

**Executive Summary – Enforcement Matter – Case No. 49184  
Albemarle Corporation  
RN100218247  
Docket No. 2014-1216-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Albemarle Houston Plant, 2500 North South Street, Pasadena, Harris County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** February 13, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,575

**Amount Deferred for Expedited Settlement:** \$2,715

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$10,860

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** August 12, 2014 and August 28, 2014

**Date(s) of NOE(s):** August 25, 2014 and October 17, 2014

**Executive Summary – Enforcement Matter – Case No. 49184**  
**Albemarle Corporation**  
**RN100218247**  
**Docket No. 2014-1216-AIR-E**

***Violation Information***

1. Failed to obtain a revision to a Federal Operating Permit ("FOP") to include all applicable requirements. Specifically, the Respondent did not obtain a revision to FOP No. O1537 to include 30 TEX. ADMIN. CODE § 106.454 as an applicable requirement for three degreasing units [30 TEX. ADMIN. CODE §§ 122.142(b)(2)(A) and 122.210(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
  
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,329 pounds of ethylene from the Multiple Products Unit ("MP-1") Flare, Emission Point Number G-D-1, during an emissions event (Incident No. 200562) that began on July 2, 2014 and lasted for 21 hours. The event occurred due to the loss of pilot flame to the MP-1 Flare. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18, FOP No. O2285, Special Terms and Conditions No. 11, New Source Review ("NSR") Permit No. 3962, Special Conditions ("SC") Nos. 1 and 7B, and NSR Permit No. 69A, SC Nos. 1 and 4B].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 200562; and
  - ii. Submit an administratively complete application to revise FOP No. O1537 to include all applicable requirements.
  
- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the FOP revision application within 30 days after the date of such requests, or by any other deadline specified in writing.
  
- c. Within 45 days, submit written certification demonstrating compliance with a.

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d. Within 180 days, submit written certification that either the revision to FOP No. O1537 has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Karen G. Narwold, Senior Vice President and General Counsel, Albemarle Corporation, 451 Florida Street, Baton Rouge, Louisiana 70801  
Doug Thompson, Senior Environmental Specialist, Albemarle Corporation, 451 Florida Street, Baton Rouge, Louisiana 70801  
**Respondent's Attorney:** N/A





## Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	18-Aug-2014	Screening	25-Aug-2014	EPA Due	9-May-2015
	PCW	25-Aug-2014				

## 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.	49184	No. of Violations	2
Docket No.	2014-1216-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$7,500**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **81.0%** Enhancement *Subtotals 2, 3, & 7* **\$6,075**

Notes: Enhancement for five NOV's with same/similar violations and three orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

**Culpability** **No** **0.0%** Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$0**

**Economic Benefit** **0.0%** Enhancement\* *Subtotal 6* **\$0**

Total EB Amounts **\$934**  
Estimated Cost of Compliance **\$20,000**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$13,575**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

*Final Penalty Amount* **\$13,575**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$13,575**

**DEFERRAL** **20.0%** Reduction *Adjustment* **-\$2,715**

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$10,860**

Screening Date 25-Aug-2014

Docket No. 2014-1216-AIR-E

PCW

Respondent Albemarle Corporation

Policy Revision 4 (April 2014)

Case ID No. 49184

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218247

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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 ( <i>number of judgments 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> )	1	-2%

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)** 81%

>> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with same/similar violations and three orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 81%

>> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 81%

**Screening Date** 25-Aug-2014  
**Respondent** Albemarle Corporation  
**Case ID No.** 49184  
**Reg. Ent. Reference No.** RN100218247  
**Media [Statute]** Air  
**Enf. Coordinator** Amancio R. Gutierrez

**Docket No.** 2014-1216-AIR-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.142(b)(2)(A) and 122.210(a) and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to obtain a revision to a Federal Operating Permit ("FOP") to include all applicable requirements. Specifically, the Respondent did not obtain a revision to FOP No. O1537 to include 30 Tex. Admin. Code § 106.454 as an applicable requirement for three degreasing units.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
100% of the rule requirement was not met.				

**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**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

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

**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.** 49184  
**Reg. Ent. Reference No.** RN100218247  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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	\$10,000	12-Aug-2014	25-Aug-2015	1.04	\$518	n/a	\$518
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a revision to FOP No. O1537 to include all applicable requirements. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

### 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

\$10,000

**TOTAL**

\$518

Screening Date 25-Aug-2014

Docket No. 2014-1216-AIR-E

PCW

Respondent Albemarle Corporation

Policy Revision 4 (April 2014)

Case ID No. 49184

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218247

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 60.18, FOP No. O2285, Special Terms and Conditions No. 11, New Source Review ("NSR") Permit No. 3962, Special Conditions ("SC") Nos. 1 and 7B, and MSR Permit No. 69A, SC Nos. 1 and 4B

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,329 pounds of ethylene from the Multiple Products Unit ("MP-1") Flare, Emission Point Number G-D-1, during an emissions event (Incident No. 200562) that began on July 2, 2014 and lasted for 21 hours. The event occurred due to the loss of pilot flame to the MP-1 Flare. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$416

Violation Final Penalty Total \$6,788

This violation Final Assessed Penalty (adjusted for limits) \$6,788

# Economic Benefit Worksheet

**Respondent** Albemarle Corporation  
**Case ID No.** 49184  
**Reg. Ent. Reference No.** RN100218247  
**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
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)	\$10,000	2-Jul-2014	2-May-2015	0.83	\$416	n/a	\$416

**Notes for DELAYED costs**  
 Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 200562. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

### 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
<b>ONE-TIME avoided costs [3]</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b> <span style="border: 1px solid black; padding: 2px;">\$10,000</span>	<b>TOTAL</b> <span style="border: 1px solid black; padding: 2px;">\$416</span>
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# Compliance History Report

**PENDING** Compliance History Report for CN600129589, RN100218247, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600129589, Albemarle Corporation	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 2.19
<b>Regulated Entity:</b>	RN100218247, ALBEMARLE HOUSTON PLANT	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 3.47
<b>Complexity Points:</b>	26	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	2500 N SOUTH ST PASADENA, TX 77503, HARRIS COUNTY		
<b>TCEQ Region:</b>	REGION 12 - HOUSTON		

**ID Number(s):**

- AIR OPERATING PERMITS ACCOUNT NUMBER HG0225N
- AIR OPERATING PERMITS PERMIT 2283
- AIR OPERATING PERMITS PERMIT 2310
- WASTEWATER EPA ID TX0004731
- AIR NEW SOURCE PERMITS REGISTRATION 13055
- AIR NEW SOURCE PERMITS REGISTRATION 22650
- AIR NEW SOURCE PERMITS PERMIT 29614
- AIR NEW SOURCE PERMITS REGISTRATION 41176
- AIR NEW SOURCE PERMITS REGISTRATION 43083
- AIR NEW SOURCE PERMITS REGISTRATION 44510
- AIR NEW SOURCE PERMITS REGISTRATION 45370
- AIR NEW SOURCE PERMITS REGISTRATION 46167
- AIR NEW SOURCE PERMITS REGISTRATION 47703
- AIR NEW SOURCE PERMITS PERMIT 49298
- AIR NEW SOURCE PERMITS REGISTRATION 50112
- AIR NEW SOURCE PERMITS PERMIT 69A
- AIR NEW SOURCE PERMITS PERMIT 734
- AIR NEW SOURCE PERMITS PERMIT 2101
- AIR NEW SOURCE PERMITS PERMIT 6267
- AIR NEW SOURCE PERMITS PERMIT 6598
- AIR NEW SOURCE PERMITS PERMIT 7751
- AIR NEW SOURCE PERMITS REGISTRATION 10260
- AIR NEW SOURCE PERMITS REGISTRATION 71918
- AIR NEW SOURCE PERMITS REGISTRATION 55200
- AIR NEW SOURCE PERMITS REGISTRATION 75627
- AIR NEW SOURCE PERMITS REGISTRATION 56786
- AIR NEW SOURCE PERMITS REGISTRATION 71045
- AIR NEW SOURCE PERMITS REGISTRATION 50606
- AIR NEW SOURCE PERMITS REGISTRATION 52399
- AIR NEW SOURCE PERMITS REGISTRATION 54638
- AIR NEW SOURCE PERMITS REGISTRATION 54215
- AIR NEW SOURCE PERMITS REGISTRATION 52405
- AIR NEW SOURCE PERMITS REGISTRATION 54708
- AIR NEW SOURCE PERMITS REGISTRATION 52060
- AIR NEW SOURCE PERMITS REGISTRATION 52207
- AIR NEW SOURCE PERMITS REGISTRATION 73954
- AIR NEW SOURCE PERMITS REGISTRATION 74294
- AIR NEW SOURCE PERMITS REGISTRATION 75327
- AIR NEW SOURCE PERMITS PERMIT 77644
- AIR NEW SOURCE PERMITS REGISTRATION 78067
- AIR NEW SOURCE PERMITS REGISTRATION 79418

- AIR OPERATING PERMITS PERMIT 1537
- AIR OPERATING PERMITS PERMIT 2285
- WASTEWATER PERMIT WQ0000492000
- AIR NEW SOURCE PERMITS PERMIT 48576
- AIR NEW SOURCE PERMITS PERMIT 18114
- AIR NEW SOURCE PERMITS REGISTRATION 26930
- AIR NEW SOURCE PERMITS REGISTRATION 38662
- AIR NEW SOURCE PERMITS REGISTRATION 41510
- AIR NEW SOURCE PERMITS REGISTRATION 44004
- AIR NEW SOURCE PERMITS REGISTRATION 44466
- AIR NEW SOURCE PERMITS REGISTRATION 45857
- AIR NEW SOURCE PERMITS REGISTRATION 46836
- AIR NEW SOURCE PERMITS PERMIT 48710
- AIR NEW SOURCE PERMITS REGISTRATION 50163
- AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0225N
- AIR NEW SOURCE PERMITS PERMIT 69C
- AIR NEW SOURCE PERMITS PERMIT 2036
- AIR NEW SOURCE PERMITS PERMIT 3962
- AIR NEW SOURCE PERMITS PERMIT 6268
- AIR NEW SOURCE PERMITS PERMIT 6599
- AIR NEW SOURCE PERMITS PERMIT 8327
- AIR NEW SOURCE PERMITS REGISTRATION 72099
- AIR NEW SOURCE PERMITS REGISTRATION 53311
- AIR NEW SOURCE PERMITS REGISTRATION 54904
- AIR NEW SOURCE PERMITS AFS NUM 4820100015
- AIR NEW SOURCE PERMITS REGISTRATION 56177
- AIR NEW SOURCE PERMITS REGISTRATION 71550
- AIR NEW SOURCE PERMITS REGISTRATION 53546
- AIR NEW SOURCE PERMITS REGISTRATION 72203
- AIR NEW SOURCE PERMITS REGISTRATION 52809
- AIR NEW SOURCE PERMITS REGISTRATION 53312
- AIR NEW SOURCE PERMITS REGISTRATION 53817
- AIR NEW SOURCE PERMITS REGISTRATION 73012
- AIR NEW SOURCE PERMITS REGISTRATION 73127
- AIR NEW SOURCE PERMITS REGISTRATION 73657
- AIR NEW SOURCE PERMITS REGISTRATION 74050
- AIR NEW SOURCE PERMITS REGISTRATION 74311
- AIR NEW SOURCE PERMITS REGISTRATION 76399
- AIR NEW SOURCE PERMITS REGISTRATION 77959
- AIR NEW SOURCE PERMITS REGISTRATION 78222
- AIR NEW SOURCE PERMITS REGISTRATION 79127

AIR NEW SOURCE PERMITS REGISTRATION 78870  
AIR NEW SOURCE PERMITS REGISTRATION 86420  
AIR NEW SOURCE PERMITS REGISTRATION 87845  
AIR NEW SOURCE PERMITS REGISTRATION 87160  
AIR NEW SOURCE PERMITS REGISTRATION 95664  
AIR NEW SOURCE PERMITS REGISTRATION 98036  
AIR NEW SOURCE PERMITS REGISTRATION 118808  
AIR NEW SOURCE PERMITS REGISTRATION 107341  
AIR NEW SOURCE PERMITS REGISTRATION 120981  
AIR NEW SOURCE PERMITS REGISTRATION 117508  
AIR NEW SOURCE PERMITS REGISTRATION 122817  
AIR NEW SOURCE PERMITS REGISTRATION 107339  
AIR NEW SOURCE PERMITS REGISTRATION 117969  
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011172

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE  
REGISTRATION # (SWR) 83328  
POLLUTION PREVENTION PLANNING ID NUMBER P01654

AIR NEW SOURCE PERMITS REGISTRATION 81535  
AIR NEW SOURCE PERMITS PERMIT 83814  
AIR NEW SOURCE PERMITS REGISTRATION 84493  
AIR NEW SOURCE PERMITS REGISTRATION 93898  
AIR NEW SOURCE PERMITS REGISTRATION 99733  
AIR NEW SOURCE PERMITS REGISTRATION 99785  
AIR NEW SOURCE PERMITS REGISTRATION 117827  
AIR NEW SOURCE PERMITS REGISTRATION 107338  
AIR NEW SOURCE PERMITS REGISTRATION 113269  
AIR NEW SOURCE PERMITS REGISTRATION 107342  
AIR NEW SOURCE PERMITS REGISTRATION 107340  
AIR NEW SOURCE PERMITS REGISTRATION 121992  
AIR NEW SOURCE PERMITS REGISTRATION 118880  
INDUSTRIAL AND HAZARDOUS WASTE EPA ID  
TXR000004986  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0225N

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** October 24, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 24, 2009 to October 24, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Amancio R. Gutierrez

**Phone:** (512) 239-3921

**Site and Owner/Operator History:**

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 12/25/2010 ADMINORDER 2009-0687-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(c)  
5C THSC Chapter 382 382.085(b)  
Description: Failed 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 Effective Date: 10/17/2011 ADMINORDER 2009-1515-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-02285 Special Term & Condition 1A OP  
FOP O-02285 Special Term & Condition 8 OP  
NSR Permit No. 18114 Special Condition 2 PERMIT  
NSR Permit No. 3962 Special Condition 3 PERMIT  
NSR Permit No. 69A Special Condition 4A PERMIT  
Description: Failure to maintain the allowable minimum BTU/scf limit for flares. (CATEGORY A1216)

**Pending Compliance History Report for CN600129589, RN100218247, Rating Year 2014 which includes Compliance History (CH) components from October 24, 2009, through October 24, 2014.**

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)

Rqmt Prov: FOP O-02285 Special Term & Condition 8 OP  
NSR Permit 18114 Special Condition 10A PERMIT

Description: Failure to maintain documentation of equipment excluded from NSR Permit 18114 Special Condition 10A. (CATEGORY B3)

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	November 04, 2009	(776681)
Item 2	November 12, 2009	(776925)
Item 3	November 20, 2009	(804506)
Item 4	December 17, 2009	(804507)
Item 5	January 05, 2010	(786090)
Item 6	January 20, 2010	(804508)
Item 7	February 16, 2010	(804502)
Item 8	February 24, 2010	(791604)
Item 9	March 12, 2010	(830825)
Item 10	April 16, 2010	(830826)
Item 11	May 13, 2010	(830827)
Item 12	May 19, 2010	(798316)
Item 13	June 10, 2010	(846249)
Item 14	June 11, 2010	(825410)
Item 15	July 20, 2010	(860844)
Item 16	August 09, 2010	(843931)
Item 17	August 16, 2010	(866810)
Item 18	September 17, 2010	(873882)
Item 19	October 14, 2010	(881483)
Item 20	November 17, 2010	(888013)
Item 21	December 16, 2010	(896217)
Item 22	January 20, 2011	(902286)
Item 23	February 18, 2011	(909062)
Item 24	March 09, 2011	(916325)
Item 25	April 18, 2011	(924766)
Item 26	May 11, 2011	(938005)
Item 27	June 12, 2011	(899784)
Item 28	June 15, 2011	(945329)
Item 29	July 19, 2011	(914079)
Item 30	August 10, 2011	(876877)
Item 31	August 17, 2011	(959284)
Item 32	September 20, 2011	(965317)
Item 33	September 28, 2011	(951205)
Item 34	October 18, 2011	(971357)
Item 35	November 15, 2011	(977517)
Item 36	December 19, 2011	(984283)
Item 37	January 18, 2012	(990585)
Item 38	February 16, 2012	(970425)
Item 39	February 20, 2012	(997946)
Item 40	February 22, 2012	(988130)
Item 41	March 20, 2012	(1003470)
Item 42	April 17, 2012	(1010033)
Item 43	May 17, 2012	(1016428)

Item 44	May 29, 2012	(1007811)
Item 45	June 05, 2012	(1009170)
Item 46	June 18, 2012	(1024148)
Item 47	July 20, 2012	(1031544)
Item 48	July 25, 2012	(1019497)
Item 49	August 20, 2012	(1037920)
Item 50	September 19, 2012	(1046650)
Item 51	October 12, 2012	(1060809)
Item 52	November 20, 2012	(1060810)
Item 53	December 19, 2012	(1050268)
Item 54	January 03, 2013	(1050421)
Item 55	January 21, 2013	(1078925)
Item 56	February 15, 2013	(1050417)
Item 57	February 18, 2013	(1078924)
Item 58	March 20, 2013	(1089286)
Item 59	April 18, 2013	(1095680)
Item 60	April 26, 2013	(1085360)
Item 61	May 20, 2013	(1106604)
Item 62	June 20, 2013	(1110281)
Item 63	July 19, 2013	(1117165)
Item 64	August 19, 2013	(1124921)
Item 65	September 20, 2013	(1129521)
Item 66	October 18, 2013	(1114714)
Item 67	November 20, 2013	(1140650)
Item 68	December 20, 2013	(1147109)
Item 69	January 15, 2014	(1134264)
Item 70	January 18, 2014	(1153178)
Item 71	February 20, 2014	(1160513)
Item 72	March 18, 2014	(1167158)
Item 73	April 19, 2014	(1174291)
Item 74	April 30, 2014	(1158561)
Item 75	May 01, 2014	(1159611)
Item 76	May 20, 2014	(1180479)
Item 77	May 23, 2014	(1166576)
Item 78	June 19, 2014	(1187377)
Item 79	July 10, 2014	(1170530)
Item 80	July 18, 2014	(1198503)
Item 81	July 23, 2014	(1158785)
Item 82	August 19, 2014	(1198504)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:      11/30/2013      (1121113)      CN600129589  
Self Report?    NO      Classification:      Moderate  
Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description:    Failure to demonstrate that the unauthorized emissions resulting from Incident #  
188054 met the Demonstration Criteria of 30 TAC 101.222(b) (3 & 4). [Subcategory  
B13]
- 2      Date:      02/18/2014      (1135051)      CN600129589  
Self Report?    NO      Classification:      Moderate  
Citation:      30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 11 OP  
FOP Special Terms & Condition 1A OP  
NSR Special Condition 2A PA  
NSR Special Condition 3A PA

Description: NSR Special Condition 7 PA  
 NSR Special Condition 8A PA  
 Failure to operate the HB-2 Flare (EPN: B-D-0) with the minimum required net heating value of 300 MMBtu/scf. (Category C4)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP Special Term & Condition 11 OP  
 FOP Special Term & Condition 1A OP  
 NSR Special Condition 2C PA  
 NSR Special Condition 8C PA  
 Description: Failure to prevent visible emissions from the HB-2 Flare (EPN: B-D-0) on July 30, 2013. (Category C4)

3 Date: 02/27/2014 (1134465) CN600129589  
 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)  
 SC 11C PERMIT  
 STC 10 OP  
 Description: Failure to produce monthly summary prior to the 15th day of each month from May 2013 - October 2013.(Category C3)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 GTC OP  
 Description: Failure to include the reference of PBR 30 TAC 106.454 in the Title V application. (Category B3)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC 3(A)(iv)(3) OP  
 Description: Failure to keep adequate records of visible emissions observations for all subject emission units. (Category C1)  
 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)  
 GTC OP  
 Description: Failure to report all deviations within the compliance period. (Category C3)

4 Date: 05/30/2014 (1158971) CN600129589  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Description: The RE did not present an affirmative defense for the unauthorized emissions resulting from the air startup activity. [Subcategory B13]

5 Date: 08/12/2014 (1172318) CN600129589  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 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 4C PERMIT  
 Special Condition 7D PERMIT  
 Special Terms and Conditions 1A and 11 OP  
 Description: Failure to prevent the wet flare (EPN G-D-1) from smoking for more than 5 minutes in a two-hour period [Category C4 violation]  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
 30 TAC Chapter 115, SubChapter H 115.722(d)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 5C THSC Chapter 382 382.085(b)

Permit by rule certified representations PERMIT  
Special Condition 4A PERMIT  
Special Conditions 3 and 7A PERMIT  
Special Terms & Conditions 1A, 8, 11 & 12 OP

Description: Failure to maintain the net heating value to the wet flare (EPN G-D-1) and the HB-2 flare (EPN B-D-0) at or above 300 BTU/scf [Category B19(g)(1) violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(l)  
5C THSC Chapter 382 382.085(b)

Description: Failure to operate a continuous HRVOC analyzer with less than 5% downtime [Category C1 violation]

**F. Environmental audits:**

Notice of Intent Date: 03/01/2011 (906600)

Disclosure Date: 06/08/2011

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter S 106.433

30 TAC Chapter 122, SubChapter B 122.144

30 TAC Chapter 122, SubChapter B 122.145

30 TAC Chapter 122, SubChapter B 122.146

Description: Failure to maintain a monthly report for painting operations that represents actual hours of operation each day, and failure to maintain records for emissions from each operation to demonstrate compliance with PBR 106.433.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.144

30 TAC Chapter 122, SubChapter B 122.145

30 TAC Chapter 122, SubChapter B 122.146

Rqmt Prov: PERMIT Permit 49298

Description: Failure to control emissions under permit rule: The nozzle used for sandblasting has diameter of 3/8 inch. This resulted in higher emissions than is permitted.

Notice of Intent Date: 07/12/2013 (1104829)

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

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***Addendum to Compliance History Federal Enforcement Actions***

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***Reg Entity Name:*** ALBEMARLE CORP

***Reg Entity Add:*** 2500 N. SOUTH ST.

***Reg Entity City:*** PASADENA

***Reg Entity No:*** RN100218247

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***Customer Name:*** Albemarle Corporation

***Customer No:*** CN600129589

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***EPA Case No:*** 06-2011-0956

***Order Issue Date (yyyymmdd):*** 20120925

***Case Result:*** Final Order With Penalty

***Statute:*** RCRA

***Sect of Statute:*** 3008A

***Classification:*** Minor

***Program:*** Solid Waste Managemen

***Citation:***

***Violation Type:***

***Cite Sect:***

***Cite Part:***

***Enforcement Action:*** Administrative Penalty Order With or Without Inj

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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. 2014-1216-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates a chemical manufacturing plant located at 2500 North South Street in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about August 30 and October 22, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand Five Hundred Seventy-Five Dollars (\$13,575) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Eight Hundred Sixty Dollars (\$10,860) of the administrative penalty and Two Thousand Seven

Hundred Fifteen Dollars (\$2,715) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
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 the Respondent 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

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

1. Failed to obtain a revision to a Federal Operating Permit ("FOP") to include all applicable requirements, in violation of 30 TEX. ADMIN. CODE §§ 122.142(b)(2)(A) and 122.210(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 12, 2014. Specifically, the Respondent did not obtain a revision to FOP No. O1537 to include 30 TEX. ADMIN. CODE § 106.454 as an applicable requirement for three degreasing units.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18, FOP No. O2285, Special Terms and Conditions No. 11, New Source Review ("NSR") Permit No. 3962, Special Conditions ("SC") Nos. 1 and 7B, and NSR Permit No. 69A, SC Nos. 1 and 4B, as documented during an investigation conducted on August 28, 2014. Specifically, the Respondent released 2,329 pounds of ethylene from the Multiple Products Unit ("MP-1") Flare, Emission Point Number G-D-1, during an emissions event (Incident No. 200562) that began on July 2, 2014 and lasted for 21 hours. The event occurred due to the loss of pilot flame to the MP-1 Flare. Since the emissions event could have been avoided by better operational practices, the

Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Albemarle Corporation, Docket No. 2014-1216-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 200562; and
    - ii. Submit an administratively complete application to revise FOP No. 01537 to include all applicable requirements to:

Air Permits Division, MC 163  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the FOP revision application within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision No. 2.a., as

described in Ordering Provision No. 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance;

- d. Within 180 days after the effective date of this Agreed Order, submit written certification that either the revision to FOP No. O1537 has been obtained or that operation has ceased until such time that appropriate authorization is obtained, as described in Ordering Provision No. 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance; and
- e. The certifications 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Pamela Brown*  
For the Executive Director

5/8/15  
Date

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

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

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

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

*Karen G. Nawold*  
Signature

December 18, 2014  
Date

Karen G. Nawold  
Name (Printed or typed)  
Authorized Representative of  
Albemarle Corporation

SVP, General Counsel  
Title

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