

**Executive Summary – Enforcement Matter – Case No. 60494**  
**Albemarle Corporation**  
**RN100218247**  
**Docket No. 2021-0333-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**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 processing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 4, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$12,230

**Total Paid to General Revenue:** \$6,115

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$6,115

Name of SEP: Houston-Galveston Area Council-AERCO (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 24, 2020 through January 22, 2021

**Date(s) of NOE(s):** March 1, 2021

**Executive Summary – Enforcement Matter – Case No. 60494**  
**Albemarle Corporation**  
**RN100218247**  
**Docket No. 2021-0333-AIR-E**

***Violation Information***

1. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O2310, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to operate the gas analyzer in a manner that provided valid data when the flare is operational, averaged over the calendar year [30 TEX. ADMIN. CODE §§ 115.725(l) and 122.143(4), FOP No. O2310, GTC and Special Terms and Conditions No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. Repairing the oxygen leak, by January 1, 2020;
- b. Submitting the deviation report for the February 20, 2020 through August 19, 2020 reporting period to report the deviation for failing to prevent unauthorized emissions during a non-reportable emissions event that occurred on February 11, 2020, by September 18, 2020;
- c. Demonstrating that valid data was generated at least 95% of the time when the MP-1 Wet Flare was operational in calendar year 2020, by February 11, 2021;
- d. Submitting the deviation report for the August 20, 2020 through February 19, 2021 reporting period to report the deviation for operating the gas analyzer more than 95% of the time but generated valid data for 58% of the time when the time when the MP-1 Wet Flare was operational, by March 18, 2021;
- e. Revising the Plant-specific procedures for Title V deviation reporting to ensure that all instances of deviations are reported in a timely manner, by July 21, 2022; and
- f. Submitting a revised deviation report for the August 20, 2019 through February 19, 2020 reporting period to report the deviation for observing visible emissions from the AP Scrubber S-163 on December 13, 2019, by July 22, 2022.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

**Executive Summary – Enforcement Matter – Case No. 60494**  
**Albemarle Corporation**  
**RN100218247**  
**Docket No. 2021-0333-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Houston-Galveston Area Council-AERCO, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

**Respondent:** Lisa Fruge, Plant Manager, Albemarle Corporation, 2500 North South Street, Pasadena, Texas 77501

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	8-Mar-2021	<b>Screening</b>	11-Mar-2021	<b>EPA Due</b>	
	<b>PCW</b>	2-Aug-2022				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60494	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-0333-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Yuliya Dunaway
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,750</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>82.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$6,355</b>
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Notes: Enhancement for two NOVs with same or similar violations, two NOVs with dissimilar violations, and four orders containing a denial of liability. Reduction for six notices of intent to conduct an audit and three disclosures of violations.

<b>Culpability</b>	<b>0.0%</b>	Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$1,875</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$590  
 Estimated Cost of Compliance: \$13,750  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$12,230</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>Subtotal</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	<b>\$12,230</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$12,230</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$12,230</b>
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**Screening Date** 11-Mar-2021

**Docket No.** 2021-0333-AIR-E

**PCW**

**Respondent** Albemarle Corporation

*Policy Revision 4 (April 2014)*

**Case ID No.** 60494

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN100218247

**Media** Air

**Enf. Coordinator** Yuliya Dunaway

### 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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	4	80%
	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> )	6	-6%
	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> )	3	-6%
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)** 82%

#### >> 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 two NOVs with same or similar violations, two NOVs with dissimilar violations, and four orders containing a denial of liability. Reduction for six notices of intent to conduct an audit and three disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 82%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 82%

**Screening Date** 11-Mar-2021 **Docket No.** 2021-0333-AIR-E **PCW**  
**Respondent** Albemarle Corporation *Policy Revision 4 (April 2014)*  
**Case ID No.** 60494 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN100218247  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O2310, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to report all instances of deviations. Specifically, the deviation report for the August 20, 2019 through February 19, 2020 reporting period did not include the deviations for observing visible emissions from the AP Scrubber S-163 on December 13, 2019, operating the gas analyzer more than 95 percent ("%") of the time but generated valid data for 58% of the time when the time when the MP-1 Wet Flare was operational, and failing to prevent unauthorized emissions during a non-reportable emissions event that occurred on February 11, 2020.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes: Less than 30% of the rule requirements were not met.

**Adjustment** \$24,750

\$250

**Violation Events**

Number of Violation Events: 1      356 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$250

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** \$250

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

**Estimated EB Amount** \$222      **Violation Final Penalty Total** \$455

**This violation Final Assessed Penalty (adjusted for limits)** \$455

## Economic Benefit Worksheet

**Respondent** Albemarle Corporation  
**Case ID No.** 60494  
**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	Costs Saved	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	20-Mar-2020	21-Jul-2022	2.34	\$175	n/a	\$175
Training/Sampling				0.00	\$0	n/a	\$0
Other (as needed)	\$250	20-Mar-2020	18-Sep-2020	0.50	\$6	n/a	\$6
Other (as needed)	\$250	20-Mar-2020	18-Mar-2021	0.99	\$12	n/a	\$12
Other (as needed)	\$250	20-Mar-2020	22-Jul-2022	2.34	\$29	n/a	\$29

**Notes for DELAYED costs**

Estimated costs to submit the deviation report for the February 20, 2020 through August 19, 2020 reporting period to report the deviation for failing to prevent unauthorized emissions during a non-reportable emissions event that occurred on February 11, 2020 (\$250), to submit the deviation report for the August 20, 2020 through February 19, 2021 reporting period to report the deviation for operating the gas analyzer more than 95% of the time but generated valid data for 58% of the time when the time when the MP-1 Wet Flare was operational (\$250), to submit a revised deviation report for the August 20, 2019 through February 19, 2020 reporting period to report the deviation for observing visible emissions from the AP Scrubber S-163 on December 13, 2019 (\$250), and to revise the Plant-specific procedures for Title V deviation reporting to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviations should have been reported and the Final Dates are the dates the deviation reports were submitted and the date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$2,250

**TOTAL** \$222

**Screening Date** 11-Mar-2021  
**Respondent** Albemarle Corporation  
**Case ID No.** 60494  
**Reg. Ent. Reference No.** RN100218247  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Docket No.** 2021-0333-AIR-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 115.725(l) and 122.143(4), FOP No. O2310, GTC and Special Terms and Conditions No. 1.A, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to operate the gas analyzer in a manner that provided valid data when the flare is operational, averaged over the calendar year. Specifically, the gas analyzer was operated more than 95% of the time but generated valid data for 58% of the time when the MP-1 Wet Flare was operational, over the 12-month period ending on December 2019.

**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="15.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Two quarterly events are recommended for the period of non-compliance from July 5, 2019 through December 7, 2019.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

The Respondent completed the corrective actions by February 11, 2021, prior to the Notice of Enforcement dated March 1, 2021.

**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.** 60494  
**Reg. Ent. Reference No.** RN100218247  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$1,500	5-Jul-2019	11-Feb-2021	1.61	\$121	n/a	\$121
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	5-Jul-2019	1-Jan-2020	0.49	\$247	n/a	\$247

Notes for DELAYED costs

The estimated costs to repair the oxygen leak (\$10,000) and to demonstrate that valid data was generated at least 95% of the time when the MP-1 Wet Flare was operational in calendar year 2020 (\$1,500). The Dates Required are first date of non-compliance and the Final Dates are the date the leak was repaired and the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$11,500

**TOTAL**

\$368

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600129589, RN100218247, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600129589, Albemarle Corporation	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 2.83
<b>Regulated Entity:</b>	RN100218247, ALBEMARLE HOUSTON PLANT	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 3.52
<b>Complexity Points:</b>	27	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	2500 NORTH SOUTH ST, PASADENA, HARRIS COUNTY, TEXAS		
<b>TCEQ Region:</b>	REGION 12 - HOUSTON		

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0225N

**AIR OPERATING PERMITS** PERMIT 2285

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1011172

**AIR NEW SOURCE PERMITS** REGISTRATION 22650

**AIR NEW SOURCE PERMITS** REGISTRATION 38662

**AIR NEW SOURCE PERMITS** REGISTRATION 44466

**AIR NEW SOURCE PERMITS** PERMIT 49298

**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 146525

**AIR NEW SOURCE PERMITS** AFS NUM 4820100015

**AIR NEW SOURCE PERMITS** REGISTRATION 71550

**AIR NEW SOURCE PERMITS** REGISTRATION 73012

**AIR NEW SOURCE PERMITS** REGISTRATION 74294

**AIR NEW SOURCE PERMITS** REGISTRATION 77959

**AIR NEW SOURCE PERMITS** REGISTRATION 78222

**AIR NEW SOURCE PERMITS** REGISTRATION 81535

**AIR NEW SOURCE PERMITS** REGISTRATION 84493

**AIR NEW SOURCE PERMITS** REGISTRATION 93898

**AIR NEW SOURCE PERMITS** REGISTRATION 118808

**AIR NEW SOURCE PERMITS** REGISTRATION 140001

**AIR NEW SOURCE PERMITS** REGISTRATION 121543

**AIR NEW SOURCE PERMITS** REGISTRATION 107341

**AIR NEW SOURCE PERMITS** REGISTRATION 113269

**AIR NEW SOURCE PERMITS** REGISTRATION 122817

**AIR NEW SOURCE PERMITS** REGISTRATION 129395

**AIR NEW SOURCE PERMITS** REGISTRATION 137987

**AIR NEW SOURCE PERMITS** REGISTRATION 154925

**AIR NEW SOURCE PERMITS** REGISTRATION 153424

**AIR NEW SOURCE PERMITS** REGISTRATION 151811

**AIR NEW SOURCE PERMITS** REGISTRATION 166954

**AIR NEW SOURCE PERMITS** REGISTRATION 164015

**AIR NEW SOURCE PERMITS** REGISTRATION 165932

**AIR NEW SOURCE PERMITS** REGISTRATION 164581

**AIR OPERATING PERMITS** PERMIT 1537

**AIR OPERATING PERMITS** PERMIT 2310

**AIR NEW SOURCE PERMITS** REGISTRATION 13055

**AIR NEW SOURCE PERMITS** REGISTRATION 26930

**AIR NEW SOURCE PERMITS** REGISTRATION 41176

**AIR NEW SOURCE PERMITS** REGISTRATION 45857

**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 146339

**AIR NEW SOURCE PERMITS** REGISTRATION 75627

**AIR NEW SOURCE PERMITS** REGISTRATION 71045

**AIR NEW SOURCE PERMITS** REGISTRATION 54638

**AIR NEW SOURCE PERMITS** REGISTRATION 74050

**AIR NEW SOURCE PERMITS** REGISTRATION 75327

**AIR NEW SOURCE PERMITS** REGISTRATION 78067

**AIR NEW SOURCE PERMITS** REGISTRATION 79127

**AIR NEW SOURCE PERMITS** REGISTRATION 87845

**AIR NEW SOURCE PERMITS** REGISTRATION 87160

**AIR NEW SOURCE PERMITS** REGISTRATION 99733

**AIR NEW SOURCE PERMITS** REGISTRATION 139677

**AIR NEW SOURCE PERMITS** REGISTRATION 140188

**AIR NEW SOURCE PERMITS** REGISTRATION 117827

**AIR NEW SOURCE PERMITS** REGISTRATION 120981

**AIR NEW SOURCE PERMITS** REGISTRATION 107342

**AIR NEW SOURCE PERMITS** REGISTRATION 137981

**AIR NEW SOURCE PERMITS** REGISTRATION 107340

**AIR NEW SOURCE PERMITS** REGISTRATION 138820

**AIR NEW SOURCE PERMITS** REGISTRATION 150826

**AIR NEW SOURCE PERMITS** REGISTRATION 152678

**AIR NEW SOURCE PERMITS** REGISTRATION 165209

**AIR NEW SOURCE PERMITS** REGISTRATION 167862

**AIR NEW SOURCE PERMITS** REGISTRATION 168540

**AIR NEW SOURCE PERMITS** REGISTRATION 163426

**AIR NEW SOURCE PERMITS** REGISTRATION 168163

**AIR NEW SOURCE PERMITS** REGISTRATION 168541  
**AIR NEW SOURCE PERMITS** REGISTRATION 166955  
**AIR NEW SOURCE PERMITS** REGISTRATION 165539  
**AIR NEW SOURCE PERMITS** REGISTRATION 142613  
**AIR NEW SOURCE PERMITS** REGISTRATION 147098  
**AIR NEW SOURCE PERMITS** REGISTRATION 148137  
**AIR NEW SOURCE PERMITS** REGISTRATION 155391  
**AIR NEW SOURCE PERMITS** REGISTRATION 154798  
**AIR NEW SOURCE PERMITS** REGISTRATION 157845  
**AIR NEW SOURCE PERMITS** REGISTRATION 153230  
**AIR NEW SOURCE PERMITS** REGISTRATION 156781  
**AIR NEW SOURCE PERMITS** REGISTRATION 156106  
**WASTEWATER** EPA ID TX0004731

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

**Compliance History Period:** September 01, 2016 to August 31, 2021      **Rating Year:** 2021      **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** April 05, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 05, 2017 to April 05, 2022

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

**Name:** Yuliya Dunaway

**Phone:** (210) 403-4077

**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:**

1      Effective Date: 11/15/2017      ADMINORDER 2017-0429-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter C 122.210(a)  
5C THSC Chapter 382 382.054  
5C THSC Chapter 382 382.085(b)

Description: Failed to obtain a revision for a Federal Operating Permit ("FOP") to include all applicable requirements. Specifically, FOP No. O2285 was not revised to include 30 TEX. ADMIN. CODE ch. 115, Subchapter H as an applicable requirement for Tank T-6152, EPN T-G-7; Tank T-6151, EPN T-G-6; and the Wet Flare, EPN G-D-1.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
5C THSC Chapter 382 382.0518(a)  
5C THSC Chapter 382 382.085(b)

Description: Failed to obtain authorization prior to operating a source of air emissions. Specifically, PBR Registration No. 52207 authorizing the small cylinder loading operations was voided on December 15, 2015; however, operations continued until a new authorization was obtained on January 18, 2017.

2      Effective Date: 08/19/2019      ADMINORDER 2017-1580-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)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category A12(i)(6))

- 3 Effective Date: 07/14/2020 ADMINORDER 2020-0059-AIR-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter G 117.8140(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failed to test the NOx and CO emissions from a stationary internal combustion engine on a biennial calendar basis. Specifically, the NOx and CO emissions from the Sandblast Compressor Engine were not tested by December 31, 2011, December 31, 2013, and December 31, 2015.
- 4 Effective Date: 08/24/2021 ADMINORDER 2020-1016-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)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: GTC and STC No. 12 OP  
 NSR Permit 2101, Special Conditions 1 PERMIT  
 Description: Failed to prevent unauthorized emissions. The Respondent released 539.72 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 274130) that occurred on December 7, 2017 and lasted 45 minutes. The emissions event occurred when the steam tracing was turned on that led to the heat exchange fluid to thermally expand because there was no relief path and caused the gasket on a piping flange to fail, resulting in the release to the atmosphere.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 19, 2017	(1417604)
Item 2	May 17, 2017	(1425193)
Item 3	June 19, 2017	(1390121)
Item 4	July 20, 2017	(1439805)
Item 5	August 17, 2017	(1443493)
Item 6	September 06, 2017	(1428749)
Item 7	October 19, 2017	(1455940)
Item 8	November 20, 2017	(1461421)
Item 9	December 19, 2017	(1467800)
Item 10	January 18, 2018	(1460819)
Item 11	February 05, 2018	(1464952)
Item 12	February 19, 2018	(1486731)
Item 13	March 19, 2018	(1490408)
Item 14	April 19, 2018	(1493645)
Item 15	May 16, 2018	(1500563)
Item 16	June 14, 2018	(1507680)
Item 17	July 18, 2018	(1513997)
Item 18	August 06, 2018	(1506731)
Item 19	August 17, 2018	(1498506)
Item 20	August 20, 2018	(1520059)
Item 21	September 14, 2018	(1527224)
Item 22	October 17, 2018	(1533582)
Item 23	November 19, 2018	(1541417)
Item 24	December 19, 2018	(1545201)
Item 25	January 17, 2019	(1559578)
Item 26	February 19, 2019	(1559576)
Item 27	March 20, 2019	(1559577)
Item 28	April 19, 2019	(1571798)
Item 29	May 20, 2019	(1583205)
Item 30	June 20, 2019	(1583206)
Item 31	July 18, 2019	(1593111)
Item 32	August 19, 2019	(1599457)
Item 33	August 20, 2019	(1582627)
Item 34	September 20, 2019	(1606362)

Item 35	September 23, 2019	(1597605)
Item 36	October 17, 2019	(1613208)
Item 37	November 19, 2019	(1619022)
Item 38	December 18, 2019	(1626374)
Item 39	January 03, 2020	(1610324)
Item 40	January 17, 2020	(1634015)
Item 41	February 19, 2020	(1640634)
Item 42	March 18, 2020	(1647154)
Item 43	April 17, 2020	(1653490)
Item 44	May 20, 2020	(1660076)
Item 45	June 29, 2020	(1575179)
Item 46	July 20, 2020	(1673538)
Item 47	July 24, 2020	(1637774)
Item 48	August 19, 2020	(1680313)
Item 49	September 04, 2020	(1672622)
Item 50	September 16, 2020	(1686882)
Item 51	October 19, 2020	(1693228)
Item 52	November 18, 2020	(1712377)
Item 53	December 18, 2020	(1712378)
Item 54	February 19, 2021	(1725432)
Item 55	March 19, 2021	(1725433)
Item 56	April 20, 2021	(1725434)
Item 57	May 20, 2021	(1740028)
Item 58	June 04, 2021	(1724626)
Item 59	June 18, 2021	(1747560)
Item 60	August 06, 2021	(1652674)
Item 61	August 18, 2021	(1757142)
Item 62	September 07, 2021	(1724830)
Item 63	September 14, 2021	(1762472)
Item 64	October 18, 2021	(1776625)
Item 65	November 19, 2021	(1783594)
Item 66	December 15, 2021	(1790618)
Item 67	January 20, 2022	(1798413)

**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: 06/23/2021 (1704048)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP
  - Description: Failure to prevent exceedances of the carbon monoxide (CO) concentration limit for the F-4502 Furnace (EPN: A-C-1). (Category B13)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP
  - Description: Failure to report all deviations for the reporting period of November 1, 2019 through April 30, 2020. (Category B3)
  - Self Report? NO Classification: Minor
  - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP
  - Description: Failure to report all deviations for the reporting period of May 1, 2020 through October 31, 2020. (Category B3)
  - Self Report? NO Classification: Minor
  - 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)  
Special Term and Condition 2F OP

Description: Failure to create the final record for a non-reportable emissions event within the required timeframe. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter C 122.222(k)(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit an off-permit notification within the required timeframe. (Category B3)

2 Date: 06/30/2021 (1751678)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

3 Date: 08/31/2021 (1766222)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

4 Date: 02/24/2022 (1762664)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3962 PERMIT  
5C THSC Chapter 382 382.085(b)  
ST&C 9 OP

Description: Failure to maintain the permitted annual VOC emissions for Unit ID T-G-6 (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3962 PERMIT  
5C THSC Chapter 382 382.085(b)  
ST&C 9 OP

Description: Failure to maintain the permitted hourly VOC emissions for Unit ID T-G-6 (Category B13)

Self Report? NO Classification: Moderate

Citation: 2285 OP  
30 TAC Chapter 115, SubChapter H 115.764(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Description: Failure to perform biweekly HRVOC monitoring for unit ID T-B-0 (Category B1).

## F. Environmental audits:

Notice of Intent Date: 02/13/2017 (1395684)

Disclosure Date: 10/02/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Failure to adequately represent fugitive emission for equipment related to NSR Permits 3962 and 69A. Specifically, fugitive emissions are under-represented for equipment.

Notice of Intent Date: 06/12/2017 (1423422)

No DOV Associated

Notice of Intent Date: 10/10/2017 (1447818)

Disclosure Date: 09/20/2018

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter A 106.8  
30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to obtain authorization for wastewater treatment facilities.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8  
30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to comply with PBR requirements for vacuum trucks used to transfer process wastewater.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8

30 TAC Chapter 115, SubChapter B 115.148

30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 122, SubChapter B 122.121

5C THSC Chapter 382 382.0518(a)

5C THSC Chapter 382 382.085

Description: Failure to conduct determination of wastewater characteristics.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)(2)

Description: Failure to represent wastewater emissions in the Emissions Inventories for the site.

Notice of Intent Date: 11/10/2018 (1531288)

No DOV Associated

Notice of Intent Date: 09/04/2019 (1597102)

Disclosure Date: 11/13/2019

Viol. Classification: Minor

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

Description: Failure to maintain files of engineering plans, maps and well completion data for 4 onsite groundwater wells.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(4)

30 TAC Chapter 290, SubChapter D 290.41(c)(1)

Description: Failure to utilize a sanitary control easement for public drinking water system.

Disclosure Date: 11/25/2019

Viol. Classification: Minor

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

Description: Failure to maintain continuous monthly 12-month rolling emissions records by EPN and pollutant type.

Viol. Classification: Moderate

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

Description: Failure to track all HAPs for all emissions sources at the site. This includes painting, fleet fueling and combustion sources.

Viol. Classification: Moderate

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

Description: Failure to develop written procedure as required (40 CFR 60 Subpart F, Procedure 1 Section 3- QC) for Boiler 5, Boiler 6, and F-4502

Viol. Classification: Moderate

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

Description: Failure to utilize proper method for quarterly calibration gas audits (CGAs) in relation to NOx.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)

30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)

Description: Failure to conduct weekly spent oil transfers out of facility as required. Hazardous waste drums D11 and D12 are not included in an internal inspection program.

Disclosure Date: 12/09/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THSC Chapter 382 382.0518(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to comply with monitoring and recordkeeping requirements within special conditions of NSR permits 69A and 3962. There is currently no recordkeeping system in place to comply with requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THSC Chapter 382 382.0518(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to include accurate representations in permit for short term temperatures in tanks which are heated or likely to receive heated material. Permit application representations for tank temperatures may be understated.

Disclosure Date: 07/28/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THSC Chapter 382 382.0518(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to maintain emissions below permit limits for Furnace F-4502. Specifically, the available emissions records by emission point and contaminant indicate instances of non-compliance with hourly and 12-month limits for sources audited under Permit No. 734, specifically Furnace F-4502

Notice of Intent Date: 02/11/2021 (1704946)

No DOV Associated

Notice of Intent Date: 11/23/2021 (1775588)

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





5 Date: 03/15/2018 (1459293)

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 (ST&C) 1A OP  
FOP ST&C 12 OP  
NSR Special Condition (SC) 2(C) PERMIT

Description: Failure to prevent visible emissions from the Alkyls Dry Flare (B-D-0). [C4]

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 115, SubChapter H 115.726(d)(2)  
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)  
FOP Special Term & Condition 1A OP  
NSR Special Condition (SC) 2(D) PERMIT

Description: Failure to record the Alkyls Dry Flare (B-D-0) Btu/hr and exit velocity. [C3]

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.165(a)(7)  
5C THSC Chapter 382 382.085(b)  
FOP General Terms & Conditions (GT&C) OP

Description: Failure to certify the deviation report (DR) dated September 15, 2017 for the February 20, 2017 through August 19, 2017 reporting period. [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)  
FOP, ST&C 12 OP  
NSR Special Condition (SC) 2B PERMIT

Description: Failure to continuously monitor the Alkyls Dry Flare (B-D-0) pilot flame by a thermocouple or an infrared monitor. [C1]

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP, ST&C 1A OP

Description: Failure to record observations of the flare (Alkyls Dry Flare (B-D-0 and G-D-1)) including the time of day and whether or not the flare was smoking. (C3)

6 Date: 08/10/2018 (1479869)

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)  
GT&C OP

Description: Failed to report all instances of deviations. (Category B3)

7 Date: 02/28/2019 (1517743)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 11 OP  
FOP Special Term & Condition 1A OP  
NSR Special Condition 2C PERMIT

Description: Failure to prevent visible emissions from a process gas flare [EPN: B-D-0].

[Category C4]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 1A OP

Description: Failed to properly record visible emissions observations. [Category C3]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(b)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition OP  
NSR Special Condition 2B PERMIT  
NSR Special Condition 2D PERMIT

Description: Failure to record the Btu/hr, pilot verification, and exit velocity for the process gas flare [EPN: B-D-0]. [Category C3]

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 A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 11 OP  
NSR Special Condition 2A PERMIT

Description: Failure to maintain the net heating value of gas being combusted by the flare [EPN: G-D-1] at 300 BTU/scf or greater. [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)  
FOP Special Term & Condition 11 OP  
FOP Special Term & Condition 1A OP  
NSR Special Condition 2C PERMIT

Description: Failure to prevent visible emissions from a specialties flare [EPN: G-D-1]. [Category C4]

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Date: 08/27/2019 (1533084)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(2)  
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)  
FOP Special Term and Condition (ST&C) 12 OP  
FOP Special Term and Condition (ST&C) 1A OP  
NSR Special Condition (SC) 2D PERMIT

Description: Failure to collect monitoring data of Btu/hr and exit velocity for HB-2 Flare (EPN: B-D-0). (Category C3)

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)  
FOP Special Term & Condition (ST&C) 12 OP  
FOP Special Term and Condition (ST&C) 1A OP  
NSR Special Condition (SC) 2B PERMIT

Description: Failure to continuously monitor the HB-2 Flare (EPN: B-D-0) pilot flame by a thermocouple or an infrared monitor. (Category C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(2)(I)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 1A OP

Description: Failure to prevent roof landing in T-4603C storage tank (EPN: W-T-2). (Category

- C4)
- Self Report? NO Classification: Moderate  
Citation:
- 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 3C(i) OP
- Description: Failure to prevent visible emissions. (Category B13)
- 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 and Conditions (ST&C) OP
- Description: Failure to report all deviations in the appropriate time frame. (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)  
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 & Condition (ST&C) 12 OP  
FOP Special Term & Condition (ST&C) 1A OP  
NSR Special Condition (SC) 2A PERMIT
- Description: Failure to maintain HB-2 Flare (also called Alkyls Dry Flare) (EPN: B-D-0) at a BTU greater than 300 Btu/scf. (Category C4)
- 9 Date: 01/15/2020 (1616578)
- Self Report? NO Classification: Moderate  
Citation:
- 30 TAC Chapter 117, SubChapter G 117.8140(b)  
5C THSC Chapter 382 382.085(b)
- Description: Failure to conduct quarterly stain tube testing. (Category B3)
- Self Report? NO Classification: Minor  
Citation:
- 30 TAC Chapter 117, SubChapter B 117.345(f)  
5C THSC Chapter 382 382.085(b)
- Description: Failure to record stain tube testing. (Category C1)
- 10 Date: 05/31/2020 (1666581)
- Self Report? YES Classification: Moderate  
Citation:
- 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter
- 11 Date: 07/31/2020 (1633325)
- 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)  
Special Condition (SC) 7D PERMIT  
Special Terms & Conditions (ST&C) 12 OP  
Special Terms & Conditions (ST&C) 1A OP
- Description: Failure to prevent visible emissions from Wet Flare [EPN: G-D-1] (Category C7)
- 12 Date: 08/24/2020 (1633078)
- Self Report? NO Classification: Moderate  
Citation:
- 30 TAC Chapter 115, SubChapter E 115.415(1)  
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)  
 STC 1A OP  
 Description: Failure to conduct monthly inspection of part washers Unit ID PTWASH81.  
 (CATEGORY B1)  
 Self Report? NO Classification: Minor  
 Citation:  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(3)(D)  
 30 TAC Chapter 122, SubChapter B 122.145(1)(C)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report deviation for monthly part washer Unit ID PTWASH81, V-A-1.  
 (CATEGORY C3)

13 Date: 08/28/2020 (1633305)  
 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 2.B ORDER  
 Special Condition 2.D PA  
 Special Term and Condition 12 OP  
 Description: Failure to continually monitor flare operating parameters (Category C4)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Other Authorizations PA  
 Special Term and Condition 12 OP  
 Special Term and Condition 15 OP  
 Description: Failure to operate within the Standard Permit application representation of 4.07  
 pounds per hour (lb/hr) of NOx for furnace F-4502. (Category B12)  
 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 4 PA  
 Special Term and Condition 12 OP  
 Description: Failure to comply with the 12-month rolling average production limit in May 2018  
 for alkyl metals. (Category C4)  
 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 Term and Condition OP  
 Description: Failure to report all deviations during the 8/20/18 through 2/19/2019 deviation  
 report. (Category C3)  
 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 and Condition OP  
 Description: Failure to report a deviation in the 2/20/18 through 8/19/18 deviation report.  
 (Category C3)

14\* Date: 01/20/2021 (1672394)  
 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 a submit deviation report within required timeframe for compliance period of March 5, 2019 through May 10, 2019. (Category B3)  
 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 & Conditions OP  
 Description: Failure to report all deviations during the compliance period of May 11, 2019 through November 10, 2019. (Category B3)

15\* Date: 03/01/2021 (1691901)  
 Self Report? NO Classification: Minor  
 Citation:  
 30 TAC Chapter 115, SubChapter H 115.726(d)(4)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.144(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11 PERMIT  
 Special Condition 2B PERMIT  
 Special Condition 2D PERMIT  
 Special Term and Condition 12 OP  
 Special Term and Condition 1A OP  
 Description: Failure to maintain monitoring records for the HB-2 Dry Flare (EPN: B-D-0) (Category C3).

16\* Date: 06/23/2021 (1704048)  
 Self Report? NO Classification: Minor  
 Citation:  
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to prevent exceedances of the carbon monoxide (CO) concentration limit for the F-4502 Furnace (EPN: A-C-1). (Category B13)

Self Report? NO Classification: Minor  
 Citation:  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report all deviations for the reporting period of November 1, 2019 through April 30, 2020. (Category B3)

Self Report? NO Classification: Minor  
 Citation:  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to report all deviations for the reporting period of May 1, 2020 through October 31, 2020. (Category B3)

Self Report? NO Classification: Minor  
 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)  
 Special Term and Condition 2F OP  
 Description: Failure to create the final record for a non-reportable emissions event within the required timeframe. (Category C3)

Self Report? NO Classification: Minor  
 Citation:  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter C 122.222(k)(2)  
 5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP

Description: Failure to submit an off-permit notification within the required timeframe. (Category B3)

- 17\* Date: 06/30/2021 (1751678)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
- 18\* Date: 08/31/2021 (1766222)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
- 19 Date: 02/24/2022 (1762664)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3962 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 ST&C 9 OP  
 Description: Failure to maintain the permitted annual VOC emissions for Unit ID T-G-6 (Category B13)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3962 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 ST&C 9 OP  
 Description: Failure to maintain the permitted hourly VOC emissions for Unit ID T-G-6 (Category B13)  
 Self Report? NO Classification: Moderate  
 Citation: 2285 OP  
 30 TAC Chapter 115, SubChapter H 115.764(b)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to perform biweekly HRVOC monitoring for unit ID T-B-0 (Category B1).

\* NOV's applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

**Appendix B  
 All Investigations Conducted During Component Period April 05, 2017 and April 05, 2022**

- Item 1\* April 19, 2017\*\* (1417604)  
 Item 2 April 28, 2017\*\* (1401844)  
 Item 3\* May 17, 2017\*\* (1425193)  
 Item 4 May 18, 2017\*\* (1414760)  
 Item 5\* June 19, 2017\*\* (1390121)  
 Item 6\* July 20, 2017\*\* (1439805)  
 Item 7\* August 17, 2017\*\* (1443493)  
 Item 8\* September 06, 2017\*\* (1428749)  
 Item 9 September 26, 2017\*\* (1417151)  
 Item 10 September 28, 2017\*\* (1437837)

Item 11	October 11, 2017**	(1389014)
Item 12*	October 19, 2017**	(1455940)
Item 13*	November 20, 2017**	(1461421)
Item 14*	December 19, 2017**	(1467800)
Item 15*	January 18, 2018**	(1460819)
Item 16	January 19, 2018**	(1474505)
Item 17*	February 05, 2018**	(1464952)
Item 18*	February 19, 2018**	(1486731)
Item 19	March 07, 2018**	(1473949)
Item 20	March 15, 2018**	(1459293)
Item 21*	March 19, 2018**	(1490408)
Item 22	March 27, 2018**	(1478519)
Item 23*	April 19, 2018**	(1493645)
Item 24	April 25, 2018**	(1481831)
Item 25*	May 16, 2018**	(1500563)
Item 26*	June 14, 2018**	(1507680)
Item 27*	July 18, 2018**	(1513997)
Item 28*	August 06, 2018**	(1506731)
Item 29	August 10, 2018**	(1479869)
Item 30*	August 17, 2018**	(1498506)
Item 31*	August 20, 2018**	(1520059)
Item 32*	September 14, 2018**	(1527224)
Item 33*	October 17, 2018**	(1533582)
Item 34*	November 19, 2018**	(1541417)
Item 35*	December 19, 2018**	(1545201)
Item 36*	January 17, 2019**	(1559578)
Item 37*	February 19, 2019**	(1559576)
Item 38	February 27, 2019**	(1517743)
Item 39*	March 20, 2019**	(1559577)
Item 40*	April 19, 2019**	(1571798)
Item 41*	May 20, 2019**	(1583205)
Item 42*	June 20, 2019**	(1583206)
Item 43*	July 18, 2019**	(1593111)
Item 44*	August 19, 2019**	(1599457)
Item 45*	August 20, 2019**	(1582627)
Item 46	August 26, 2019**	(1533084)
Item 47*	September 20, 2019**	(1606362)
Item 48*	September 23, 2019**	(1597605)
Item 49*	October 17, 2019**	(1613208)
Item 50*	November 19, 2019**	(1619022)
Item 51*	December 18, 2019**	(1626374)
Item 52*	January 03, 2020**	(1610324)
Item 53	January 15, 2020**	(1616578)
Item 54*	January 17, 2020**	(1634015)
Item 55*	February 19, 2020**	(1640634)
Item 56*	March 18, 2020**	(1647154)
Item 57*	April 17, 2020**	(1653490)
Item 58*	May 20, 2020**	(1660076)



Item 59	June 18, 2020**	(1666581)
Item 60*	June 29, 2020**	(1575179)
Item 61	July 16, 2020**	(1482295)
Item 62*	July 20, 2020**	(1673538)
Item 63*	July 24, 2020**	(1637774)
Item 64	July 31, 2020**	(1633325)
Item 65*	August 19, 2020**	(1680313)
Item 66	August 24, 2020**	(1633078)
Item 67	August 28, 2020**	(1633305)
Item 68*	September 04, 2020**	(1672622)
Item 69*	September 16, 2020**	(1686882)
Item 70*	October 19, 2020**	(1693228)
Item 71*	November 18, 2020**	(1712377)
Item 72*	December 18, 2020**	(1712378)
Item 73	January 20, 2021**	(1672394)
Item 74*	February 19, 2021**	(1725432)
Item 75	March 01, 2021**	(1691901)
Item 76*	March 19, 2021**	(1725433)
Item 77*	April 20, 2021**	(1725434)
Item 78*	May 20, 2021**	(1740028)
Item 79*	June 04, 2021**	(1724626)
Item 80*	June 18, 2021**	(1747560)
Item 81	June 23, 2021**	(1704048)
Item 82	June 30, 2021**	(1709491)
Item 83	July 20, 2021**	(1751678)
Item 84*	August 06, 2021**	(1652674)
Item 85*	August 18, 2021**	(1757142)
Item 86*	September 07, 2021	(1724830)
Item 87*	September 14, 2021	(1762472)
Item 88	September 20, 2021	(1766222)
Item 89*	October 18, 2021	(1776625)
Item 90*	November 19, 2021	(1783594)
Item 91*	December 15, 2021	(1790618)
Item 92*	January 20, 2022	(1798413)
Item 93	February 02, 2022	(1787277)
Item 94	February 24, 2022	(1762664)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

# 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. 2021-0333-AIR-E

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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical processing plant located at 2500 North South Street 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. During a record review for the Plant conducted from November 24, 2020 through January 22, 2021, an investigator documented that:
  - a. The deviation report for the August 20, 2019 through February 19, 2020 reporting period did not include the deviations for observing visible emissions from the AP Scrubber S-163 on December 13, 2019, operating the gas analyzer more than 95 percent ("%") of the time but generated valid data for 58% of the time when the time when the MP-1 Wet Flare was operational, and failing to prevent unauthorized emissions during a non-reportable emissions event that occurred on February 11, 2020.
  - b. The gas analyzer was operated more than 95% of the time but generated valid data for 58% of the time when the MP-1 Wet Flare was operational, over the 12-month period ending on December 2019.

3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. By repairing the oxygen leak, by January 1, 2020;
  - b. By submitting the deviation report for the February 20, 2020 through August 19, 2020 reporting period to report the deviation for failing to prevent unauthorized emissions during a non-reportable emissions event that occurred on February 11, 2020, by September 18, 2020;
  - c. By demonstrating that valid data was generated at least 95% of the time when the MP-1 Wet Flare was operational in calendar year 2020, by February 11, 2021;
  - d. By submitting the deviation report for the August 20, 2020 through February 19, 2021 reporting period to report the deviation for operating the gas analyzer more than 95% of the time but generated valid data for 58% of the time when the time when the MP-1 Wet Flare was operational, by March 18, 2021;
  - e. By revising the Plant-specific procedures for Title V deviation reporting to ensure that all instances of deviations are reported in a timely manner, by July 21, 2022; and
  - f. By submitting a revised deviation report for the August 20, 2019 through February 19, 2020 reporting period to report the deviation for observing visible emissions from the AP Scrubber S-163 on December 13, 2019, by July 22, 2022.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O2310, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to operate the gas analyzer in a manner that provided valid data when the flare is operational, averaged over the calendar year, in violation of 30 TEX. ADMIN. CODE §§ 115.725(l) and 122.143(4), FOP No. O2310, GTC and Special Terms and Conditions No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$12,230 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

The Respondent paid \$6,115 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$6,115 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.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Albemarle Corporation, Docket No. 2021-0333-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

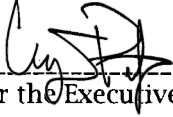
2. The Respondent shall implement and complete the SEP as set forth in Section II, Paragraph No. 5. The amount of \$6,115 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment 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. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.

6. 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.
7. 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 in this Order.
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. 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.
10. 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.
11. 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



-----  
For the Executive Director

-----  
Date

12/5/2022

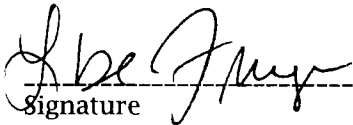
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Date

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 OAG 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 OAG 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

9/12/22  
-----  
Date

Lisa Fruge  
-----

Name (Printed or typed)  
Authorized Representative of  
Albemarle Corporation

Plant Manager  
-----  
Title

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

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

**Attachment A**  
**Docket Number: 2021-0333-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Albemarle Corporation</b>
<b>Payable Penalty Amount:</b>	<b>\$12,230</b>
<b>SEP Offset Amount:</b>	<b>\$6,115</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston-Galveston Area Council-AERCO</b>
<b>Project Name:</b>	<b><i>Clean Vehicles Partnership Project</i></b>
<b><u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties</b>	

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. 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 replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit

technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months.

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done 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.

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

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO  
Emission Reduction Credit Corporation  
Attn: Air Quality Program Manager  
3555 Timmons Lane, Suite 120  
Houston, Texas 77027



### 3. **Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount 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 and/or project, 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**

Albemarle Corporation  
Docket No. 2021-0333-AIR-E  
Agreed Order - Attachment A

The SEP Offset Amount identified in this Attachment A and in the attached 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.