please Enter Yes or No

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) 67%

>> 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

The penalty was enhanced for nine same or similar NOVs, five other NOVs, and one 1660 order. The penalty was reduced for four Notices of Audit and two Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 67%

Screening Date 12-May-2009

Docket No. 2008-1425-AIR-E

PCW

Respondent Alcoa Inc.

Policy Revision 2 (September 2002)

Case ID No. 36471

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221472

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), New Source Review Permit ("NSRP") No. 56300, Special Condition ("SC") No. 1, Federal Operating Permit ("FOP") No. O-2050, Special Terms and Conditions ("STC") No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the maximum allowable emission rate ("MAER") for hydrogen fluoride ("HF") and particulate fluoride ("PF") for the Potline 4 roof monitors [Emission Point Nos. ("EPNs") F10D-1, F10D-2, F10D-3, and F10D-4]. Specifically, from June 3, 2008 through June 19, 2008, HF emissions averaged 1.39 pounds per hour ("lbs/hr"), and PF averaged 1.30 lbs/hr; whereas the MAERs for HF and PF are 1.27 lbs/hr and 1.07 lbs/hr, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	25%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment have been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The excess emissions for the time period were approximately 45.72 lbs of HF and 110.49 lbs of PF.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 16

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,175

This violation Final Assessed Penalty (adjusted for limits) \$4,175

## Economic Benefit Worksheet

**Respondent** Alcoa Inc.  
**Case ID No.** 36471  
**Reg. Ent. Reference No.** RN100221472  
**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
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
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is included in Violation No. 2.

### 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

\$0

TOTAL

\$0

Screening Date 12-May-2009

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PCW

Respondent Alcoa Inc.

Policy Revision 2 (September 2002)

Case ID No. 36471

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221472

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 56300, SC No. 1, FOP No. O-2050, STC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER for PF for the Potline 5 roof monitors EPNs F10E-1, F10E-2, F10E-3, and F10E-4. Specifically, from January 2, 2008 through January 31, 2008, PF emissions averaged 2.01 lbs/hr, whereas the MAER for PF is 1.94 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment have been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The excess emissions for the time period were approximately 48.65 lbs of PF.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

29 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$499

Violation Final Penalty Total \$4,175

This violation Final Assessed Penalty (adjusted for limits) \$4,175

## Economic Benefit Worksheet

**Respondent:** Alcoa Inc.  
**Case ID No.:** 36471  
**Reg. Ent. Reference No.:** RN100221472  
**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
<b>Delayed Costs</b>							
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	\$5,000	2-Jan-2008	31-Dec-2009	2.00	\$499	n/a	\$499
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of obtaining a permit amendment from the first day of violation to the estimated permit amendment issuance date.

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	\$5,000	TOTAL	\$499
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Screening Date 12-May-2009

Docket No. 2008-1425-AIR-E

PCW

Respondent Alcoa Inc.

Policy Revision 2 (September 2002)

Case ID No. 36471

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221472

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), FOP No. O-2050, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviation within 30 days after the end of each reporting period. Specifically, the deviation reports for the reporting periods of January 14, 2006 through July 13, 2006, July 14, 2006 through January 13, 2007, January 14, 2007 through July 13, 2007, and July 14, 2007 through January 13, 2008 did not include the instances when the unloading rates of pitch and petroleum coke were exceeded.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4

731 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$400

One single event is recommended for each of the four reports.

Good Faith Efforts to Comply

25.0% Reduction

\$100

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance on August 12, 2008, and the NOE was issued March 20, 2009.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$568

This violation Final Assessed Penalty (adjusted for limits) \$568

## Economic Benefit Worksheet

**Respondent:** Alcoa Inc.  
**Case ID No.:** 36471  
**Reg. Ent. Reference No.:** RN100221472  
**Media:** Air  
**Violation No.:** 3

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
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$400	12-Aug-2006	12-Aug-2008	2.00	\$40	n/a	\$40

Notes for DELAYED costs

The estimated cost for reporting the deviations from the due date for the first report to the final compliance date.

**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

\$400

**TOTAL**

\$40

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600130884    Alcoa, Inc.	Classification: AVERAGE	Rating: 1.86
Regulated Entity:	RN100221472    ALCOA ROCKDALE OPERATIONS	Classification: AVERAGE	Site Rating: 0.65

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	MM0001T
	AIR OPERATING PERMITS	PERMIT	2050
	AIR OPERATING PERMITS	PERMIT	1510
	DAM SAFETY	ID NUMBER	TX02376
	DAM SAFETY	ID NUMBER	TX06918
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	41130
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008091712
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30132
	AIR NEW SOURCE PERMITS	PERMIT	13292
	AIR NEW SOURCE PERMITS	PERMIT	454A
	AIR NEW SOURCE PERMITS	PERMIT	2156
	AIR NEW SOURCE PERMITS	PERMIT	2158
	AIR NEW SOURCE PERMITS	PERMIT	2780
	AIR NEW SOURCE PERMITS	PERMIT	4476
	AIR NEW SOURCE PERMITS	PERMIT	4612
	AIR NEW SOURCE PERMITS	PERMIT	7472
	AIR NEW SOURCE PERMITS	PERMIT	7559
	AIR NEW SOURCE PERMITS	PERMIT	8429
	AIR NEW SOURCE PERMITS	PERMIT	9465
	AIR NEW SOURCE PERMITS	PERMIT	11599
	AIR NEW SOURCE PERMITS	PERMIT	17673
	AIR NEW SOURCE PERMITS	PERMIT	36880
	AIR NEW SOURCE PERMITS	PERMIT	42311
	AIR NEW SOURCE PERMITS	PERMIT	42739
	AIR NEW SOURCE PERMITS	PERMIT	45781
	AIR NEW SOURCE PERMITS	PERMIT	45780
	AIR NEW SOURCE PERMITS	PERMIT	46014
	AIR NEW SOURCE PERMITS	PERMIT	46662
	AIR NEW SOURCE PERMITS	PERMIT	46975
	AIR NEW SOURCE PERMITS	PERMIT	48437
	AIR NEW SOURCE PERMITS	PERMIT	49554
	AIR NEW SOURCE PERMITS	PERMIT	50234
	AIR NEW SOURCE PERMITS	PERMIT	50251
	AIR NEW SOURCE PERMITS	PERMIT	51967
	AIR NEW SOURCE PERMITS	PERMIT	55296
	AIR NEW SOURCE PERMITS	REGISTRATION	76028
	AIR NEW SOURCE PERMITS	REGISTRATION	75895
	AIR NEW SOURCE PERMITS	REGISTRATION	75891
	AIR NEW SOURCE PERMITS	REGISTRATION	75582
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	MM0001T
	AIR NEW SOURCE PERMITS	AFS NUM	4833100001
	AIR NEW SOURCE PERMITS	PERMIT	56300
	AIR NEW SOURCE PERMITS	REGISTRATION	70528
	AIR NEW SOURCE PERMITS	PERMIT	52481
	AIR NEW SOURCE PERMITS	REGISTRATION	77294
	AIR NEW SOURCE PERMITS	REGISTRATION	77247
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1088
	AIR NEW SOURCE PERMITS	REGISTRATION	85059
	AIR NEW SOURCE PERMITS	REGISTRATION	37909
	AIR NEW SOURCE PERMITS	REGISTRATION	78437
	AIR NEW SOURCE PERMITS	REGISTRATION	84327
	WASTEWATER	PERMIT	WQ0000395000
	WASTEWATER	PERMIT	TPDES0000876
	WASTEWATER	PERMIT	TX0000876
	WASTEWATER LICENSING	LICENSE	WQ0000395000
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1660012
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30132



Location: FM 1786 OFF HWY 79, 5 MI SW OF ROCKDALE, TX

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: May 11, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 11, 2004 to May 11, 2009

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

Name: Miriam Hall Phone: (512) 239 - 1044

### 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/operator of the site during the compliance period? Yes
- If Yes, who is the current owner/operator?
- |        |                             |
|--------|-----------------------------|
| OWNOPR | Luminant Mining Company LLC |
| OWNOPR | Alcoa, Inc.                 |
| OWN    | Alcoa Inc.                  |
4. If Yes, who was/were the prior owner(s)/operator(s) ?
- |     |                                    |
|-----|------------------------------------|
| OWN | Drosstec, Inc.                     |
| OWN | TXU Sandow Development Company, LP |
5. When did the change(s) in owner or operator occur?
- |            |                               |
|------------|-------------------------------|
| 01/12/2009 | (Luminant Mining Company LLC) |
|------------|-------------------------------|
6. Rating Date: 9/1/2008 Repeat Violator: NO

### 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: 11/03/2006

ADMINORDER 2006-0279-AIR-E

Classification: Major

Citation: 30 TAC Chapter 111, SubChapter A 111.151(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to comply with its allowable PM emission rate at its lignite dryer stack (EPN No. 16F10).

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 48437/General Condition No. 8 PERMIT

Description: Failed to comply with its allowable PM emission rate at Boiler No. 3 (EPN No. 17B).

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 56300/Special Condition No. 1 PERMIT

Description: Failed to comply with its allowable PM emission rate at the 16 West Scrubber Outlet (EPN No.10F8).

- 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	05/14/2004	(272460)
2	05/20/2004	(271783)
3	05/24/2004	(273050)
4	05/25/2004	(273378)
5	05/25/2004	(293656)
6	05/26/2004	(273197)

7	05/26/2004	(273604)
8	06/02/2004	(274168)
9	06/02/2004	(274183)
10	06/03/2004	(274164)
11	06/03/2004	(274436)
12	06/04/2004	(274475)
13	06/18/2004	(351402)
14	06/22/2004	(276559)
15	06/24/2004	(276912)
16	06/25/2004	(277814)
17	06/25/2004	(277819)
18	06/28/2004	(277879)
19	06/30/2004	(278463)
20	07/08/2004	(278512)
21	07/22/2004	(284121)
22	07/27/2004	(285201)
23	07/27/2004	(285204)
24	07/27/2004	(285208)
25	08/05/2004	(287504)
26	08/11/2004	(289252)
27	08/11/2004	(289272)
28	08/11/2004	(289470)
29	08/17/2004	(290634)
30	08/19/2004	(351403)
31	08/27/2004	(286866)
32	09/01/2004	(291585)
33	09/01/2004	(291591)
34	09/01/2004	(291600)
35	09/01/2004	(292860)
36	09/10/2004	(333393)
37	09/10/2004	(333520)
38	09/10/2004	(333531)
39	09/15/2004	(333538)
40	09/15/2004	(334209)
41	09/15/2004	(334212)
42	09/21/2004	(334937)
43	09/21/2004	(334941)
44	09/21/2004	(351404)
45	09/28/2004	(335598)
46	10/06/2004	(336750)
47	10/07/2004	(334176)
48	10/12/2004	(337550)
49	10/12/2004	(337555)
50	10/14/2004	(336568)
51	10/21/2004	(351405)
52	10/21/2004	(351408)
53	10/27/2004	(339092)
54	11/02/2004	(335666)
55	11/02/2004	(338673)
56	11/05/2004	(293268)
57	11/17/2004	(341084)
58	11/17/2004	(341173)
59	11/18/2004	(351406)
60	11/19/2004	(341663)
61	11/19/2004	(341753)
62	11/30/2004	(336573)
63	12/13/2004	(343256)
64	12/13/2004	(343259)
65	12/28/2004	(351407)

66	01/03/2005	(345343)
67	01/03/2005	(345372)
68	01/04/2005	(341405)
69	01/19/2005	(347570)
70	01/20/2005	(347558)
71	01/26/2005	(347651)
72	01/26/2005	(347658)
73	01/26/2005	(348475)
74	02/10/2005	(348486)
75	02/10/2005	(349230)
76	02/10/2005	(349317)
77	02/11/2005	(350417)
78	02/17/2005	(350962)
79	02/17/2005	(350973)
80	02/23/2005	(371987)
81	02/28/2005	(381479)
82	02/28/2005	(381481)
83	03/04/2005	(373009)
84	03/08/2005	(373013)
85	03/08/2005	(373015)
86	03/08/2005	(373480)
87	03/10/2005	(373626)
88	03/21/2005	(372904)
89	03/21/2005	(374074)
90	03/21/2005	(374349)
91	03/28/2005	(381480)
92	03/29/2005	(375712)
93	04/01/2005	(376306)
94	04/15/2005	(376205)
95	04/15/2005	(377375)
96	04/15/2005	(377617)
97	04/15/2005	(377626)
98	04/15/2005	(377633)
99	04/19/2005	(374114)
100	04/20/2005	(378257)
101	04/20/2005	(378261)
102	04/22/2005	(378642)
103	04/22/2005	(378681)
104	04/26/2005	(379155)
105	04/27/2005	(419254)
106	05/17/2005	(392459)
107	05/17/2005	(392462)
108	05/17/2005	(392464)
109	05/18/2005	(392467)
110	05/18/2005	(392600)
111	05/18/2005	(392632)
112	05/18/2005	(392666)
113	05/24/2005	(419255)
114	05/25/2005	(393584)
115	05/27/2005	(393814)
116	06/10/2005	(395034)
117	06/17/2005	(395274)
118	06/17/2005	(395277)
119	06/23/2005	(419256)
120	06/27/2005	(396884)
121	06/28/2005	(397997)
122	06/29/2005	(398127)
123	07/06/2005	(399023)
124	07/13/2005	(399964)

125	07/13/2005	(400011)
126	07/13/2005	(400022)
127	08/05/2005	(403455)
128	08/11/2005	(404515)
129	08/11/2005	(404520)
130	08/11/2005	(404526)
131	08/16/2005	(404541)
132	08/16/2005	(405202)
133	08/18/2005	(405827)
134	08/23/2005	(406368)
135	08/24/2005	(440477)
136	08/24/2005	(440479)
137	08/24/2005	(440480)
138	08/30/2005	(406426)
139	08/31/2005	(418743)
140	09/01/2005	(406442)
141	09/01/2005	(406643)
142	09/19/2005	(432304)
143	09/26/2005	(440478)
144	09/28/2005	(348474)
145	09/28/2005	(433062)
146	09/28/2005	(433063)
147	10/24/2005	(435131)
148	11/01/2005	(436152)
149	11/02/2005	(436154)
150	11/04/2005	(436627)
151	11/15/2005	(437490)
152	11/23/2005	(438332)
153	11/23/2005	(438442)
154	11/28/2005	(467770)
155	12/06/2005	(439382)
156	12/06/2005	(439384)
157	12/06/2005	(439392)
158	12/06/2005	(439395)
159	12/06/2005	(439398)
160	12/06/2005	(439400)
161	12/06/2005	(439404)
162	12/06/2005	(439406)
163	12/06/2005	(439411)
164	12/06/2005	(439416)
165	12/06/2005	(439421)
166	12/06/2005	(439424)
167	12/06/2005	(439425)
168	12/06/2005	(439434)
169	12/06/2005	(439443)
170	12/06/2005	(439459)
171	12/06/2005	(439471)
172	12/09/2005	(439944)
173	12/21/2005	(449995)
174	12/21/2005	(467771)
175	01/03/2006	(451038)
176	01/19/2006	(433702)
177	01/19/2006	(452540)
178	01/19/2006	(452594)
179	01/20/2006	(452631)
180	01/24/2006	(393817)
181	01/24/2006	(452656)
182	01/26/2006	(453295)
183	01/30/2006	(453357)

184	01/30/2006	(453383)
185	01/31/2006	(453713)
186	02/07/2006	(453385)
187	02/14/2006	(455012)
188	02/14/2006	(455389)
189	02/16/2006	(455929)
190	02/23/2006	(456619)
191	02/23/2006	(456727)
192	02/27/2006	(467766)
193	02/28/2006	(457359)
194	03/06/2006	(457642)
195	03/08/2006	(458392)
196	03/21/2006	(458930)
197	03/21/2006	(458933)
198	03/23/2006	(467767)
199	03/23/2006	(467768)
200	03/23/2006	(467769)
201	03/29/2006	(451430)
202	03/31/2006	(461437)
203	04/05/2006	(461834)
204	04/10/2006	(462035)
205	04/13/2006	(461837)
206	04/13/2006	(461842)
207	04/13/2006	(461846)
208	04/18/2006	(463084)
209	04/18/2006	(463100)
210	04/19/2006	(463293)
211	04/27/2006	(459901)
212	05/02/2006	(464783)
213	05/18/2006	(466531)
214	05/18/2006	(466553)
215	05/19/2006	(467015)
216	05/20/2006	(497797)
217	05/24/2006	(467182)
218	05/30/2006	(479806)
219	06/06/2006	(467287)
220	06/06/2006	(481376)
221	06/07/2006	(481434)
222	06/08/2006	(481811)
223	06/08/2006	(481818)
224	06/08/2006	(481831)
225	06/08/2006	(481847)
226	06/08/2006	(481849)
227	06/08/2006	(481855)
228	06/09/2006	(481941)
229	06/09/2006	(482106)
230	06/13/2006	(467267)
231	06/20/2006	(467269)
232	06/20/2006	(483251)
233	06/20/2006	(497798)
234	06/22/2006	(482171)
235	07/13/2006	(482151)
236	07/13/2006	(486143)
237	07/14/2006	(486796)
238	07/18/2006	(486320)
239	07/27/2006	(488793)
240	08/09/2006	(484782)
241	08/11/2006	(497179)
242	08/15/2006	(497521)

243	08/15/2006	(508687)
244	08/18/2006	(519838)
245	09/08/2006	(509905)
246	09/08/2006	(511714)
247	09/08/2006	(511745)
248	09/14/2006	(510972)
249	09/14/2006	(512629)
250	09/14/2006	(512706)
251	09/20/2006	(512541)
252	09/22/2006	(513260)
253	09/25/2006	(519839)
254	09/29/2006	(514207)
255	10/13/2006	(515967)
256	10/17/2006	(516354)
257	10/25/2006	(517196)
258	10/25/2006	(517198)
259	10/25/2006	(519840)
260	10/25/2006	(519841)
261	11/02/2006	(518011)
262	11/02/2006	(518016)
263	11/08/2006	(518631)
264	11/16/2006	(544068)
265	11/17/2006	(531437)
266	12/05/2006	(533112)
267	12/13/2006	(534145)
268	12/21/2006	(544069)
269	01/18/2007	(537131)
270	01/19/2007	(537153)
271	01/19/2007	(537160)
272	01/19/2007	(537163)
273	01/19/2007	(537177)
274	01/30/2007	(537573)
275	01/30/2007	(537574)
276	01/30/2007	(537578)
277	01/30/2007	(537581)
278	01/30/2007	(537584)
279	01/30/2007	(537589)
280	01/30/2007	(537617)
281	01/30/2007	(537625)
282	01/30/2007	(537635)
283	01/30/2007	(537773)
284	02/14/2007	(537764)
285	02/22/2007	(544067)
286	02/27/2007	(542040)
287	02/27/2007	(542076)
288	03/25/2007	(574582)
289	03/25/2007	(574587)
290	04/24/2007	(574583)
291	04/30/2007	(558662)
292	05/09/2007	(558620)
293	05/10/2007	(558627)
294	05/10/2007	(560030)
295	05/17/2007	(554638)
296	05/24/2007	(574584)
297	06/08/2007	(563273)
298	06/20/2007	(574585)
299	07/06/2007	(565865)
300	07/18/2007	(574586)
301	08/02/2007	(569849)

302	08/10/2007	(571411)
303	08/20/2007	(601332)
304	08/24/2007	(573398)
305	08/24/2007	(573461)
306	08/29/2007	(563453)
307	08/29/2007	(573367)
308	09/20/2007	(601333)
309	09/25/2007	(595829)
310	10/09/2007	(597226)
311	10/09/2007	(597239)
312	10/15/2007	(597249)
313	10/15/2007	(597300)
314	10/15/2007	(597370)
315	10/15/2007	(597394)
316	10/15/2007	(597536)
317	10/22/2007	(598469)
318	10/22/2007	(598491)
319	10/22/2007	(598638)
320	10/22/2007	(598641)
321	10/22/2007	(601334)
322	11/01/2007	(599717)
323	11/20/2007	(619250)
324	12/03/2007	(609680)
325	12/03/2007	(610454)
326	12/07/2007	(610767)
327	12/12/2007	(619251)
328	12/17/2007	(612227)
329	12/17/2007	(612228)
330	12/20/2007	(612619)
331	12/20/2007	(612631)
332	01/18/2008	(614565)
333	01/18/2008	(615270)
334	01/23/2008	(615485)
335	02/13/2008	(618236)
336	02/14/2008	(618242)
337	02/25/2008	(671755)
338	02/25/2008	(671758)
339	02/25/2008	(671759)
340	03/04/2008	(637519)
341	03/07/2008	(637733)
342	03/07/2008	(637773)
343	03/24/2008	(671756)
344	03/28/2008	(640072)
345	03/28/2008	(640078)
346	03/28/2008	(640116)
347	03/28/2008	(640123)
348	03/28/2008	(640132)
349	04/15/2008	(646238)
350	04/23/2008	(671757)
351	04/25/2008	(725703)
352	04/28/2008	(653286)
353	05/23/2008	(689682)
354	06/02/2008	(679997)
355	06/05/2008	(680238)
356	06/05/2008	(680244)
357	06/05/2008	(680249)
358	06/09/2008	(654254)
359	06/24/2008	(689683)
360	07/15/2008	(685465)

361 07/22/2008 (685129)  
 362 08/08/2008 (685719)  
 363 08/08/2008 (688719)  
 364 08/13/2008 (710402)  
 365 09/05/2008 (700625)  
 366 09/19/2008 (710403)  
 367 10/15/2008 (710404)  
 368 10/27/2008 (705793)  
 369 10/30/2008 (705968)  
 370 11/04/2008 (706273)  
 371 11/07/2008 (707314)  
 372 11/07/2008 (707316)  
 373 11/19/2008 (727258)  
 374 12/01/2008 (708829)  
 375 12/19/2008 (727259)  
 376 01/07/2009 (721701)  
 377 01/16/2009 (723575)  
 378 03/11/2009 (735871)  
 379 03/11/2009 (735873)  
 380 03/20/2009 (738722)  
 381 04/03/2009 (740711)  
 382 04/09/2009 (741380)  
 383 04/09/2009 (741392)  
 384 04/27/2009 (742257)  
 385 04/27/2009 (743546)  
 386 05/06/2009 (743902)

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

Date: 09/14/2004 (334176) CN600130884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.151(a)  
 Description: Failure to comply with the allowable emission rate for Particulate Matter figured by Table 1 of 30 TAC §111.151.

Date: 10/27/2004 (339092) CN600130884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 112, SubChapter A 112.3(a)  
 Description: Failure to maintain sulfur dioxide net ground level concentrations at or below 0.4 parts per million.

Date: 04/18/2005 (374114)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(d)(2)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
 Description: Failure to prevent an excess opacity event due to an activity that could have been foreseen and avoided by good operation practices.

Date: 04/30/2005 (419255) CN600130884  
 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: 05/31/2005 (419256) CN600130884  
 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: 04/27/2006 (459901) CN600130884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: Failure to adhere to particulate matter emission limitations set in the Maximum Allowable Emission Rate Table of Permit 56300.

Date: 06/05/2006 (467287) CN600130884  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to submit quarterly Excess Emissions and Monitoring System Performance reports.

Self Report? NO Classification: Major

Citation: 40 CFR Part 60, Subpart Y 60.252(c)

Description: Failure to perform monthly Method 9 opacity readings.

Date: 06/12/2006 (481941)

Self Report? NO Classification: Major

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

Description: Failure to prevent the use of propane as a backup fuel.

Self Report? NO Classification: Major

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

Description: Failure to observe visible emissions by Method 9 in the Atomizer process area.

Self Report? NO Classification: Major

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

Description: Failure to maintain a allowable limits of chlorine per ton of aluminum charged.

Self Report? NO Classification: Major

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.850(e)(4)(xi)

Description: Failure to maintain records for daily visible emission observations.

Self Report? NO Classification: Major

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

Description: Failure to perform visible observations for Potroom, Casthouse, and Electrode Process areas.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(2)(G)

Description: Failure to report the total amount of emissions released.

Self Report? NO Classification: Major

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

Description: Failure to adhere to annual unloading limits of alumina.

Date: 06/08/2007 (563273)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the reporting terms and conditions of Title 30 Texas Administrative Code, Subchapter B, §122.145(2).

Date: 08/24/2007 (563453)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Special Condition No. 4 PERMIT

Description: Failure to comply with the monitoring requirements of 40 Code of Federal Regulations (CFR), Part 63, Subpart RRR.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Special Condition No. 3 PERMIT

Description: Failure to comply with the record keeping requirements specified in 40 CFR, Part 63, Subpart LL.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Special Condition No. 1 PERMIT

Description: Failure to meet the emission limits stated in the Maximum Allowable Emissions Rate Table of TCEQ Permit No. 7559.

Date: 10/31/2007 (599717) CN600130884

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Special Condition No. 4 PERMIT

Description: Failure to comply with the monitoring requirements of 40 Code of Federal Regulations (CFR), Part 63, Subpart RRR.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Special Condition No. 3 PERMIT

Description: Failure to comply with the record keeping requirements specified in 40 CFR, Part 63, Subpart LL.

Date: 02/12/2008 (618242) CN600130884

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Special Condition No. 1 PERMIT

Description: Failure to meet the emission limits stated in the Maximum Allowable Emissions Rate Table of TCEQ Permit No. 7559.

Date: 08/11/2008 (685719) CN600130884

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 9(G)(2) PERMIT

Description: Failure comply with all the special conditions stated in the permit document. The facility failed to comply with Special Condition No. 9(G)(2) of TCEQ Permit No. 56300; which requires the facility to maintain a temperature below 1300 degrees Fahrenheit in the Holding Furnace 7.

Date: 03/20/2009 (738722)

Self Report? NO Classification: Minor

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)  
Special Condition No. 9(E)(5) PERMIT

Description: Failure to comply with the unloading limits of pitch specified in Special Condition No. 9(E)(5) of TCEQ Permit No. 56300.

Self Report? NO Classification: Minor

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)  
Special Condition No. 9(E)(4) PERMIT

Description: Failure to comply with Special Condition No. 9(E)(4) of TCEQ Permit No. 56300.

F. Environmental audits.

Notice of Intent Date: 12/23/2005 (452319)

Disclosure Date: 02/09/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT RRR 63.1506(k)(4)

Rqmt Prov: PERMIT NSR permit 56300

Description: The parametric limit of 0.37 lbs of chlorine/ton aluminum charged under MACT was exceeded when casting operations were temporarily halted due to equipment problems. The chlorine injection rate at the DC3 in-line degasser reached 0.388 lbs. of chlorine/ton aluminum charged.

Viol. Classification: Major

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

Rqmt Prov: PERMIT NSR Permit 56300

Description: Combustion devices used propane as a back up fuel without prior approval from TCEQ due to an interrupted natural gas supply during supplier pipeline repair.

Viol. Classification: Moderate

Rqmt Prov: PERMIT Operating Permit O-02050

Description: Visible emissions observations were not conducted for the Potroom and Electrodes process areas fomr July 1, 2005 to September 30, 2005. Visible emissions obsevations were not conducted for the Casthouse process area from July 1, 2005 to December 31, 2005.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT LL 63.848(g)

Description: Missing documentation of daily visible emissions observations Green Mill area.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

Description: The amount of emissions during an emissino event were under reported to the TCEQ, in that only the amount of emissions that exceeded the permit allowable were reported for the emission event.

Notice of Intent Date: 02/08/2006 (456570)

Disclosure Date: 03/24/2006

Viol. Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.145(1)

Rqmt Prov: PERMIT AIR NSR permit 48437

OP O-1510

Description: Failure to timely submit quarterly report

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 101, SubChapter A 101.8

30 TAC Chapter 122, SubChapter B 122.145

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Y 60.252(c)

Rqmt Prov: OP O-1510

Description: Failure to use Method 9

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.224(1)

Rqmt Prov: OP O-1510

Description: Failure to conduct inspection for liquid leaks, visible vapors or significant odors resulting during gasoline transfer operations.

Viol. Classification: Moderate

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

Rqmt Prov: OP O-1510

Description: Failure to comply with Title V operating permit recordkeeping requirements of General Terms & Conditions No. 15

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.153

Rqmt Prov: OP O-1510

Description: Failure to maintain the precipitator voltage within acceptable limits

Notice of Intent Date: 08/28/2006 (514089)

No DOV Associated

Notice of Intent Date: 04/08/2008 (654964)

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  
ALCOA INC.;  
RN100221472

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-1425-AIR-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Alcoa Inc. ("Alcoa") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Alcoa, represented by John Reily of the law firm of Vinson & Elkins, appear before the Commission and together stipulate that:

1. Alcoa owns and operates a primary aluminum smelting plant located at 4069 Charles Martin Hall Road, Rockdale, Milam County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Alcoa agree that the Commission has jurisdiction to enter this Agreed Order, and that Alcoa is subject to the Commission's jurisdiction.
4. Alcoa received notice of the violations alleged in Section II ("Allegations") on or about August 16, 2008 and March 20, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Alcoa of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of nineteen thousand six hundred fifty-five dollars (\$19,655.00) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). Alcoa paid nine thousand eight hundred twenty-eight dollars (\$9,828.00) of the administrative penalty. Pursuant to TEX. WATER CODE § 7.067, nine thousand eight hundred twenty-seven dollars (\$9,827.00) of the administrative penalty shall be conditionally offset by Alcoa's completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. Alcoa's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

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 Alcoa 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 Alcoa implemented the following corrective measures at the Plant:
  - a. On May 29, 2007, completed adding additional alarm features and enhancing process controls to disallow operations beyond the parametric limit for the chlorine flux injection rate.
  - b. On November 26, 2007, modified procedures for the introduction of silicon metal to reduce particulate matter ("PM") emissions and on November 28, 2007, retested the new operating conditions to ensure lower emissions.
  - c. On June 19, 2008, Potlines 4 and 5 were shut down and on November 7, 2008, Potline 7 was shut down.
  - d. On August 12, 2008, Alcoa submitted the appropriate deviation reports.
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 Alcoa 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

1. During a record review conducted on July 1, 2008, a TCEQ Waco Regional Office investigator documented that Alcoa violated:
  - a. 30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.1506(n)(1), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit (“NSRP”) No. 56300, Special Conditions (“SC”) No. 4, and Federal Operating Permit (“FOP”) No. O-2050, Special Terms and Conditions (“STC”) No. 1.D, by failing to comply with the total chlorine flux injection rate on February 1, 2007. Specifically, the maximum allowable flux injection rate is 4.24 pounds of chlorine per ton of aluminum (“lbs Cl/ton Al”). On February 1, 2007, the flux injection rate was 28.738 lbs Cl/ton Al.
  - b. 30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.1505(k)(1), TEX. HEALTH & SAFETY CODE § 382.085(b), NSRP No. 56300, SC No. 4, and FOP No. O-2050, STC No. 1.D, by failing to comply with PM emission rates on November 13 and 14, 2007.
  - c. 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSRP No. 56300, SC No. 1, and FOP No. O-2050, STC No. 6, by failing to comply with the maximum allowable emission rate (“MAER”) for hydrogen fluoride (“HF”) for Potline 4 roof monitors [Emission Point Nos. (“EPNs”) F10D-1, F10D-2, F10D-3, and F10D-4]. Specifically, from July 9, 2007 through July 26, 2007, HF emissions averaged 1.31 pounds per hour (“lbs/hr”), whereas the MAER is 1.27 lbs/hr.
  - d. 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSRP No. 56300, SC No. 1, and FOP No. O-2050, STC No. 6, by failing to comply with the MAER for Potline 7 roof monitors (EPNs Nos. F10G-1, F10G-2, F10G-3, and F10G-4). Specifically, from September 4, 2007 through September 22, 2007, HF emissions averaged 2.20 lbs/hr, whereas the MAER is 1.91 lbs/hr.
2. During a record review conducted on March 16, 2009, a TCEQ Waco Regional Office investigator documented that Alcoa violated:

- a. 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 56300, SC No. 1, FOP No. O-2050, STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to comply with the MAER for HF and particulate fluoride ("PF") for the Potline 4 roof monitors [EPNs F10D-1, F10D-2, F10D-3, and F10D-4]. Specifically, from June 3, 2008 through June 19, 2008, HF emissions averaged 1.39 lbs/hr, and PF averaged 1.30 lbs/hr; whereas the MAERs for HF and PF are 1.27 lbs/hr and 1.07 lbs/hr, respectively.
- b. 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 56300, SC No. 1, FOP No. O-2050, STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to comply with the MAER for PF for the Potline 5 roof monitors EPNs F10E-1, F10E-2, F10E-3, and F10E-4. Specifically, from January 2, 2008 through January 31, 2008, PF emissions averaged 2.01 lbs/hr, whereas the MAER for PF is 1.94 lbs/hr.
- c. 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), FOP No. O-2050, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to report all instances of deviation within 30 days after the end of each reporting period. Specifically, the deviation reports for the reporting periods of January 14, 2006 through July 13, 2006, July 14, 2006 through January 13, 2007, January 14, 2007 through July 13, 2007, and July 14, 2007 through January 13, 2008, did not include the instances when the unloading rates of pitch and petroleum coke were exceeded.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Alcoa pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Alcoa'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 considering or requiring corrective action or penalties for violations which are not raised here.
2. Alcoa shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067 and as set forth in Section I, Paragraph 6, above. Nine thousand eight hundred twenty-seven dollars (\$9,827.00) of the assessed administrative penalty shall be offset with the condition that Alcoa implement and complete the SEP

pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. Alcoa's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. Alcoa shall undertake the following technical requirements:

- a. Within 180 days after the startup of the Potlines, Alcoa shall submit written certification of compliance with NSRP No. 56300 HF emission limits. If Alcoa cannot certify compliance with NSRP No. 56300 emission limits with full operation of the Potlines, then Alcoa shall either reduce or cease operations of the Potlines so that operations of the Potlines are in compliance with HF emission limits in NSRP No. 56300. The written certification shall include detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Alcoa shall submit the written certification and copies of documentation necessary to demonstrate compliance with this Ordering Provision to:

Order Compliance Team  
Enforcement Division, MC149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and:

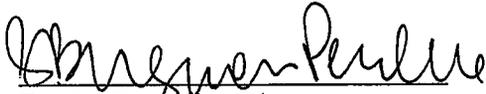
Gary Goldman, Air Section Manager  
Texas Commission on Environmental Quality  
Waco Regional Office  
6801 Sanger Avenue, Suite 2500  
Waco Texas 76710-7826

4. The provisions of this Agreed Order shall apply to and be binding upon Alcoa. Alcoa 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.
5. If Alcoa fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Alcoa's failure to comply is not a violation of this Agreed Order. Alcoa shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Alcoa shall notify the Executive Director within seven days after Alcoa becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Alcoa shall be made in writing to the Executive Director. Extensions are not effective until Alcoa receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Alcoa 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to Alcoa, or three days after the date on which the Commission mails notice of this Agreed Order to Alcoa, 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

  
\_\_\_\_\_  
For the Executive Director

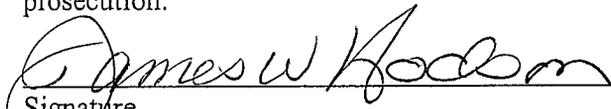
12/14/09  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Alcoa's compliance history;
- Greater scrutiny of any permit applications submitted by Alcoa;
- 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 against Alcoa;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Alcoa; and
- TCEQ seeking other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

10/29/09  
\_\_\_\_\_  
Date

JAMES W. HODSON  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of Alcoa Inc.

ENV. & PUBLIC AFFAIRS MANAGER  
\_\_\_\_\_  
Title

**Attachment A**  
**Supplemental Environmental Project**

Attachment A

Docket Number: 2008-1425-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Alcoa Inc.
<b>Penalty Amount:</b>	Nineteen thousand six hundred fifty-five dollars (\$19,655)
<b>SEP Offset Amount:</b>	Nine thousand eight hundred twenty-seven dollars (\$9,827)
<b>Type of SEP:</b>	Pre-approved
<b>Third-Party Recipient:</b>	Texas PTA – <i>Texas PTA Clean School Buses</i>
<b>Location of SEP:</b>	Texas Air Quality Control Region 212 Austin-Waco

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Texas PTA for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas PTA  
Atten: Alex Peterson, Director of Finance  
408 W. 11<sup>th</sup> Street  
Austin, Texas 78701

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

Alcoa Inc.

TCEQ Docket No. 2008-1425-AIR-E Attachment A

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.