

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-0687-AIR-E RN100218247 CASE NO. 37604
RESPONDENT NAME: ALBEMARLE CORPORATION

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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: 2500 N. South Street, Pasadena, Harris County

TYPE OF OPERATION: chemical plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional enforcement action pending against this facility location [Docket No. 2009-1515-AIR-E].

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

COMMENTS RECEIVED: The *Texas Register* comment period expired November 22, 2010. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney: Ms. Anna Treadwell, Litigation Division, MC 175, (512) 239-3400
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400
TCEQ Enforcement Coordinator: Ms. Roshandra Lowe, Air Enforcement Section, MC 128, (713) 676-3500
TCEQ SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Regional Contact: Mr. Jason Harris, Air Section Manager, Houston Regional Office, MC R-12, (713) 767-3609
Respondent Contact: Mr. Charles Seaton, Albemarle Corporation, P.O. Box 2500, Pasadena, Texas 77501
Respondent's Attorney: Mr. Charles Nestrud, Attorney, Chisenhall, Nestrud & Julian, P.A., 400 West Capitol, Suite 2840, Little Rock, Arkansas 72201

**RESPONDENT NAME: ALBEMARLE CORPORATION
DOCKET NO. 2009-0687-AIR-E**

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint: None</p> <p>Date of Investigation: March 26, 2009</p> <p>Date of NOE: April 20, 2009</p> <p>Background Facts: The EDP RP was filed on December 9, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on September 2, 2010.</p> <p>AIR: Failed to determine the highly-reactive volatile organic compound ("HRVOC") concentration no later than seven days after samples were collected [30 TEX. ADMIN. CODE § 115.764(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$12,690</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,345</p> <p>Total Paid to General Revenue: \$6,345</p> <p>Respondent paid \$6,345 of the administrative penalty. The remaining amount of \$6,345 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p>Compliance History Classifications: <i>Person/CN</i> – Average <i>Site/RN</i> – Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken: The Executive Director recognizes that Respondent implemented measures to ensure that HRVOC concentrations were determined within seven days of sampling.</p> <p>Ordering Provision: Respondent shall implement and complete a SEP (Harris County – <i>Ambient and Meteorological Air Monitoring</i>)</p>

Attachment A
Docket Number: 2009-0687-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Albemarle Corporation
Penalty Amount: Twelve Thousand Six Hundred Ninety Dollars (\$12,690)
SEP Offset Amount: Six Thousand Three Hundred Forty-Five Dollars (\$6,345)
Type of SEP: Pre-approved
Third-Party Recipient: **Texas Association of RC&D** – *Abandoned Tire Clean Up*
Location of SEP: Harris County; San Jacinto River Basin

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 Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** to be used for the *Abandoned Tire Clean Up* program. Specifically, the contribution will be used to clean up sites where tires have been disposed of illegally. SEP Funds will be used to pay for the labor and disposal costs associated with proper clean up and disposal of abandoned tires.

Performing party shall coordinate with local city and county government officials and private entities to clean up sites where tires have been disposed of illegally, or to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling. Eligible tire cleanup sites will be limited to areas where a responsible party cannot be identified or where there is no preexisting obligation to clean up the site by the owner or government and where reasonable efforts have been made to prevent the dumping. SEP monies will be used for the direct cost of collection and disposal of tires and debris. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

The projects will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Helps rid communities of the dangers and health threats associated with illegal tire sites.

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 Association of Resource Conservation
and Development Areas, Inc. (RC&D)
Attention: Amy Brown
1716 Briarcrest Drive Suite 507
Bryan, Texas 77802-2700

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:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
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:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
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.

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 Offset Amount 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)

TCEQ

DATES	Assigned	27-Apr-2009	Screening	12-May-2009	EPA Due	15-Jan-2010
	PCW	11-Aug-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Albemarle Corporation		
Reg. Ent. Ref. No.	RN100218247		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	37604	No. of Violations	1
Docket No.	2009-0687-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 12-May-2009

Docket No. 2009-0687-AIR-E

PCW

Respondent Albemarle Corporation

Policy Revision 2 (September 2002)

Case ID No. 37604

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218247

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 66%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

Total Adjustment Percentage (Subtotals 2, 3, & 7) 66%

Screening Date 12-May-2009 **Docket No.** 2009-0687-AIR-E **PCW**
Respondent Albemarle Corporation *Policy Revision 2 (September 2002)*
Case ID No. 37604 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100218247
Media [Statute] Air
Enf. Coordinator Roshondra Lowe

Violation Number
Rule Cite(s)
Violation Description
Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days
mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Albemarle Corporation
Case ID No. 37604
Reg. Ent. Reference No. RN100218247
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$2,500	2-Feb-2007	20-Apr-2009	2.21	\$277	n/a	\$277
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 Esitimated cost to ensure samples are analyzed within the required timeframe of the samples being collected. The date required is the date the first samples were collected. The final date is based on 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	\$2,500	TOTAL	\$277
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN600129589	Albemarle Corporation	Classification: AVERAGE	Rating: 5.05
Regulated Entity:	RN100218247	ALBEMARLE HOUSTON PLANT	Classification: AVERAGE	Site Rating: 1.20
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0225N
	AIR OPERATING PERMITS	PERMIT		1537
	AIR OPERATING PERMITS	PERMIT		2283
	AIR OPERATING PERMITS	PERMIT		2284
	AIR OPERATING PERMITS	PERMIT		2285
	AIR OPERATING PERMITS	PERMIT		2310
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXR000004986
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		83328
	WASTEWATER	PERMIT		WQ0000492000
	WASTEWATER	PERMIT		TPDES0004731
	WASTEWATER	PERMIT		TX0004731
	AIR NEW SOURCE PERMITS	PERMIT		48576
	AIR NEW SOURCE PERMITS	PERMIT		13055
	AIR NEW SOURCE PERMITS	PERMIT		18114
	AIR NEW SOURCE PERMITS	PERMIT		22650
	AIR NEW SOURCE PERMITS	PERMIT		26930
	AIR NEW SOURCE PERMITS	PERMIT		29614
	AIR NEW SOURCE PERMITS	PERMIT		38662
	AIR NEW SOURCE PERMITS	PERMIT		41176
	AIR NEW SOURCE PERMITS	PERMIT		41510
	AIR NEW SOURCE PERMITS	PERMIT		43083
	AIR NEW SOURCE PERMITS	PERMIT		44004
	AIR NEW SOURCE PERMITS	PERMIT		44510
	AIR NEW SOURCE PERMITS	PERMIT		44466
	AIR NEW SOURCE PERMITS	PERMIT		45370
	AIR NEW SOURCE PERMITS	PERMIT		45857
	AIR NEW SOURCE PERMITS	PERMIT		46167
	AIR NEW SOURCE PERMITS	PERMIT		46836
	AIR NEW SOURCE PERMITS	PERMIT		47703
	AIR NEW SOURCE PERMITS	PERMIT		48710
	AIR NEW SOURCE PERMITS	PERMIT		49298
	AIR NEW SOURCE PERMITS	PERMIT		50163
	AIR NEW SOURCE PERMITS	PERMIT		50112
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0225N
	AIR NEW SOURCE PERMITS	PERMIT		69A
	AIR NEW SOURCE PERMITS	PERMIT		69C
	AIR NEW SOURCE PERMITS	PERMIT		734
	AIR NEW SOURCE PERMITS	PERMIT		2036
	AIR NEW SOURCE PERMITS	PERMIT		2101
	AIR NEW SOURCE PERMITS	PERMIT		3962
	AIR NEW SOURCE PERMITS	PERMIT		4814A
	AIR NEW SOURCE PERMITS	PERMIT		6267
	AIR NEW SOURCE PERMITS	PERMIT		6268
	AIR NEW SOURCE PERMITS	PERMIT		6598
	AIR NEW SOURCE PERMITS	PERMIT		6599
	AIR NEW SOURCE PERMITS	PERMIT		7751
	AIR NEW SOURCE PERMITS	PERMIT		8327
	AIR NEW SOURCE PERMITS	PERMIT		10260
	AIR NEW SOURCE PERMITS	REGISTRATION		72099
	AIR NEW SOURCE PERMITS	REGISTRATION		71918
	AIR NEW SOURCE PERMITS	PERMIT		53311
	AIR NEW SOURCE PERMITS	REGISTRATION		55200
	AIR NEW SOURCE PERMITS	REGISTRATION		54904
	AIR NEW SOURCE PERMITS	REGISTRATION		75627
	AIR NEW SOURCE PERMITS	AFS NUM		4820100015
	AIR NEW SOURCE PERMITS	REGISTRATION		56786
	AIR NEW SOURCE PERMITS	REGISTRATION		56177
	AIR NEW SOURCE PERMITS	PERMIT		71045
	AIR NEW SOURCE PERMITS	REGISTRATION		71550
	AIR NEW SOURCE PERMITS	PERMIT		50606

AIR NEW SOURCE PERMITS	PERMIT	53546
AIR NEW SOURCE PERMITS	PERMIT	52399
AIR NEW SOURCE PERMITS	REGISTRATION	72203
AIR NEW SOURCE PERMITS	PERMIT	54638
AIR NEW SOURCE PERMITS	PERMIT	52809
AIR NEW SOURCE PERMITS	PERMIT	54215
AIR NEW SOURCE PERMITS	PERMIT	53312
AIR NEW SOURCE PERMITS	PERMIT	52405
AIR NEW SOURCE PERMITS	PERMIT	53817
AIR NEW SOURCE PERMITS	PERMIT	54708
AIR NEW SOURCE PERMITS	PERMIT	73012
AIR NEW SOURCE PERMITS	PERMIT	52060
AIR NEW SOURCE PERMITS	REGISTRATION	73127
AIR NEW SOURCE PERMITS	PERMIT	52207
AIR NEW SOURCE PERMITS	REGISTRATION	73657
AIR NEW SOURCE PERMITS	REGISTRATION	73954
AIR NEW SOURCE PERMITS	REGISTRATION	74050
AIR NEW SOURCE PERMITS	REGISTRATION	74294
AIR NEW SOURCE PERMITS	REGISTRATION	74311
AIR NEW SOURCE PERMITS	REGISTRATION	75327
AIR NEW SOURCE PERMITS	REGISTRATION	76399
AIR NEW SOURCE PERMITS	PERMIT	77644
AIR NEW SOURCE PERMITS	REGISTRATION	77959
AIR NEW SOURCE PERMITS	REGISTRATION	78067
AIR NEW SOURCE PERMITS	REGISTRATION	78222
AIR NEW SOURCE PERMITS	REGISTRATION	79418
AIR NEW SOURCE PERMITS	REGISTRATION	79127
AIR NEW SOURCE PERMITS	REGISTRATION	78870
AIR NEW SOURCE PERMITS	REGISTRATION	81535
AIR NEW SOURCE PERMITS	REGISTRATION	81634
AIR NEW SOURCE PERMITS	REGISTRATION	84493
AIR NEW SOURCE PERMITS	REGISTRATION	87160
AIR NEW SOURCE PERMITS	REGISTRATION	86420
AIR NEW SOURCE PERMITS	PERMIT	83815
AIR NEW SOURCE PERMITS	PERMIT	83814
AIR NEW SOURCE PERMITS	REGISTRATION	87845
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011172
WATER LICENSING	LICENSE	1011172
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	83328

Location: 2500 N SOUTH ST, PASADENA, TX, 77503

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 12, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 12, 2004 to May 12, 2009

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

1660-1 Effective Date: 05/23/2005 ADMINORDER 2004-0941-IHW-E

Classification: Moderate

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

30 TAC Chapter 335, SubChapter A 335.2(b)

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

FINDINGS-1

Effective Date: 10/25/2007

ADMINORDER 2007-0316-AIR-E

Classification: Moderate

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

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/24/2004	(295120)	59	12/06/2006	(519556)
2	06/17/2004	(269114)	60	12/19/2006	(544392)
3	06/21/2004	(295122)	61	01/18/2007	(544393)
4	06/30/2004	(267059)	62	02/12/2007	(532627)
5	07/26/2004	(351974)	63	02/19/2007	(544390)
6	08/11/2004	(286941)	64	02/20/2007	(535641)
7	08/11/2004	(287328)	65	03/19/2007	(575140)
8	08/11/2004	(288142)	66	03/29/2007	(532628)
9	08/11/2004	(289016)	67	04/17/2007	(575141)
10	08/24/2004	(351975)	68	05/17/2007	(575142)
11	08/31/2004	(289538)	69	05/23/2007	(532626)
12	08/31/2004	(289682)	70	05/31/2007	(542886)
13	08/31/2004	(292444)	71	06/19/2007	(575143)
14	09/16/2004	(291903)	72	07/19/2007	(575144)
15	09/21/2004	(351976)	73	08/17/2007	(601561)
16	09/30/2004	(335910)	74	08/24/2007	(252542)
17	10/25/2004	(351977)	75	08/24/2007	(566774)
18	11/11/2004	(290083)	76	09/26/2007	(601562)
19	11/11/2004	(291136)	77	10/11/2007	(566713)
20	11/23/2004	(351978)	78	10/17/2007	(601563)
21	12/13/2004	(337500)	79	11/16/2007	(595126)
22	12/22/2004	(381793)	80	11/20/2007	(619470)
23	01/24/2005	(381794)	81	12/18/2007	(619471)
24	01/31/2005	(348991)	82	01/15/2008	(595611)
25	02/03/2005	(349275)	83	01/17/2008	(619472)
26	02/22/2005	(381792)	84	02/15/2008	(612816)
27	03/22/2005	(419619)	85	02/15/2008	(612860)
28	04/22/2005	(378589)	86	02/20/2008	(671978)
29	04/25/2005	(378237)	87	03/19/2008	(671979)
30	04/25/2005	(419620)	88	04/18/2008	(671980)
31	05/24/2005	(419621)	89	04/30/2008	(636882)
32	06/21/2005	(419622)	90	05/16/2008	(689896)
33	07/22/2005	(440758)	91	06/13/2008	(689897)
34	08/23/2005	(440759)	92	07/18/2008	(689898)
35	09/07/2005	(406522)	93	08/11/2008	(681814)
36	09/23/2005	(440760)	94	08/14/2008	(687864)
37	10/21/2005	(468311)	95	08/19/2008	(710677)
38	11/28/2005	(468312)	96	08/26/2008	(610612)
39	12/12/2005	(440125)	97	09/22/2008	(710678)
40	12/22/2005	(468313)	98	10/20/2008	(710679)
41	01/23/2006	(468314)	99	11/18/2008	(727440)
42	01/25/2006	(452604)	100	12/04/2008	(707724)
43	02/21/2006	(468309)	101	12/17/2008	(727441)
44	02/27/2006	(456027)	102	01/16/2009	(727442)
45	02/28/2006	(457717)	103	03/10/2009	(722688)
46	03/22/2006	(468310)	104	04/20/2009	(740902)
47	04/24/2006	(498110)			
48	04/25/2006	(458981)			
49	05/01/2006	(462217)			
50	05/22/2006	(498111)			
51	06/21/2006	(498112)			
52	06/27/2006	(457297)			
53	06/27/2006	(457402)			
54	07/24/2006	(520123)			
55	08/17/2006	(520124)			
56	09/19/2006	(520125)			
57	10/17/2006	(520126)			
58	11/20/2006	(544391)			

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

N/SAME-1 Date: 09/16/2004 (291903) CN600129589
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to maintain all pressure maintenance facilities and related appurtenances in a watertight condition.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)
Description: Failure to provide a ground storage capacity which is equal to 50 percent of the maximum daily demand.

N/SAME-2 Date: 09/30/2004 (351977) CN600129589
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

N/SAME-3 Date: 12/13/2004 (337500) CN600129589
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with effluent permit limits for biochemical oxygen demand (BOD5).

N/SAME-4 Date: 02/28/2005 (419619) CN600129589
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

N/SAME-5 Date: 08/22/2005 (406522) CN600129589
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to maintain all pressure maintenance facilities and related appurtenances in a watertight condition.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)
Description: Failure to provide a ground storage capacity which is equal to 50 percent of the maximum daily demand.

N/SAME-6 Date: 09/30/2007 (601563) CN600129589
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

N/SAME-7 Date: 08/11/2008 (681814) CN600129589
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report all deviations in a semi-annual deviation report.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to include all deviations in the annual compliance certification report.

N/SAME-8 Date: 08/26/2008 (610612) CN600129589
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to submit a complete and accurate deviation report.

N/SAME-9 Date: 10/31/2008 (727440) CN600129589
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

SIM-1 Date: 03/10/2009 (722688) CN600129589
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
O-02310 Special Terms and Condition 1(A) OP

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

F. Environmental audits.

NOI-1 Notice of Intent Date: 11/07/2005 (400642)
No DOV Associated
NOI-2 Notice of Intent Date: 12/03/2008 (722245)
No DOV Associated

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ALBEMARLE CORPORATION;
RN100218247**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0687-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 Albemarle Corporation (“Albemarle”) 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 Albemarle, represented by Charles Nestrud of the law firm of Chisenhall, Nestrud & Julian, P.A., appear before the Commission and together stipulate that:

1. Albemarle owns and operates a chemical plant located at 2500 N. South Street, Pasadena, Harris County, Texas (the “Plant”). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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 Albemarle agree that the Commission has jurisdiction to enter this Agreed Order, and that Albemarle is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Albemarle of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
5. An administrative penalty in the amount of twelve thousand six hundred ninety dollars (\$12,690.00) is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, six thousand three hundred forty-five dollars (\$6,345.00) of the administrative penalty shall be conditionally offset by Albemarle’s completion of a Supplemental Environmental

Project (“SEP”) as defined in Attachment A, incorporated herein by reference. Albemarle’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. Albemarle paid six thousand three hundred forty-five dollars (\$6,345.00) of the administrative penalty.

6. 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.
7. The Executive Director of the TCEQ and Albemarle agree on a settlement of the matters addressed in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Albemarle implemented measures to ensure that highly-reactive volatile organic compounds (“HRVOC”) concentrations were determined within seven days of sampling.
9. 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 Albemarle has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 an investigation conducted on March 26, 2009, a TCEQ Houston Regional Office investigator documented that Albemarle violated 30 TEX. ADMIN. CODE § 115.764(c) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to determine the HRVOC concentration no later than seven days after samples were collected. Specifically, HRVOC concentration was determined after seven days for the samples collected during the months of February through August 2007, November 2007, and January 2008.
2. Albemarle received notice of the violation on or about April 25, 2009.

III. DENIALS

1. Albemarle generally denies the Allegations in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Albemarle pay an administrative penalty as set forth in Section I, Paragraph 5, above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Albemarle'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. Albemarle shall implement and complete the SEP as set forth in Section I, Paragraph 5, above, in accordance with TEX. WATER CODE § 7.067. Six thousand three hundred forty-five dollars (\$6,345.00) of the assessed administrative penalty shall be offset with the condition that Albemarle implement and complete the SEP pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. Albemarle's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Albemarle Corporation, Docket No. 2009-0687-AIR-E" to:

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

3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon Albemarle. Albemarle 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 Albemarle 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, Albemarle's failure to comply is not a violation of this Agreed Order. Albemarle shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Albemarle shall

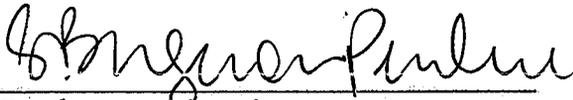
notify the Executive Director within seven days after Albemarle becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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 Albemarle shall be made in writing to the Executive Director. Extensions are not effective until Albemarle 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 Albemarle 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
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 Albemarle, or three days after the date on which the Commission mails notice of this Agreed Order to Albemarle, 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

Date

11/9/2010

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 Albemarle Corporation and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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


Signature

September 02, 2010
Date

Michael Brown
Name (Printed or typed)
Authorized representative of Albemarle Corporation

Plant Manager
Title

Attachment A
Docket Number: 2009-0687-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Albemarle Corporation
Penalty Amount: Twelve Thousand Six Hundred Ninety Dollars (\$12,690)
SEP Offset Amount: Six Thousand Three Hundred Forty-Five Dollars (\$6,345)
Type of SEP: Pre-approved
Third-Party Recipient: **Texas Association of RC&D** – *Abandoned Tire Clean Up*
Location of SEP: Harris County; San Jacinto River Basin

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 Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** to be used for the *Abandoned Tire Clean Up* program. Specifically, the contribution will be used to clean up sites where tires have been disposed of illegally. SEP Funds will be used to pay for the labor and disposal costs associated with proper clean up and disposal of abandoned tires.

Performing party shall coordinate with local city and county government officials and private entities to clean up sites where tires have been disposed of illegally, or to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling. Eligible tire cleanup sites will be limited to areas where a responsible party cannot be identified or where there is no preexisting obligation to clean up the site by the owner or government and where reasonable efforts have been made to prevent the dumping. SEP monies will be used for the direct cost of collection and disposal of tires and debris. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

The projects will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Helps rid communities of the dangers and health threats associated with illegal tire sites.

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 Association of Resource Conservation
and Development Areas, Inc. (RC&D)
Attention: Amy Brown
1716 Briarcrest Drive Suite 507
Bryan, Texas 77802-2700

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:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
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:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
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.

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 Offset Amount 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.