

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

U.S. EPA-REGION 3-RHC
FILED-6JUN2018pm1:59

IN THE MATTER OF:

Albemarle Corporation
4350 Congress Street, Suite 700
Charlotte, North Carolina 28209,

Respondent.

2858 Back Vail Road,
Tyrone, Pennsylvania 16686,

Facility.

EPA Docket Nos. CAA-03-2018-0109

**Proceedings Pursuant to Sections 112(r)
and 113 of the Clean Air Act, 42 U.S.C.
§§ 7412, 7413, and 40 C.F.R. § 22.13(b) and
22.18(b)**

CONSENT AGREEMENT

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 113(d) of the Clean Air Act ("CAA"), as amended, 42 U.S.C. § 7413(d), and under the authority provided by the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 ("Part 22"). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III ("Complainant").

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as "CA/FO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b) and 22.18(b)(2), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

JURISDICTION

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).
2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. § 22.4(b) and 22.18(b)(3).

3. For the purpose of this proceeding, Albemarle Corporation (“Respondent”) admits to the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA’s jurisdiction with respect to the execution or enforcement of this Consent Agreement.

4. With the exception of Paragraph 3, above, for the purpose of this proceeding, Respondent neither admits nor denies the Findings of Fact and Conclusions of Law set forth in this Consent Agreement, but expressly waives its right to contest said allegations.

FINDINGS OF FACT

5. Albemarle Corporation was incorporated in the State of Virginia in 1993. Its principal place of business is 4350 Congress Street, Suite 700, Charlotte, North Carolina.

6. Respondent has owned and operated the chemical manufacturing facility located at 2858 Back Vail Road, Tyrone, Pennsylvania (the “Facility”) since 2001.

7. Respondent uses ethyl alcohol, n-chloro succinimide, phosphorus sulfochloride, thionyl chloride and zirconium tetrachloride at the Facility for chemical manufacturing.

CAA LEGISLATIVE AND REGULATORY HISTORY AND DEFINITIONS

8. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r).

9. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), the owners and operators of stationary sources producing, processing, handling or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty, in the same manner and to the same extent as 29 U.S.C. § 654, to identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur. Section 112(r)(1) is hereinafter referred to herein as the “General Duty Clause.”

10. The General Duty Clause applies to any stationary source producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the CAA, or other extremely hazardous substances. Extremely hazardous substances include, but are not limited to, regulated substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), at 40 C.F.R. § 68.130, and chemicals on the list of extremely hazardous substances published pursuant to the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11011 *et seq.*, at 40 C.F.R. Part 355, Appendices A and B.

11. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source,” as “any buildings, structures, equipment, installations, or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more

contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur.”

12. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” as including an individual, corporation, partnership, association, State, municipality, political subdivision of a State and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

13. As used herein, the term “day” shall mean calendar day.

14. All terms not defined herein shall have the meanings set forth in the CAA.

15. Section 113(d)(1)(B), 42 U.S.C. § 7413(d)(1)(B), as amended by the Debt Collection Improvement Act of 1996, and the subsequent Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, in relevant part, authorize EPA to commence an administrative action to assess civil penalties of up to \$46,192 per day per violation for violations occurring after November 2, 2015.

FINDINGS OF FACT RELATED TO VIOLATION OF
SECTION 112(r)(1) OF THE CLEAN AIR ACT

16. The factual allegations contained in Paragraphs 5 through 7 of this CA/FO are incorporated by reference herein as though fully set forth at length.

17. On October 24, 2017, EPA conducted an inspection of the Facility pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, to determine Respondent’s compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

Storing Incompatible Materials Without Adequate Separation in Shed 2

18. At the time of the inspection, EPA inspectors observed that, in Shed 2, Respondent stored about 65 55-gallon drums of ethyl alcohol and about 20 5-gallon containers of n-chloro succinimide less than 20 feet from one another, with no other separation such as a non-combustible partition or flammable liquids storage cabinet.

19. Ethyl alcohol (Chemical Abstract Service (“CAS”) No. 64-17-5) is an extremely hazardous substance. It is a flammable liquid (OSHA Class IB). At temperatures below 73 degrees Fahrenheit, it produces sufficient vapor to ignite in air, given an ignition source such as a spark or flame.

20. N-chloro succinimide (CAS Number 128-09-6) is an extremely hazardous substance. It is corrosive; it is also incompatible with ethyl alcohol. According to its safety data sheet (“SDS”), n-chloro succinimide reacts explosively with aliphatic alcohols. Ethyl alcohol is an aliphatic alcohol.

21. Applicable industry standards relevant to the safe storage of these chemicals include the National Fire Protection Association 30, *Flammable and Combustible Liquids Code* (2015) (“NFPA 30”) and International Fire Code (2015) (“IFC”).

22. During the inspection, EPA inspectors identified inconsistencies between the conditions at the Facility and the applicable industry standards for storing incompatible materials.

23. Subsection 9.17.1.1 of NFPA 30, *Separation of Incompatible Materials*, states that “Except as provided for in 9.17.3, liquids shall be separated from incompatible materials where the stored materials are in containers having a capacity of more than . . . ½ gal (1.89L).”

24. Subsection 9.17.1.1 further states that “Separation shall be accomplished by one of the following methods: (1) Segregating incompatible materials storage by a distance of not less than 20 ft. (6.1 m), (2) Isolating incompatible materials storage by a noncombustible partition extending not less than 18 in. (460 mm), (3) Storing liquid materials in flammable liquids storage cabinets in accordance with Section 9.5.”

25. Section 5003.9.8 of the IFC, *Separation of Incompatible Materials*, states: “Incompatible materials in storage . . . shall be separated when the stored materials are in containers more than 5 pounds or 0.5 gallon (2 L). Separations shall be accomplished by: (1) Segregating incompatible materials storage by a distance of not less than 20 feet (6069 mm), (2) Isolating incompatible materials in storage by noncombustible partition extending not less than 18 inches (457 mm) above and to the sides of the stored materials, (3) Storing liquid materials in flammable liquids storage cabinets Materials that are incompatible shall not be stored within the same cabinet or exhausted enclosure.”

26. During the inspection, EPA inspectors determined that ethyl alcohol and n-chloro succinimide are incompatible and were stored in Shed 2 less than 20 feet from each other; they were not separated by non-combustible partitions, nor were they stored in flammable liquids storage cabinets.

Storing Incompatible Materials Without Adequate Separation in Shed 5

27. At the time of the inspection, EPA inspectors observed that, in Shed 5, Respondent stored about 78 55-gallon drums of ethyl alcohol and about 90 55-gallon drums of zirconium tetrachloride less than 20 feet from one another, with no other separation such as a non-combustible partition or flammable liquids storage cabinet.

28. Zirconium tetrachloride (CAS No. 10026-11-6) is an extremely hazardous substance. It is corrosive and water-reactive. It reacts with water to form toxic and corrosive fumes. According to its SDS, it is incompatible with alcohols.

29. During the inspection, EPA inspectors determined that ethyl alcohol and zirconium tetrachloride were incompatible and were stored in Shed 5 less than 20 feet from each

other; they were not separated by non-combustible partitions, nor were they stored in flammable liquids storage cabinets.

Storing Water-Reactive Materials in the Same Control Area with Liquids (Shed 5)

30. At the time of the inspection, EPA inspectors observed that, in Shed 5, Respondent stored about 90 55-gallon drums of phosphorus sulfochloride, about 62 55-gallon drums of thionyl chloride, about 90 55-gallon drums of zirconium tetrachloride and about 78 55-gallon drums of ethyl alcohol less than 20 feet of one another.

31. Phosphorus sulfochloride (CAS No. 3982-91-0) is an extremely hazardous substance. It is corrosive and water-reactive. It reacts with water to form toxic and corrosive fumes.

32. Thionyl chloride (CAS No. 7719-09-7) is an extremely hazardous substance. It is corrosive, water-reactive and poisonous. It reacts with water to form toxic and corrosive fumes.

33. Zirconium tetrachloride (CAS No. 10026-11-6) is an extremely hazardous substance. It is corrosive and water-reactive. It reacts with water to form toxic and corrosive fumes.

34. Ethyl alcohol is an alcohol. It is a flammable liquid under ordinary temperatures and pressures.

35. Subsection 9.17.4 of NFPA 30 states: "Materials that are water-reactive, as described in National Fire Protection Association (NFPA) 704, Standard for the Identification of the Hazards of Materials for Emergency Response, shall not be stored in the same control area with liquids."

36. During the inspection, EPA inspectors determined that phosphorus sulfochloride, thionyl chloride and zirconium chloride are water-reactive, as described in NFPA 704, and were being stored in the same control area (Shed 5) with liquids, namely about 78 55-gallon drums of ethyl alcohol.

37. Based on information provided by Respondent to EPA during and after the inspection, EPA notified Respondent that Respondent had not designed and maintained two chemical storage areas, Sheds 2 and 5, to provide protection consistent with industry standards.

38. Based on information provided by Respondent to EPA on March 21, 2018, Respondent has, since the inspection, made the following improvements to the storage of extremely hazardous substances at the Facility:

- a. relocated containers of n-chloro succinimide from Shed 2 to Shed 5;
- b. relocated drums of ethyl alcohol from Shed 5 to Shed 2;
- c. established a 20-foot buffer to separate corrosives and flammables; and

- d. updated the Facility's Standard Operating Procedures to include separation of incompatible materials with 20-foot buffer areas.

39. From the time of the inspection on October 24, 2017 until the work described in the preceding paragraph was completed on March 21, 2018, EPA determined that Respondent had failed to design and maintain a safe facility taking such steps as are necessary to prevent releases, because Respondent had failed to provide safety protection consistent with applicable industry codes and standards, and manufacturers' specifications.

**CONCLUSIONS OF LAW RELATED TO THE ALLEGED VIOLATION OF
SECTION 112(r)(1) OF THE CLEAN AIR ACT**

40. Respondent is a "person" as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

41. At all times relevant to this CA/FO, Respondent has been an owner of the Facility.

42. The Facility is a "stationary source" pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

43. The ethyl alcohol at the Facility is an "extremely hazardous substance" for purposes of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), because it is flammable and reacts explosively with n-chloro succinimide.

44. The n-chloro succinimide at the Facility is an "extremely hazardous substance" for purposes of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), because it is corrosive and reacts explosively with aliphatic alcohols, like ethyl alcohol.

45. The zirconium tetrachloride at the Facility is an "extremely hazardous substance" for purposes of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), because it is corrosive and reacts with water to form toxic and corrosive fumes.

46. The phosphorus sulfochloride and thionyl chloride at the Facility are "extremely hazardous substances" for purposes of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), because they are corrosive and react with water to form toxic and corrosive fumes.

47. From the date of the inspection, October 24, 2017, until Respondent completed the work described in Paragraph 38, above, Respondent was in violation of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

48. Complainant further alleges that Respondent is, therefore, subject to the assessment of penalties under Section 113 of the CAA, 42 U.S.C. § 7413.

SETTLEMENT

49. In full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of law, and in full satisfaction of all civil penalty claims pursuant thereto, the Respondent consents to the assessment of a civil penalty in the amount of **\$3,838**.

50. Respondent consents to the issuance of this Consent Agreement, and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph, as set forth below.

PAYMENT TERMS

54. The Civil Penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CA/FO, and as required by 40 C.F.R. § 22.18(b)(2), Respondent shall pay the civil penalty of \$3,838 no later than thirty (30) days after the date on which a copy of the CAFO is mailed or hand-delivered to Respondent by either cashier's check, certified check, or electronic wire transfer, as set forth in the following paragraph.

55. Payment of the civil penalty shall be made in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, **CAA-03-2018-0109**;
- b. All checks shall be made payable to the **United States Treasury**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Jessica Henderson, 513-487-2718

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. EPA
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

U.S. EPA
Cincinnati Finance Center
26 W. Martin Luther King Drive, MS-002
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read:

D 68010727 Environmental Protection Agency

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX /Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Randolph Maxwell 202-874-3720
or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

<https://www.epa.gov/financial/makepayment>

56. Respondent shall submit copies of the checks, or verification of wire transfers or ACH, to the following persons:

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
R3_Hearing_Clerk@epa.gov

and

Frank Fritz (3RC42)
Senior Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
fritz.frank@epa.gov

57. The civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and is consistent with 40 C.F.R. Part 19 and the *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012).

58. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the civil penalty in accordance with this CA/FO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

59. In accordance with 40 C.F.R. § 13.11(a)(1), interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

60. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the penalties become due and payable and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

61. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

62. Failure by Respondent to pay the CAA civil penalty assessed by the Final Order in full in accordance with this CA/FO may subject Respondent to a civil action to collect the assessed penalty, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

63. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 113(d)(2) of the CAA, 42 U.S.C. § 7413(d)(2).

64. Respondent certifies by signing this CA/FO that, to the best of its knowledge, the Facility is presently in compliance with all requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and all regulations promulgated thereunder.

65. The provisions of the CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

66. This CA/FO does not constitute a waiver, suspension or modification of the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), or any regulations promulgated thereunder.

67. This CA/FO resolves only the civil penalty claims for the specific violations alleged in this Consent Agreement. Complainant reserves the right to commence action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nothing in this CA/FO shall be construed to limit the United States authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the CAA the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

68. By signing this Consent Agreement, Respondent acknowledges that this CA/FO will be available to the public and agrees that this CA/FO does not contain any confidential business information or personally identifiable information.

69. By signing this Consent Agreement, the parties agree that each party's obligations under this Consent Agreement and accompanying Final Order constitute sufficient consideration for the other party's obligations.

70. Penalties paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

71. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

72. Each party to this action shall bear its own costs and attorney's fees.

73. This Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

FOR RESPONDENT ALBEMARLE CORPORATION:


Signature

5/25/18
Date

Michael D. Lutgring
Print name of authorized official

VP - Deputy General Counsel
Print title of authorized official

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:



Karen Melvin, Director
Hazardous Site Cleanup Division
U.S. Environmental Protection Agency, Region 3

JUN 4 2018

Date

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

REGION III

U.S. EPA-REGION 3-RHC
FILED-6JUN2018PM1:59

IN THE MATTER OF:

**Albemarle Corporation
4350 Congress Street, Suite 700
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Respondent.

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EPA Docket Nos. CAA-03-2018-0109

**Proceedings Pursuant to Sections 112(r)
and 113 of the Clean Air Act, 42 U.S.C.
§§ 7412, 7413, and 40 C.F.R. § 22.13(b) and
22.18(b)**

FINAL ORDER

Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, Albemarle Corporation, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific references to Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the statutory factors set forth in Section 113(e) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(e), and EPA's *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68* (June 2012).

NOW, THEREFORE, PURSUANT TO Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **THREE THOUSAND, EIGHT HUNDRED AND THIRTY-EIGHT DOLLARS (\$3,838)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: June 6, 2018



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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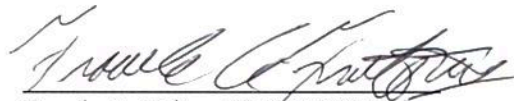
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and 113 of the Clean Air Act, 42 U.S.C.
§§ 7412, 7413, and 40 C.F.R. § 22.13(b) and
22.18(b)**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Consent Agreement and Final Order, along with enclosures and/or attachments, for the above-referenced matter, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that a true and correct copy of the Consent Agreement and Final Order, along with its enclosures and/or attachments, was sent via overnight mail to:

Michael D. Lutgring, VP, Deputy General Counsel
Albemarle Corporation
451 Florida Street
Baton Rouge, Louisiana 70801

6/6/18
Date


Frank A. Fritz, III (3RC42)
Senior Assistant Regional Counsel