

**Executive Summary – Enforcement Matter – Case No. 61271**  
**Albemarle Corporation**  
**RN100211523**  
**Docket No. 2021-1154-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 Bayport Plant, 13000 Baypark Road, Pasadena, Harris County

**Type of Operation:**

Catalyst manufacturing facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 11, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,510

**Total Paid to General Revenue:** \$4,255

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$4,255

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:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** April 6, 2021 through August 26, 2021

**Date(s) of NOE(s):** August 27, 2021

**Executive Summary – Enforcement Matter – Case No. 61271**  
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**RN100211523**  
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***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. O1559, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with the maximum allowable emissions rate ("MAER") [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit Nos. 9402 and N022, Special Conditions No. 1, FOP No. O1559, GTC and Special Terms and Conditions No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures in order to demonstrate compliance with the particulate matter hourly MAER for the Portaclay/Reslurry Vent Bay Filter, Emissions Point Number ("EPN") FCC-16:

- a. Shut down and repaired the Portaclay/Reslurry Vent Bay Filter, by November 17, 2020; and
- b. Provided the particulate matter hourly emissions data for the Portaclay/Reslurry Vent Bay Filter, EPN FCC-16, by August 19, 2021.

**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:
    - i. Submit a revised deviation report for the April 19, 2020 through October 18, 2020 reporting period to report the deviation for failing to comply with the ammonia hourly MAER during a stack test conducted on September 25, 2020 for the Ammonia Scrubber; and
    - ii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner.
  - b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 61271  
Albemarle Corporation  
RN100211523  
Docket No. 2021-1154-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Katelyn Dacy, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-4593; 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:** Chase Chicola, Plant Manager, Albemarle Corporation, 13000 Baypark Road, Pasadena, Texas 77507

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	30-Aug-2021	<b>Screening</b>	2-Sep-2021	<b>EPA Due</b>	23-Feb-2022
	<b>PCW</b>	24-Jun-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Albemarle Corporation
<b>Reg. Ent. Ref. No.</b>	RN100211523
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61271	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-1154-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>	Kate Dacy
		<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>	\$7,750
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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>	34.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$2,635
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Notes: Enhancement for one NOV with same/similar violations and two agreed orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and four disclosures of violations.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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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>	-\$1,875
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$762
Estimated Cost of Compliance	\$13,250

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,510
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$8,510
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,510
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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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>	\$8,510
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**Screening Date** 2-Sep-2021

**Docket No.** 2021-1154-AIR-E

**PCW**

**Respondent** Albemarle Corporation

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61271

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN100211523

**Media** Air

**Enf. Coordinator** Kate Dacy

### 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> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	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> )	4	-8%
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)** 34%

**>> 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 one NOV with same/similar violations and two agreed orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and four disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 34%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 34%

**Screening Date** 2-Sep-2021 **Docket No.** 2021-1154-AIR-E **PCW**  
**Respondent** Albemarle Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61271 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100211523  
**Media** Air  
**Enf. Coordinator** Kate Dacy

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O1559, 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 April 19, 2020 through October 18, 2020 reporting period did not include the deviation for failing to comply with the ammonia hourly maximum allowable emissions rate ("MAER") during a stack test conducted on September 25, 2020 for the Ammonia Scrubber.

**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 1 289 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** \$200 **Violation Final Penalty Total** \$335

**This violation Final Assessed Penalty (adjusted for limits)** \$335

## Economic Benefit Worksheet

**Respondent** Albemarle Corporation  
**Case ID No.** 61271  
**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	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	17-Nov-2020	1-Mar-2023	2.28	\$171	n/a	\$171
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	17-Nov-2020	1-Mar-2023	2.28	\$29	n/a	\$29

**Notes for DELAYED costs**

Estimated costs to submit a revised deviation report for the April 19, 2020 through October 18, 2020 reporting period to report the deviation for failing to comply with the ammonia hourly MAER during a stack test conducted on September 25, 2020 for the Ammonia Scrubber (\$250) and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviation should have been reported and the Final Dates are the estimated dates 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 \$1,750

**TOTAL** \$200

**Screening Date** 2-Sep-2021 **Docket No.** 2021-1154-AIR-E **PCW**  
**Respondent** Albemarle Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61271 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100211523  
**Media** Air  
**Enf. Coordinator** Kate Dacy

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit Nos. 9402 and N022, Special Conditions No. 1, FOP No. O1559, GTC and Special Terms and Conditions No. 10, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the MAER. Specifically, the Respondent exceeded the particulate matter ("PM") hourly MAER of 0.02 lb/hr by a range from 0.009 lb/hr to 0.98 lb/hr for 416.5 hours from January 1, 2020 to October 18, 2020 for the Portaclay/Reslurry Vent Bay Filter, Emissions Point Number ("EPN") FCC-16, resulting in the unauthorized release of 69.1 pounds of PM emissions.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 291 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

**Violation Base Penalty** \$7,500

One annual event is recommended for the instances of non-compliance that occurred from January 1, 2020 to October 18, 2020.

**Good Faith Efforts to Comply** 25.0% Reduction \$1,875

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

**Notes** The Respondent completed the corrective measures by August 19, 2021, prior to the Notice of Enforcement dated August 27, 2021.

**Violation Subtotal** \$5,625

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

**Estimated EB Amount** \$562 **Violation Final Penalty Total** \$8,175

**This violation Final Assessed Penalty (adjusted for limits)** \$8,175



# Economic Benefit Worksheet

**Respondent** Albemarle Corporation  
**Case ID No.** 61271  
**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	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	1-Jan-2020	19-Aug-2021	1.63	\$122	n/a	\$122
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Jan-2020	17-Nov-2020	0.88	\$440	n/a	\$440

**Notes for DELAYED costs**

Estimated costs to shut down and repair the Portaclay/Reslurry Vent Bay Filter (\$10,000) and to provide the PM hourly emissions data for the Portaclay/Reslurry Vent Bay Filter, EPN FCC-16, (\$1,500) in order to demonstrate compliance with the PM hourly MAER for the Portaclay/Reslurry Vent Bay Filter, EPN FCC-16. The Dates Required are the first instance of non-compliance and the Final Dates are the dates 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**

\$562



# Compliance History Report

Compliance History Report for CN600129589, RN100211523, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600129589, Albemarle Corporation      **Classification:** SATISFACTORY      **Rating:** 2.83  
**Regulated Entity:** RN100211523, ALBEMARLE BAYPORT PLANT      **Classification:** SATISFACTORY      **Rating:** 3.83  
**Complexity Points:** 22      **Repeat Violator:** NO  
**CH Group:** 05 - Chemical Manufacturing  
**Location:** 13000 BAYPARK ROAD, PASADENA, HARRIS COUNTY, TEXAS  
**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER HGA010J	<b>AIR OPERATING PERMITS</b> PERMIT 1559
<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4820101604	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 16685
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 53669	<b>AIR NEW SOURCE PERMITS</b> PERMIT 9402
<b>AIR NEW SOURCE PERMITS</b> PERMIT 2487	<b>AIR NEW SOURCE PERMITS</b> PERMIT 21995
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 114394	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 76400
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 56753	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 70381
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 71389	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 72717
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 72739	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT N022
<b>AIR NEW SOURCE PERMITS</b> PERMIT 76621	<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER HGA010J
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 80147	<b>AIR NEW SOURCE PERMITS</b> PERMIT 9626
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 45951	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 80542
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 37604	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 34867
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 95994	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 96731
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 101157	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 104107
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 102755	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103969
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 110529	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 131209
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 115923	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 114491
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 104859	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 117527
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 108971	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 155375
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 151298	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 162906
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 163421	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 166858
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 168488	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 164264
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 163642	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 163660
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 160822	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 160024
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 161695	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 156185
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 160774	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 168519
<b>STORMWATER</b> PERMIT TXR05W861	<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER HGA010J
<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00008	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD073920399
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 31226	

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

**Date Compliance History Report Prepared:** April 14, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 14, 2017 to April 14, 2022

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

**Name:** Kate Dacy

**Phone:** (512) 239-4593

## **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: 06/27/2018 ADMINORDER 2016-1527-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 16B PERMIT  
Special Term and Condition 9 OP  
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.  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)  
30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP 1559 ST&C 9 and 10 OP  
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.  
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 14 PERMIT  
Special Term and Condition 9 OP  
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.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.340(j)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP ST&C 10 OP  
General Conditions No. 7 PERMIT  
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 the operating time.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Term and Condition 2E OP  
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.  
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: FOP ST&C 9 OP  
NSR SC 1 PERMIT  
Description: Failed to comply with the PM10 hourly emissions limit for the Base Storage Hopper Bagfilter, 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.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 9 OP

Description: Failed to comply with representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent represented in the permit application for NSR Permit No. 76621 that the VOC emissions for EPN PLU-FUG were based on a 65% solution solution of acetic acid, but a 70% solution of acetic acid was being used.

**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 16, 2018	(1466507)
Item 2	August 02, 2018	(1505824)
Item 3	August 15, 2018	(1507227)
Item 4	October 16, 2018	(1513511)
Item 5	August 27, 2021	(1704546)

**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: 08/27/2021 (1704545)  
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 27B PERMIT  
Special Term and Condition 10 PERMIT  
Special Term and Condition 9 PERMIT  
Description: Failure to maintain the differential pressure (dP) of the PE Receiver Baghouse (EPN HPC-60) within the permit range. (Category B18g(1))  
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 9 PERMIT  
Special Term and Condition 10 PERMIT  
Special Term and Condition 9 PERMIT  
Description: Failure to maintain the differential pressure (dP) of the Dryer HEPA Filter (EPN PLU-3A) within the permit range. (Category B18g(1))  
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 7 PERMIT  
Special Term and Condition 10 PERMIT  
Special Term and Condition 9 PERMIT  
Description: Failure to maintain the differential pressure (dP) of the Metal Solutions Carbonates Bag/HEPA Filter (EPN PLU-6) within the permit range. (Category B18g(1))  
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 7 PERMIT  
Special Term and Condition 9 PERMIT  
Description: Failure to maintain the differential pressure (dP) of the Metal Sols HEPA Filter (EPN PLU-10) within the permit range. (Category B18g(1))  
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 14 PERMIT

Description: Special Term and Condition 9 PERMIT  
 Failure to maintain the differential pressure (dP) of the Weigh Scale Bag Filter (EPN FCC-63) within the permit range. (Category C4)  
 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 14 PERMIT  
 Special Term and Condition 10 PERMIT

Description: Failure to maintain the differential pressure (dP) of the 2nd Molsieve Flash Dryer (EPN FCC-10) within the permit range. (Category C4)  
 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 19 PERMIT  
 Special Term and Condition 10 PERMIT

Description: Failure to conduct stain tube testing of the TO/SCR System (EPN FCC-75). (Category B1)  
 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 PERMIT  
 Special Term and Condition 10 PERMIT

Description: Failure to maintain the minimum temperature of the Thermal Oxidizer (EPN PLU-4). (Category C4)  
 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 7 PERMIT  
 Special Term and Condition 10 PERMIT

Description: Failure to maintain the differential pressure (dP) of the HPC Flash Dryer (EPN PLU-1) within the permit range. (Category C4)  
 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 7 PERMIT  
 Special Term and Condition 10 PERMIT

Description: Failure to maintain the differential pressure (dP) of the Dust Silo HEPA Filter (EPN PLU-2) within the permit range. (Category C4)  
 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 14 PERMIT  
 Special Term and Condition 10 PERMIT

Description: Failure to maintain the differential pressure (dP) of the F-1521 Flash Dryer Bag Filter (EPN VSP-2) within the permit range. (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)  
 General Terms and Conditions PERMIT

Description: Failure to report all deviations for the reporting period of October 19, 2019 through April 18, 2020. (Category B3)

**F. Environmental audits:**

Notice of Intent Date: 01/13/2017 (1389728)

Disclosure Date: 06/14/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT GCs 1 and 7 and SC 1  
 OP STC No. 9

Description: Failure to operate the aqueous ammonia storage tank (EPN FCC-44) as a pressure vessel consistent with the representation in the current permit which resulted in the permit MAERT being exceeded. The tank is operated as a fixed roof tank which continuously vents to a scrubber for control of the NH3 emissions. The

extent of the emissions exceedance is 0.02 lb/hr on a n hourly basis and 0.01 tpy on an annual basis.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT GC Nos. 1 and 8 and SC No. 1  
OP STC No. 9

Description: Failure to ensure that the batch cycle time of the strike tanks ( EPN FCC-18) are correctly representing in the permit. The current permit representations is 29 minutes when the actual time is 20 minutes. Due to this error the allowable hourly emission found in the permit MAERT is being exceeded. The extent of the emission exceedance is 0.19 lb/hr on an hourly basis.

Disclosure Date: 08/08/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC No. 2  
OP STC No. 9

Description: Failure to comply with representation that emissions from the FCC Unit Cascade Reactors Vent. Specifically, representations show emissions being vented to the atmosphere via a combined stack using a blower, however, the blower has been out of service and as a result emissions are not being combined to a single stack.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 2  
OP STC No. 9

Description: Failure to ensure that the blower associated with the Product Vacuum Bag Filter has the correct flow rate basis in the existing representation. Due to this error in the current permit basis, the allowable emissions found in the permit MAERT are being exceeded.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 2  
OP STC No. 9

Description: Failure to ensure that the blower associated with the Bulk Loadout Bag Filter has the correct flow rate basis in the existing representation. Due to this error in the current permit basis, the allowable emissions found in the permit MAERT are being exceeded.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 2  
OP STC No. 9

Description: Failure to ensure that the blower associated with the Kaolin Dosing Hopper Bag Filer has the correct flow rate basis in the existing representation. Due to this error in the current permit basis, the allowable emissions found in the permit MAERT are being exceeded.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC No. 2  
OP STC No. 9

Description: Failure to ensure that the blower associated with the Product Air Slide Bag Filter has the correct flow rate basis in the existing representation. Due to this error in the current permit basis, the allowable emissions found in the permit MAERT are being exceeded.

Notice of Intent Date: 02/22/2018 (1473665)

Disclosure Date: 03/27/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to report Ammonia emissions from buffer tanks in previous emissions inventories. The permitted emissions are 0.01 TPY of Ammonia from each source. (VSP-10 and VSP-11)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to accurately report emissions in Emissions Inventory. Emissions were under reported in Emissions Inventory. Approximately 2 TPY of ammonia and 0.5 TPY of PM emissions. (FCC-68, FCC-72, FCC-82)

Viol. Classification: Moderate

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

Description: Failure to maintain emissions below MAERT requirements for PLU-1B. Indication of possible MAERT exceedance. PLU-1A and 1B vent through the common stack and hence is the same EPN. However in the NSR permit it is represented as two separate EPN's. The PLU-1A passes through a heat recovery cycle before venting to the stack. PLU-1B is directly vented without any heat recovery.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain authorization for emission from the portaclay holding tank.

Disclosure Date: 06/14/2018

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT VVVVVV 63.11496(f)(3)(i)(A)

Description: Failure to update the CMAS Management Practices to reflect changes at the plant.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to accurately classify waste streams to reflect current plant conditions.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42

30 TAC Chapter 335, SubChapter A 335.13(i)

30 TAC Chapter 335, SubChapter A 335.13(j)

Description: Failure to track receipt of signed hazardous and Class 1 manifests from the Treatment/Storage/ Disposal facility.

Disclosure Date: 07/17/2018

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

Description: Failure to obtain authorization for certain piping components (i.e flanges, valves, etc.) containing dilute ammonia prior to placing into service.

Notice of Intent Date: 05/23/2019 (1571719)

Disclosure Date: 07/12/2019

Viol. Classification: Major

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

Description: Failure to properly represent and obtain registration for FCC-18 strike tank and bag house control FCC-69 operations. FCC-18 strike tank was routed to baghouse control FCC-69 resulting in minimized emissions at the FCC-18 and increased emissions at FCC-69.

Disclosure Date: 08/29/2019

Viol. Classification: Moderate

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

Description: Failure to perform daily visible checks at FCC-21 using Method 22. Checks are being conducted, however they are not based on Method 22.

Viol. Classification: Moderate

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

Description: Failure to accurately represent FCC fugitive component count in HCL service. The permitted FCC fugitive component count in HCL service is less than actual component count.

Disclosure Date: 11/14/2019

Viol. Classification: Moderate

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

Description: Failure to accurately represent batch size in permit representation. The batch size associated with the Mix dose tank 2 HPC-30 is incorrect in the permit representation.

Viol. Classification: Moderate

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

Description: Failure to conduct quarterly inspections of certain pollution abatement equipment.

Viol. Classification: Moderate

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

Description: Failure to conduct annual inspections of bag filters. Certain bag filters across the FCC unit did not have an annual inspection as specified under NSR Permit No. 9402 SC15.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: Failure to conduct monthly calibration of pH meter for HPC-12B as specified under NSR permit No. 9402 SC15.  
 Disclosure Date: 05/18/2020  
 Viol. Classification: Major  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)  
 Description: Failure to accurately calculate and represent the Ammonia emissions from belt filter operations.  
 Disclosure Date: 07/10/2020  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)  
 Description: Failure to include ammonia and nitric acid emissions in Permit No. 9626.  
 Disclosure Date: 09/03/2020  
 Viol. Classification: Major  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)  
 Description: Failure to obtain air authorization for portable baghouse used during loading operations,  
 Notice of Intent Date: 01/08/2021 (1701364)  
 Disclosure Date: 03/29/2021  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.10  
 30 TAC Chapter 101, SubChapter H 101.359  
 30 TAC Chapter 117, SubChapter B 117.345  
 Description: Failure to accurately calculate emissions at VSP-9 Boiler, Specifically, the emissions in 2020 did not exceed lb/hr and TPY permit limits, however it was under estimated and reported.  
 Disclosure Date: 04/23/2021  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.10  
 Description: Failure to report emissions for in annual emissions inventory for FCC-112, FCC-113, HPC-48, RCC-114 AND 3 emergency generators.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.10  
 30 TAC Chapter 101, SubChapter F 101.201  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 Description: Failure to authorize NOx and N2O emissions from operation of the calciner. Specifically, operation of the calciner results in low levels of unauthorized emissions including NOx, NO2 at an alternate emission point when process conditions cause TO SCR (EPN FCC-75) to be unavailable.

**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



## **Component Appendices**

### **Appendix A**

#### **All NOV's Issued During Component Period 4/14/2017 and 4/14/2022**

1	Date: 07/31/2018 (1437760)		
	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) STC 2F ORDER		
	Description: Failure to generate a final record for non-reportable emission events no later than two weeks. (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) 5C THSC Chapter 382 382.085(b) SC 3 PERMIT STC 9 OP		
	Description: Failure to maintain Selective Catalyst Reduction (SCR) system in good working order while in operation (CATEGORY C4).		
	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) SC 2 PERMIT STC 9 OP		
	Description: Failure to maintain firebox exit temperature of the Thermal Oxidizer (EPN PLU-4) above the permitted limit (CATEGORY C4).		
	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) STC 1A OP		
	Description: Failure to conduct required quarterly metal Hazardous Air Pollutant (HAP) inspections (CATEGORY B1).		
	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 (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) General Terms and Conditions OP		
	Description: Failure to report all instances of deviations (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) 5C THSC Chapter 382 382.085(b) SC 13A PERMIT STC 9 OP		
	Description: Failure to conduct Audio/Visual/Olfactory (AVO) inspections (EPN VSP-FUG) (CATEGORY C1).		
	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) SC 9A PERMIT STC 9 OP		
	Description: Failure to conduct Audio/Visual/Olfactory (AVO) inspections (EPN FCC-FUG)		

(CATEGORY C1).

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)  
SC 24 PERMIT  
STC 9 OP

Description: Failure to maintain the pH of scrubbing solution in Ammonia Scrubber (EPN FCC-63) below 3.0 standard unit (SU) (CATEGORY C4).

Self Report? NO Classification: Minor

Citation:  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT VVVVVV 63.11501(d)(8)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP

Description: Failure to report malfunction in Semiannual Compliance Report (CATEGORY C3).

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failure to contain detailed applicability determinations in the operating permit (CATEGORY C3).

Self Report? NO Classification: Moderate

Citation:  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
GTC and STC No. 9 OP

Description: Failed to comply with representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent represented in the permit application for NSR Permit No. 76621 that the VOC emissions for EPN PLU-FUG were based on a 65% solution solution of acetic acid, but a 70% solution of acetic acid was being used.

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)  
SC 25 PERMIT  
STC 9 OP

Description: Failure to calibrate a pH monitoring device at least monthly (CATEGORY C1).

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)  
SC 27C PERMIT  
STC 9 OP

Description: Failure to conduct monthly visible emission observations (CATEGORY C1).

Self Report? NO Classification: Minor

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

Description: Failure to maintain minimum liquid flow to the absorber during normal operation of the tank (CATEGORY C4).

2 Date: 11/27/2018 (1517621)

Self Report? NO Classification: Minor

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

Description: Failure to maintain minimum liquid flow to the absorber (EPN VSP-7) during normal operation of the tank. (Category C4)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 14B PERMIT  
STC 9 OP  
Description: Failure to maintain minimum liquid flow to the scrubber (EPN HPC-2). (Category C4)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 11 PERMIT  
STC 9 OP  
Description: Failure to continuously monitor the fuel feed rate (EPN FCC-27). (Category C4)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 4 PERMIT  
STC 9 OP  
Description: Failure to maintain firebox exit temperature of the Thermal Oxidizer (EPN PLU-4) above the permitted limit. (Category C4)

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)  
SC 19 PERMIT  
STC 9 OP  
Description: Failure conduct ammonia stain tube test (EPN FCC-75). (Category B1)

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 instances of deviations. (Category C3)

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 instances of deviations. (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)  
SC 24 PERMIT  
STC 9 OP  
Description: Failure to maintain the pH of scrubbing solution in Ammonia Scrubber (EPN FCC-46) below the 3.0 standard unit (SU). (Category C4)

3

Date: 07/02/2020 (1612431)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 9 OP  
Description: Failure to maintain ammonia (NH3) concentration within permit limits. (Category C4 )

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)  
FOP Special Term & Condition (ST&C) 9 OP  
NSR Special Condition (SC) 27B PERMIT  
Description: Failure to maintain bag house (EPN: HPC-60) differential pressure (dP) within the permit range. (Category B17)

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)  
FOP Special Term & Condition (ST&C) 9 OP  
NSR Special Condition (SC) 2 PERMIT

Description: Failure to maintain thermal oxidizer (EPN: PLU-4) temperature within permit limits. (Category C4)

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)  
FOP Special Term & Condition (ST&C) 9 OP  
NSR Special Condition (SC) 9 PERMIT

Description: Failure to maintain the minimum hourly average flow to Hydrochloric acid (HCl) Tank Scrubber (EPN: VSP-7) within the permit limit. (Category C4)

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)  
FOP Special Term & Condition (ST&C) 9 OP  
NSR Special Condition (SC) 9 PERMIT

Description: Failure to maintain Metal Sols HEPA Filter (EPN: PLU-10) differential pressure (dP) within permit limits. (Category B17)

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)  
FOP Special Term & Condition (ST&C) 9 OP  
NSR Special Condition (SC) 7 PERMIT

Description: Failure to maintain bag house (EPN: PLU-6) differential pressure (dP) within the permit range. (Category B17)

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)  
FOP Special Term & Condition (ST&C) 9 OP  
NSR Special Condition (SC) 9 PERMIT

Description: Failure to maintain HEPA filter (EPN: PLU-7) differential pressure (dP) within the permit range. (Category B17)

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) 9 OP  
NSR Special Condition (SC) 24 PERMIT

Description: Failure to maintain the pH of the scrubber at or below 3.0. (Category C4)

4\* Date: 08/27/2021 (1704545)

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 27B PERMIT  
Special Term and Condition 10 PERMIT  
Special Term and Condition 9 PERMIT

Description: Failure to maintain the differential pressure (dP) of the PE Receiver Baghouse (EPN HPC-60) within the permit range. (Category B18g(1))  
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 9 PERMIT  
Special Term and Condition 10 PERMIT  
Special Term and Condition 9 PERMIT

Description: Failure to maintain the differential pressure (dP) of the Dryer HEPA Filter (EPN PLU-3A) within the permit range. (Category B18g(1))  
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 7 PERMIT  
Special Term and Condition 10 PERMIT  
Special Term and Condition 9 PERMIT

Description: Failure to maintain the differential pressure (dP) of the Metal Solutions Carbonates Bag/HEPA Filter (EPN PLU-6) within the permit range. (Category B18g(1))  
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 7 PERMIT  
Special Term and Condition 9 PERMIT

Description: Failure to maintain the differential pressure (dP) of the Metal Sols HEPA Filter (EPN PLU-10) within the permit range. (Category B18g(1))  
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 14 PERMIT  
Special Term and Condition 9 PERMIT

Description: Failure to maintain the differential pressure (dP) of the Weigh Scale Bag Filter (EPN FCC-63) within the permit range. (Category C4)  
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 14 PERMIT  
Special Term and Condition 10 PERMIT

Description: Failure to maintain the differential pressure (dP) of the 2nd Molsieve Flash Dryer (EPN FCC-10) within the permit range. (Category C4)  
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 19 PERMIT  
Special Term and Condition 10 PERMIT

Description: Failure to conduct stain tube testing of the TO/SCR System (EPN FCC-75). (Category B1)  
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 PERMIT  
Special Term and Condition 10 PERMIT

Description: Failure to maintain the minimum temperature of the Thermal Oxidizer (EPN PLU-4). (Category C4)  
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 7 PERMIT  
 Special Term and Condition 10 PERMIT  
 Description: Failure to maintain the differential pressure (dP) of the HPC Flash Dryer (EPN PLU-1) within the permit range. (Category C4)  
 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 7 PERMIT  
 Special Term and Condition 10 PERMIT  
 Description: Failure to maintain the differential pressure (dP) of the Dust Silo HEPA Filter (EPN PLU-2) within the permit range. (Category C4)  
 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 14 PERMIT  
 Special Term and Condition 10 PERMIT  
 Description: Failure to maintain the differential pressure (dP) of the F-1521 Flash Dryer Bag Filter (EPN VSP-2) within the permit range. (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)  
 General Terms and Conditions PERMIT  
 Description: Failure to report all deviations for the reporting period of October 19, 2019 through April 18, 2020. (Category B3)

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

## Appendix B

### All Investigations Conducted During Component Period April 14, 2017 and April 14, 2022

Item 1	June 06, 2017**	(1416781)
Item 2*	May 16, 2018**	(1466507)
Item 3	July 31, 2018**	(1437760)
Item 4*	August 02, 2018**	(1505824)
Item 5*	August 15, 2018**	(1507227)
Item 6*	October 16, 2018**	(1513511)
Item 7	November 27, 2018**	(1517621)
Item 8	January 11, 2019**	(1538090)
Item 9	June 27, 2019**	(1550441)
Item 10	July 01, 2020**	(1612431)
Item 11	April 09, 2021**	(1703121)
Item 12	August 27, 2021**	(1704545)

\* 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  
RN100211523

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-1154-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, represented by Derek McDonald of the law firm of Baker Botts L.L.P., 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 catalyst manufacturing facility 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. During a record review for the Plant conducted from April 6, 2021 through August 26, 2021, an investigator documented that:
  - a. The deviation report for the April 19, 2020 through October 18, 2020 reporting period did not include the deviation for failing to comply with the ammonia hourly maximum allowable emissions rate ("MAER") during a stack test conducted on September 25, 2020 for the Ammonia Scrubber.
  - b. The Respondent exceeded the particulate matter ("PM") hourly MAER of 0.02 lb/hr by a range from 0.009 lb/hr to 0.98 lb/hr for 416.5 hours from January 1, 2020 to October 18, 2020 for the Portaclay/Reslurry Vent Bay Filter, Emissions Point Number ("EPN") FCC-16, resulting in the unauthorized release of 69.1 pounds of PM emissions.

3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant in order to demonstrate compliance with the PM hourly MAER for the Portaclay/Reslurry Vent Bay Filter, EPN FCC-16:
  - a. Shut down and repaired the Portaclay/Reslurry Vent Bay Filter, by November 17, 2020; and
  - b. Provided the PM hourly emissions data for the Portaclay/Reslurry Vent Bay Filter, EPN FCC-16, by August 19, 2021.

## 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. O1559, 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 comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit Nos. 9402 and N022, Special Conditions No. 1, FOP No. O1559, GTC and Special Terms and Conditions No. 10, 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 \$8,510 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 \$4,255 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$4,255 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. 2021-1154-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 Conclusion of Law No. 5. The amount of \$4,255 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 at the Plant:
  - a. Within 30 days after the effective date of this Order:
    - i. Submit a revised deviation report for the April 19, 2020 through October 18, 2020 reporting period to report the deviation for failing to comply with the ammonia hourly MAER during a stack test conducted on September 25, 2020 for the Ammonia Scrubber; and
    - ii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. 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:

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 Enforcement Division at the address listed above.
8. 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.
9. 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.
10. 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.

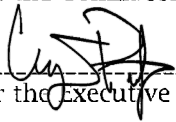
11. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic 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.
12. 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

-----  
Date

  
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For the Executive Director

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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.

  
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Signature

-----  
10/12/22  
Date

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CHASE CHISCOLA  
Name (Printed or typed)  
Authorized Representative of  
Albemarle Corporation

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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: 2021-1154-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Albemarle Corporation</b>
<b>Payable Penalty Amount:</b>	<b>\$8,510</b>
<b>SEP Offset Amount:</b>	<b>\$4,255</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>Location of SEP: 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**

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.