

Executive Summary – Enforcement Matter – Case No. 53173
Albemarle Corporation
RN100211523
Docket No. 2016-1527-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Albemarle Bayport Plant, 13000 Baypark Road, Pasadena, Harris County

Type of Operation:

Catalyst 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: May 26, 2017

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,941

Amount Deferred for Expedited Settlement: \$5,188

Total Paid to General Revenue: \$10,377

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$10,376

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

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: November 3, 2015 through November 4, 2015

Date(s) of NOE(s): August 15, 2016

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Violation Information

1. Failed to record the steam generating unit load for Steam Boiler VSP-9. Specifically, the steam meter was out of service and no data was recorded for Steam Boiler VSP-9 from December 16, 2014 to November 13, 2015 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit (“FOP”) No. 01559, Special Terms and Conditions (“STC”) No. 9, and New Source Review (“NSR”) Permit No. 21995, Special Conditions (“SC”) No. 16.B].
2. Failed to comply with the particulate matter less than 10 microns (“PM10”) hourly emissions limit for the Base Storage Hopper Bagfilter, Emission Point Number (“EPN”) HPC-31. Specifically, the permitted PM10 emissions limit of 0.03 pound per hour (“lb/hr”) was exceeded at EPN HPC-31 by an average of 0.03 lb/hr for a total of 6,737 hours between May 19, 2015 and August 31, 2016, resulting in the unauthorized release of 202.11 lbs of PM10 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01559, STC No. 9, and NSR No. 2487, SC No. 1].
3. Failed to record the solvent makeup for two onsite cold solvent degreasers (“parts washers”). Specifically, records have not been maintained for Parts Washers Unit Nos. UTL-PRT1 and UTL-PRT2 [30 TEX. ADMIN. CODE §§ 106.454(1)(A)(ii), 106.8(c)(2)(B), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01559, STC Nos. 9 and 10].
4. Failed to conduct the annual inspection for the Portable Bag Filter, EPN FCC-66. Specifically, the 2014 annual inspection for the Portable Bag Filter was due by December 31, 2014 but was not conducted [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01559, STC No. 9, and NSR Permit Nos. 9402 and No22, SC No. 14].
5. Failed to install run-time meters. Specifically, EPNs FCC-67 and FCC-79 were not equipped with non-resettable elapsed run-time meters to record the operating time [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), and 117.340(j), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 9402 and No22, General Conditions No. 7, and FOP No. 01559, STC No. 9].
6. Failed to report emissions of nitric acid for EPN FCC-21 in the emissions inventories for calendar years 2013 and 2014. Specifically, 40.3843 tons of nitric acid emissions in calendar year 2013 and 55.5027 tons of nitric acid emissions in calendar year 2014 were not reported [30 TEX. ADMIN. CODE §§ 101.10(e) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01559, STC No. 2.E].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On April 30, 2014, disconnected the Portable Bag Filter, EPN FCC-66, from use;
- b. On November 13, 2015, replaced the steam meter and resumed recording the unit load for Steam Boiler VSP-9;
- c. On December 8, 2015, submitted a permit revision for NSR Permit No. 2487 to increase the particulate matter less than PM10 hourly emissions limits at EPNs HPC-23 and HPC-31 and to revise the flowrate calculations at EPN HPC-31;
- d. On January 16, 2016, installed elapsed run-time meters on EPNs FCC-67 and FCC-79 to record the operating time of the two engines;
- e. On August 16, 2016, submitted a revised emissions inventory for calendar year 2014 to include nitric acid emissions for EPN FCC-21; and
- f. On August 30, 2016, submitted a revised emissions inventory for calendar year 2013 to include nitric acid emissions for EPN FCC-21.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, implement measures and/or procedures to ensure that records of the solvent makeup for the parts washers are maintained;
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application submitted on December 8, 2015 for NSR Permit No. 2487 within 30 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 45 days, submit written certification to demonstrate compliance with a.; and

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d. Within 180 days, submit written certification that the permit amendment for NSR Permit No. 2487 has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: David Carney, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2583; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Adrian Quist, Plant Manager, Albemarle Corporation, 13000 Baypark Road, Pasadena, Texas 77507

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES **Assigned PCW** 22-Aug-2016 7-Sep-2016 **Screening** 7-Sep-2016 **EPA Due** 11-Feb-2017

RESPONDENT/FACILITY INFORMATION

Respondent Albemarle Corporation
Reg. Ent. Ref. No. RN100211523
Facility/Site Region 12-Houston **Major/Minor Source** Major

CASE INFORMATION

Enf./Case ID No. 53173 **No. of Violations** 6
Docket No. 2016-1527-AIR-E **Order Type** 1660
Media Program(s) Air **Government/Non-Profit** No
Multi-Media **Enf. Coordinator** David Carney
EC's Team Enforcement Team 4
Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$26,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 3.0% Adjustment **Subtotals 2, 3, & 7** \$787

Notes Enhancements for two NOV's with same or similar violations. Reduction for three notices of intent to conduct an audit and two disclosures of violation.

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** -\$1,362

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

Total EB Amounts \$1,676
 Estimated Cost of Compliance \$27,250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$25,675

OTHER FACTORS AS JUSTICE MAY REQUIRE 1.0% Adjustment \$266

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement to capture the avoided cost of compliance associated with Violation No. 4.

Final Penalty Amount \$25,941

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$25,941

DEFERRAL 20.0% Reduction Adjustment -\$5,188

Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY \$20,753

Screening Date 7-Sep-2016

Docket No. 2016-1527-AIR-E

PCW

Respondent Albemarle Corporation

Policy Revision 4 (April 2014)

Case ID No. 53173

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211523

Media [Statute] Air

Enf. Coordinator David Carney

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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>)	3	-3%
	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>)	2	-4%
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) 3%

>> 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

Enhancements for two NOVs with same or similar violations. Reduction for three notices of intent to conduct an audit and two disclosures of violation.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 3%

Screening Date 7-Sep-2016
Respondent Albemarle Corporation
Case ID No. 53173
Reg. Ent. Reference No. RN100211523
Media [Statute] Air
Enf. Coordinator David Carney
Violation Number 1

Docket No. 2016-1527-AIR-E

PCW

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

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1559, Special Terms and Conditions ("STC") No. 9, and New Source Review ("NSR") Permit No. 21995, Special Conditions ("SC") No. 16.B

Violation Description Failed to record the steam generating unit load for Steam Boiler VSP-9. Specifically, the steam meter was out of service and no data was recorded for Steam Boiler VSP-9 from December 16, 2014 to November 13, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		x		7.0%

Matrix Notes

30 to 70 percent of the rule requirement was not met.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 332 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$437

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent returned to compliance on November 13, 2015, before the Notice of Enforcement ("NOE") dated August 15, 2016.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$455

Violation Final Penalty Total \$1,380

This violation Final Assessed Penalty (adjusted for limits) \$1,380

Economic Benefit Worksheet

Respondent Albemarle Corporation
Case ID No. 53173
Reg. Ent. Reference No. RN100211523
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	16-Dec-2014	13-Nov-2015	0.91	\$455	n/a	\$455

Notes for DELAYED costs

Estimated cost to replace the steam meter and resume recording the unit load for Steam Boiler VSP-9. The Date Required is the initial date of non-compliance. The Final Date is the 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

\$455

Screening Date 7-Sep-2016
Respondent Albemarle Corporation
Case ID No. 53173

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PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211523

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1559, STC No. 9, and NSR Permit No. 2487, SC No. 1

Violation Description

Failed to comply with the particulate matter less than 10 microns ("PM10") hourly emissions limit for the Base Storage Hopper Bagfilter, Emission Point Number ("EPN") HPC-31. Specifically, the permitted PM10 emissions limit of 0.03 pound per hour ("lb/hr") was exceeded at EPN HPC-31 by an average of 0.03 lb/hr for a total of 6,737 hours between May 19, 2015 and August 31, 2016, resulting in the unauthorized release of 202.11 lbs of PM10.

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 3

470 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$11,250

Three semiannual events are recommended for the period of non-compliance from May 19, 2015 to August 31, 2016.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$635

Violation Final Penalty Total \$11,708

This violation Final Assessed Penalty (adjusted for limits) \$11,708

Economic Benefit Worksheet

Respondent Albemarle Corporation
Case ID No. 53173
Reg. Ent. Reference No. RN100211523
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	19-May-2015	1-Dec-2017	2.54	\$635	n/a	\$635
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a permit amendment for NSR Permit No. 2487. The Date Required is the first date of non-compliance. 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

\$5,000

TOTAL

\$635

Screening Date 7-Sep-2016
Respondent Albemarle Corporation
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PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211523

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 106.454(1)(A)(ii), 106.8(c)(2)(B), and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1559, STC Nos. 9 and 10

Violation Description

Failed to record the solvent makeup for two onsite cold solvent degreasers ("parts washers"). Specifically, records have not been maintained for Parts Washers Unit Nos. UTL-PRT1 and UTL-PRT2.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

309 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

Two single events are recommended, one for each set of records.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$118

Violation Final Penalty Total \$7,805

This violation Final Assessed Penalty (adjusted for limits) \$7,805

Economic Benefit Worksheet

Respondent Albemarle Corporation

Case ID No. 53173

Reg. Ent. Reference No. RN100211523

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$1,500	3-Nov-2015	1-Jun-2017	1.58	\$118	n/a	\$118
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure that records of the solvent makeup for the parts washers are maintained. The Date Required is the date of the investigation. 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

\$1,500

TOTAL

\$118

Screening Date 7-Sep-2016
Respondent Albemarle Corporation
Case ID No. 53173

Docket No. 2016-1527-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211523

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1559, STC No. 9, and NSR Permit Nos. 9402 and N022, SC 14

Violation Description

Failed to conduct the annual inspection for the Portable Bag Filter, EPN FCC-66. Specifically, the 2014 annual inspection for the Portable Bag Filter was due by December 31, 2014 but was not conducted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

119 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single 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	

Notes

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$266

Violation Final Penalty Total \$1,821

This violation Final Assessed Penalty (adjusted for limits) \$1,821

Economic Benefit Worksheet

Respondent Albemarle Corporation

Case ID No. 53173

Reg. Ent. Reference No. RN100211523

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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]	\$250	1-Jan-2014	30-Apr-2014	1.24	\$16	\$250	\$266
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct the annual inspection for the Portable Bag Filter, EPN FCC-66, (\$250 for one inspection per year). The Date Required is the first day the annual inspection could have been conducted and the Final Date is the date the equipment was disconnected from use.

Approx. Cost of Compliance

\$250

TOTAL

\$266

Screening Date 7-Sep-2016
Respondent Albemarle Corporation
Case ID No. 53173

Docket No. 2016-1527-AIR-E

PCW

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

Reg. Ent. Reference No. RN100211523

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), and 117.340(j), Tex. Health & Safety Code § 382.085(b), NSR Permit Nos. 9402 and N022, General Conditions No. 7, and FOP No. O1559, STC No. 9

Violation Description

Failed to install run-time meters. Specifically, EPNs FCC-67 and FCC-79 were not equipped with non-resettable elapsed run-time meters to record operating time.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2

74 **Number of violation days**

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,500

Two single events are recommended, one for each EPN.

Good Faith Efforts to Comply

25.0%

Reduction \$875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent returned to compliance on January 16, 2016, prior to the August 15, 2016 NOE.

Violation Subtotal \$2,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$142

Violation Final Penalty Total \$2,758

This violation Final Assessed Penalty (adjusted for limits) \$2,758

Economic Benefit Worksheet

Respondent Albemarle Corporation

Case ID No. 53173

Reg. Ent. Reference No. RN100211523

Media Air

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$10,000	3-Nov-2015	16-Jan-2016	0.20	\$7	\$135	\$142
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install elapsed run-time meters on EPNs FCC-67 and FCC-79 to record the operating time of the two engines. The Date Required is the date of the investigation. The Final Date is the 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

\$142

Screening Date 7-Sep-2016

Docket No. 2016-1527-AIR-E

PCW

Respondent Albemarle Corporation

Policy Revision 4 (April 2014)

Case ID No. 53173

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211523

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 101.10(e) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1559, STC No. 2.E

Violation Description

Failed to report emissions of nitric acid for EPN FCC-21 in the emissions inventories for calendar years 2013 and 2014. Specifically, 40.3843 tons of nitric acid emissions in calendar year 2013 and 55.5027 tons of nitric acid emissions in calendar year 2014 were not reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

Matrix Notes

Less than 30 percent of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

883 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended, one for each annual emissions inventory.

Good Faith Efforts to Comply

10.0%

Reduction \$50

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent came into compliance on August 30, 2016, after the August 15, 2016 NOE.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60

Violation Final Penalty Total \$470

This violation Final Assessed Penalty (adjusted for limits) \$470

Economic Benefit Worksheet

Respondent Albemarle Corporation
Case ID No. 53173
Reg. Ent. Reference No. RN100211523
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-Mar-2014	30-Aug-2016	2.42	\$60	n/a	\$60

Notes for DELAYED costs

Estimated cost to submit revised emissions inventories reports for calendar years 2013 and 2014 to include nitric acid emissions for EPN FCC-21. The Date Required is when the first report was due. The Final Date is the 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

\$500

TOTAL

\$60



Compliance History Report

Compliance History Report for CN600129589, RN100211523, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator: CN600129589, Albemarle Corporation

Classification: SATISFACTORY

Rating: 1.68

Regulated Entity:

RN100211523, ALBEMARLE BAYPORT PLANT

Classification: SATISFACTORY

Rating: 0.40

Complexity Points:

24

Repeat Violator: NO

CH Group:

05 - Chemical Manufacturing

Location:

13000 BAYPARK RD PASADENA, TX 77507-1104, HARRIS COUNTY

TCEQ Region:

REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 1559

AIR OPERATING PERMITS ACCOUNT NUMBER HG0037Q

AIR OPERATING PERMITS ACCOUNT NUMBER HGA010J

AIR OPERATING PERMITS PERMIT 3334

AIR OPERATING PERMITS PERMIT 1559

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD073920399

AIR NEW SOURCE PERMITS AFS NUM 4820101604

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 31226

AIR NEW SOURCE PERMITS REGISTRATION 16685

AIR NEW SOURCE PERMITS REGISTRATION 144043

AIR NEW SOURCE PERMITS REGISTRATION 54632

AIR NEW SOURCE PERMITS PERMIT 2487

AIR NEW SOURCE PERMITS REGISTRATION 114394

AIR NEW SOURCE PERMITS REGISTRATION 56753

AIR NEW SOURCE PERMITS REGISTRATION 71389

AIR NEW SOURCE PERMITS REGISTRATION 72739

AIR NEW SOURCE PERMITS PERMIT 76621

AIR NEW SOURCE PERMITS REGISTRATION 78935

AIR NEW SOURCE PERMITS REGISTRATION 81084

AIR NEW SOURCE PERMITS REGISTRATION 45951

AIR NEW SOURCE PERMITS REGISTRATION 84228

AIR NEW SOURCE PERMITS REGISTRATION 37604

AIR NEW SOURCE PERMITS REGISTRATION 85793

AIR NEW SOURCE PERMITS REGISTRATION 96731

AIR NEW SOURCE PERMITS REGISTRATION 104107

AIR NEW SOURCE PERMITS REGISTRATION 103969

AIR NEW SOURCE PERMITS REGISTRATION 138829

AIR NEW SOURCE PERMITS REGISTRATION 135842

AIR NEW SOURCE PERMITS REGISTRATION 134767

AIR NEW SOURCE PERMITS REGISTRATION 114642

AIR NEW SOURCE PERMITS REGISTRATION 115923

AIR NEW SOURCE PERMITS REGISTRATION 131173

AIR NEW SOURCE PERMITS REGISTRATION 138845

AIR NEW SOURCE PERMITS REGISTRATION 117527

AIR NEW SOURCE PERMITS REGISTRATION 135658

STORMWATER PERMIT TXR05W861

POLLUTION PREVENTION PLANNING ID NUMBER P00008

AIR NEW SOURCE PERMITS REGISTRATION 14757

AIR NEW SOURCE PERMITS REGISTRATION 53669

AIR NEW SOURCE PERMITS PERMIT 9402

AIR NEW SOURCE PERMITS PERMIT 21995

AIR NEW SOURCE PERMITS REGISTRATION 76400

AIR NEW SOURCE PERMITS REGISTRATION 70381

AIR NEW SOURCE PERMITS REGISTRATION 72717

AIR NEW SOURCE PERMITS EPA PERMIT N022

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HGA010J

AIR NEW SOURCE PERMITS REGISTRATION 80147

AIR NEW SOURCE PERMITS PERMIT 9626

AIR NEW SOURCE PERMITS REGISTRATION 80542

AIR NEW SOURCE PERMITS PERMIT 83813

AIR NEW SOURCE PERMITS REGISTRATION 34867

AIR NEW SOURCE PERMITS REGISTRATION 95994

AIR NEW SOURCE PERMITS REGISTRATION 101157

AIR NEW SOURCE PERMITS REGISTRATION 102755

AIR NEW SOURCE PERMITS REGISTRATION 110529

AIR NEW SOURCE PERMITS REGISTRATION 140059

AIR NEW SOURCE PERMITS REGISTRATION 131209

AIR NEW SOURCE PERMITS REGISTRATION 131246

AIR NEW SOURCE PERMITS REGISTRATION 106291

AIR NEW SOURCE PERMITS REGISTRATION 114491

AIR NEW SOURCE PERMITS REGISTRATION 139251

AIR NEW SOURCE PERMITS REGISTRATION 104859

AIR NEW SOURCE PERMITS REGISTRATION 108971

AIR NEW SOURCE PERMITS REGISTRATION 141407

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HGA010J

Compliance History Period: September 01, 2011 to August 31, 2016

Rating Year: 2016

Rating Date: 09/01/2016

Date Compliance History Report Prepared: December 01, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 01, 2011 to December 01, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**Name:** David Carney**Phone:** (512) 239-2583**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

Components (Multimedia) for the Site Are Listed in Sections A - J**A. Final Orders, court judgments, and consent decrees:**

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 24, 2012	(1007011)
Item 2	July 09, 2012	(1015347)
Item 3	October 22, 2013	(1113783)
Item 4	November 06, 2013	(1121860)
Item 5	September 02, 2014	(1143624)
Item 6	September 14, 2016	(1345145)
Item 7	September 20, 2016	(1356108)

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: 08/15/2016 (1275755)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6603(a)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
- Description: Failure to conduct annual oil changes for three emergency engines (Category C4)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THSC Chapter 382 382.085(b)
- Description: Failure to obtain permit before construction (Category B9)
- 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 report all instances of deviations in the report dated 12/17/2013. (Category B3)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 23 PERMIT
Special Term and Condition 9 OP
- Description: Failure to analyze the pH of the Ammonia Scrubber (EPN FCC-46) solution at least once every hour. (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)
FOP General Terms & Conditions OP
- Description: Failure to report all instances of deviations in the report dated 12/17/2014. (Category B3)

Date: 11/30/2016 (1362606)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to report all deviations during a deviation period. (Category C3 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)
Special Condition 17B PERMIT
ST&C 9 OP

Description: Failure to use proper gas cylinders during quarterly cylinder gas audits. (Category B19 (g)(1) Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 2F OP

Description: Failure to generate complete non-reportable emission event records during compliance period. (Category B3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9A PERMIT
Special Condition 13A PERMIT
ST&C 9 OP

Description: Failure to conduct AVO inspections as required. (Category C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 3(A)(iii)(1) OP

Description: Failure to conduct quarterly visible emission inspections as required. (Category C3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 8 OP

Description: Failure to conduct required monthly inspections of degreasers onsite. (Category C1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT VVVVVV 63.11495(a)(3)(i)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to conduct required quarterly metal Hazardous Air Pollutant (HAP) inspections. (Category B1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6603(a)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to conduct annual oil changes on engines as required. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
ST&C 9 OP

Description: Failure to properly calibrate baghouse pressure indicators as required. (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)
Special Condition 1 PERMIT
ST&C 9 OP

Description: Failure to maintain emissions below permitted limits from the Selective Catalyst Recovery System. (Category B13 Violation)

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 13 PERMIT ST&C 9 OP		
Description:	Failure to maintain particulate matter exhaust rate from baghouses as required. (Category C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 18 PERMIT ST&C 9 OP		
Description:	Failure to include all emission points on plot plan as required. (Category C3 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 PERMIT ST&C 9 OP		
Description:	Failure to properly report Nitrogen Oxide (NOx) emissions in Emission Inventory. (Category B19 (g)(1) Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 23 PERMIT ST&C 9 OP		
Description:	Failure to maintain the pH of scrubbing solution in Ammonia Scrubber FCC-46 below 3.0. (Category C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 2 PERMIT ST&C 9 OP		
Description:	Failure to maintain firebox exit temperature of Thermal Oxidizer PLU-4 above permitted limit. (Category C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 6 PERMIT ST&C 9 OP		
Description:	Failure to maintain baghouse differential pressure within permitted limits. (Category C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 9B PERMIT ST&C 9 OP		
Description:	Failure to maintain the makeup water flowrate in NOx Scrubber HPC-12B above permitted limits. (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) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.48c(j) 5C THSC Chapter 382 382.085(b) Special Condition 6 PERMIT ST&C 1A and 9 OP		
Description:	Failure to submit Subpart Dc reports for Boiler FCC-27. (Category B3 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) Special Condition 3 PERMIT ST&C 9 OP		
Description:	Failure to operate Selective Catalyst Reduction System FCC-75 properly (Category B19 (g)(1) Violation)		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 11 OP		
Description:	Failure to implement recordkeeping to demonstrate compliance with Permit by Rule requirements (Category B3 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to authorize the replacement of a chiller in the HPC North Unit. (Category B1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.142(b)(2)(A) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to include equipment authorizations in Title V Permit. (Category B3 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter H 101.359(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 1(G)(vi) OP		
Description:	Failure to include engines in the annual NOx Mass Emission Cap & Trade report. (Category B3 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6603(a) 5C THSC Chapter 382 382.085(b) ST&C 1(E) OP		
Description:	Failure to implement the requirements of Part 63 Subpart ZZZZ for engines used onsite (Category B3 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to authorize storage tank prior to construction. (Category B3 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.142(b)(2)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to include Permit by Rule registrations in Title V Permit. (Category B3 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to accurately represent three engines in Permit by Rule application (Category C4 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to accurately represent the concentration of acetic acid in Tank PLU-08. (Category B19(g)(1) Violation)		

F. Environmental audits:

Notice of Intent Date: 09/26/2012 (1037272)

Disclosure Date: 04/04/2013

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.352
30 TAC Chapter 117, SubChapter B 117.340
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: Failed to comply with NOx control regulations for the boiler in the R&D building.

Notice of Intent Date: 07/22/2013 (1106060)

No DOV Associated

Notice of Intent Date: 08/10/2015 (1293831)

Disclosure Date: 11/02/2015

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter D 106.124(4)

30 TAC Chapter 106, SubChapter D 106.124(5)

30 TAC Chapter 122, SubChapter C 122.222

Description: Failure to obtain appropriate authorization and/or ensure that the Research and Development Unit Pilot Plant meets the minimum distance limitations in Permit-by-Rule 106.124, obtain authorization under the Title V permit, and/or maintain required records.

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
RN100211523**

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§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-1527-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 (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a catalyst manufacturing plant located at 13000 Baypark Road in Pasadena, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$25,941 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,377 of the penalty and \$5,188 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$10,376 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the

conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. 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). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On April 30, 2014, disconnected the Portable Bag Filter, Emission Point Number ("EPN") FCC-66, from use;
 - b. On November 13, 2015, replaced the steam meter and resumed recording the unit load for Steam Boiler VSP-9;
 - c. On December 8, 2015, submitted a permit amendment application for New Source Review ("NSR") Permit No. 2487 to increase the particulate matter less than 10 microns ("PM₁₀") hourly emissions rate at EPN HPC-31 and to revise the flowrate calculations at EPN HPC-31;
 - d. On January 16, 2016, installed elapsed run-time meters on EPNs FCC-67 and FCC-79 to record the operating time of the two engines;
 - e. On August 16, 2016, submitted a revised emissions inventory for calendar year 2014 to include nitric acid emissions for EPN FCC-21; and
 - f. On August 30, 2016, submitted a revised emissions inventory for calendar year 2013 to include nitric acid emissions for EPN FCC-21.

II. ALLEGATIONS

During an investigation conducted on November 3, 2015 through November 4, 2015, an investigator documented that the Respondent:

1. Failed to record the steam generating unit load for Steam Boiler VSP-9, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 01559, Special Terms and Conditions ("STC") No. 9, and NSR Permit No. 21995, Special Conditions ("SC") No. 16.B. Specifically, the steam meter was out of service and no data was recorded for Steam Boiler VSP-9 from December 16, 2014 to November 13, 2015.
2. Failed to comply with the PM₁₀ hourly emissions limit for the Base Storage Hopper Bagfilter, EPN HPC-31, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01559, STC No. 9, and NSR No. 2487, SC No. 1. Specifically, the permitted PM₁₀ emissions limit of 0.03 pound per hour ("lb/hr") was exceeded at EPN HPC-31 by an average of 0.03 lb/hr for a total of 6,737 hours between May 19, 2015 and August 31, 2016, resulting in the unauthorized release of 202.11 lbs of PM₁₀.
3. Failed to record the solvent makeup for two onsite cold solvent degreasers ("parts washers"), in violation of 30 TEX. ADMIN. CODE §§ 106.454(1)(A)(ii), 106.8(c)(2)(B), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01559, STC Nos. 9 and 10. Specifically, records have not been maintained for Parts Washers Unit Nos. UTL-PRT1 and UTL-PRT2.
4. Failed to conduct the annual inspection for the Portable Bag Filter, EPN FCC-66, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01559, STC No. 9, and NSR Permit Nos. 9402 and No22, SC No. 14. Specifically, the 2014 annual inspection for the Portable Bag Filter was due by December 31, 2014 but was not conducted.
5. Failed to install run-time meters, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), and 117.340(j), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 9402 and No22, General Conditions No. 7, and FOP No. 01559, STC No. 9. Specifically, EPNs FCC-67 and FCC-79 were not equipped with non-resettable elapsed run-time meters to record the operating time.
6. Failed to report emissions of nitric acid for EPN FCC-21 in the emissions inventories for calendar years 2013 and 2014, in violation of 30 TEX. ADMIN. CODE §§ 101.10(e) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01559, STC No. 2.E. Specifically, 40.3843 tons of nitric acid emissions in calendar year 2013 and 55.5027 tons of nitric acid emissions in calendar year 2014 were not reported.

III. DENIALS

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

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Albemarle Corporation, Docket No. 2016-1527-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. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph 4. The amount of \$10,376 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures to ensure that records of the solvent makeup for the parts washers are maintained;
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application submitted on December 8, 2015 for NSR Permit No. 2487 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 Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a, as described in Ordering Provision No. 3.e below;
 - d. Within 180 days after the effective date of this Order, submit written certification that the permit amendment for NSR Permit No. 2487 has been obtained or that operation has ceased until such time that appropriate authorization is obtained, as described in Ordering Provision No. 3.e below; and

- e. Written certification required by Ordering Provision Nos. 3.c and 3.d shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the Ordering Provision. The certification shall be signed by the Respondent and shall 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 Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.

8. This 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 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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Davis

For the Executive Director

Date

5/4/18

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

Signature

Adrian Quist

Name (Printed or typed)
Authorized Representative of
Albemarle Corporation

Date

2-6-2018

Title

Plant Manager

☐ If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2016-1527-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Albemarle Corporation
Payable Penalty Amount:	\$20,753
SEP Offset Amount:	\$10,376
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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 SEP Offset Amount is set forth above and such offset 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 Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor ("HRM") 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Albemarle Corporation
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator 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 Administrator. The Respondent shall make the contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Albemarle Corporation
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

3. Records and Reporting

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

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall 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. Recognition

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.