

Executive Summary – Enforcement Matter – Case No. 58096
ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
RN106597875
Docket No. 2019-1114-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

La Quinta Plant, 2800 Kay Bailey Hutchison Road, Portland, San Patricio County

Type of Operation:

Direct reduced iron/hot briquetting iron production plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 10, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$319,354

Amount Deferred for Expedited Settlement: \$63,870

Total Paid to General Revenue: \$255,484

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014 and January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 3, 2019 through July 2, 2019, August 30, 2021 through September 13, 2021, and July 8, 2022 through August 25, 2022

Date(s) of NOE(s): July 31, 2019, January 31, 2022, and August 31, 2022

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Violation Information

1. Failed to submit a deviation report no later than 30 days after the end of each reporting period and failed to report all instances of deviations. Specifically, the deviation report for the November 27, 2017 through May 27, 2018 reporting period was due by June 26, 2018, but was not submitted until June 27, 2018, and did not include the deviations for failing to conduct daily visible emissions observations for Emissions Point Numbers ("EPNs") 8, 9, 11, and 38 on December 2, 2017, December 3, 2017, December 5, 2017, and December 6, 2017; failing to include all instances of weekly pressure drop deviations for EPNs 4B, 5B, 6, 7A, 7C, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the sulfur dioxide ("SO₂"), and carbon monoxide ("CO") maximum allowable emissions rates ("MAERs") for EPN 38; failing to comply with the particulate matter ("PM") MAER for EPN 44; failing to include violations discovered during the environmental self-audit that began on June 7, 2018; and failing to prevent nuisance conditions during December 2017 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A) and (2)(C), Federal Operating Permit ("FOP") No. 03903, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application and failed to comply with the MAERs. Specifically, in the permit application for New Source Review ("NSR") Permit No. 108113 dated January 2013, the Respondent represented a startup venting volume of 160,000 cubic meters ("m³"), a shutdown venting volume of 15,000 m³, and no pressure maintenance vent for the Hot Pressure Relief Vent (Flare), EPN 38, but the vent gas volume during startup on September 23, 2016 was 271,844 m³, the vent gas volume during shutdowns from September 27, 2016 through June 2, 2018 ranged from 15,656 m³ to 250,694 m³, and a maintenance vent was installed that released gas volumes of 120,136 m³ to 61,867,386 m³ from September 30, 2016 through December 31, 2018, resulting in the unauthorized release of 2.67 tons of total PM, 64.21 tons of nitrogen oxides ("NO_x"), 0.23 ton of SO₂, 477.17 tons of CO, and 2.05 tons of volatile organic compounds ("VOC") emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.116(b)(1), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, Special Conditions ("SC") No. 1, FOP No. 03903, GTC and Special Terms and Conditions ("STC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the representations with regard to construction plans, operating procedures, and maximum emission rates and failed to comply with the certified emissions rate. Specifically, in the application for Permit By Rule ("PBR") Registration No. 134619 dated July 17, 2015, the Respondent represented that the Solid Binder Bin Vent Filter, EPN BVF-1, would operate 730 hours annually, but the total hours of operation on a 12-month rolling basis ranged from 737 hours to 918 hours from November 2017 through September 2018 and the certified emissions rate for bentonite of 0.03 tpy based on any consecutive 12-month period was exceeded for the 12-month periods ending from April 2017 through November 2018, resulting in 0.31 ton of unauthorized bentonite emissions [30 TEX. ADMIN. CODE §§ 106.6(c), 106.261, and

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122.143(4), PBR Registration No. 134619, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to comply with the representations with regard to construction plans, operating procedures, and maximum emission rates and failed to comply with the certified emissions rate. Specifically, in the application for PBR Registration No. 147082 dated June 5, 2017, the Respondent represented that the throughput for the 5,000 metric tons ("mt") Hot Direct Reduced Iron Clusters ("HDRI"), EPN 52, and the certified emissions rate for PM of 0.07 tpy based on any consecutive 12-month period was exceeded for the 12-month periods ending from September 2018 through November 2018, resulting in 0.02 ton of unauthorized PM emissions [30 TEX. ADMIN. CODE §§ 106.6(c), 106.261, and 122.143(4), PBR Registration No. 147082, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to maintain records containing sufficient information to demonstrate compliance with applicable PBR conditions. Specifically, the Respondent provided records of the monthly throughput in tons for the 75,000 mt Grade C Hot Briquette Iron ("HBI"), EPN 44, and the 5,000 mt HDRI Clusters, EPN 52, for calendar years 2017 and 2018 as requested, but the throughputs in the records did not correlate with the amount of ore being stored and were not sufficient to determine compliance with the permit [30 TEX. ADMIN. CODE §§ 106.8(c)(2)(B) and (c)(4) and 122.143(4), PBR Registration No. 147082, FOP No. O3903, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to comply with the emissions limit. Specifically, during a stack test conducted on March 9, 2017, the Respondent exceeded the PM, PM equal to or less than 10 microns ("PM10"), and PM equal to or less than 2.5 microns ("PM2.5") emissions limit of 10 mg/Nm³ dry at 3% O₂ based on a one-day hourly average by 13.1 mg/Nm³ for the Reformer Main Flue Ejector Stack, EPN 29 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 12, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for the emissions event that occurred on July 27, 2018 was due by July 28, 2018, but was not submitted [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O3903, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,497.15 pounds ("lbs") of CO, 232.00 lbs of NO_x, 9.31 lbs of PM/PM10/PM2.5, 6.62 lbs of VOC, and 0.65 lb of SO₂ from the Hot Pressure Relief Vent (Flare), EPN 38, during a reportable emissions event that occurred on July 27, 2018 and lasted four hours and 25 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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9. Failed to report all instances of deviations. Specifically, the deviation report for the May 28, 2018 through November 27, 2018 reporting period did not include the deviations for failing to submit a deviation report no later than 30 days after the end of the November 27, 2017 through May 27, 2018 reporting period; failing to include all instances of weekly pressure drop deviations for EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO₂ and CO MAERs for EPN 38; failing to comply with the bentonite certified emissions rate for EPN BVF-1; failing to comply with the PM_{2.5} MAER for EPN 44; failing to comply with the PM, PM₁₀, and PM_{2.5} emissions limit for EPN 29; failing to report the reportable emissions event that occurred on July 27, 2018; and failing to include violations discovered during the environmental self-audit that began on June 7, 2018 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3903, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 811.2 lbs of VOC, 202.8 lbs of NO_x, 6,337.5 lbs of CO, 0.13 lb of SO₂, and 5,070.0 lbs of PM as fugitive emissions, during an emissions event (Incident No. 364391) that occurred on August 5, 2021 and lasted 47 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(C), 116.115(c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to comply with the MAERs. Specifically, the Respondent exceeded the PM, PM₁₀, and PM_{2.5} MAERs of 0.08 tpy, the NO_x MAER of 2.96 tpy, and the VOC MAER of 0.02 tpy based on a 12-month rolling period for the 12-month periods ending from November 2019 through October 2020 for the Hot Pressure Relief Vent (Flare), EPN 38, resulting in 0.64 ton of unauthorized total PM emissions, 15.16 tons of unauthorized NO_x emissions, and 0.50 ton of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. On June 27, 2018, submitted the deviation report for the November 27, 2017 through May 27, 2018 reporting period;

b. On May 30, 2019, submitted an administratively complete permit amendment application for NSR Permit Nos. 108113 and PSDTX1344M1 to accurately represent the startup and shutdown vent gas volumes, to include the pressure maintenance vent, and to increase the PM, PM₁₀, PM_{2.5}, NO_x, SO₂, CO, and VOC MAERs for EPN 38;

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c. On January 23, 2020, obtained an amendment for PBR Registration No. 134619 which accurately represent the total hours of operation and increased bentonite certified emissions rates for EPN BVF-1; and

d. On December 6, 2024, conducted a stack test that demonstrated compliance with the PM, PM10, and PM2.5 emissions limit of 10 milligrams per normal cubic meter ("mg/Nm3") dry at 3 percent oxygen ("3% O2") for EPN 29;

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Submit an administratively complete amendment registration for PBR Registration No. 147082 to accurately represent the throughput amount for EPN 52

ii. Begin maintaining the records that contain sufficient information to demonstrate compliance with PBR Registration No. 147082 for EPNs 44 and 52;

iii. Submit the initial notification for the emission event that occurred on July 28, 2018;

iv. Conduct training regarding the reporting of emissions events that exceed reportable quantities;

v. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as the emissions event that occurred on July 27, 2018;

vi. Submit a revised deviation report for the November 27, 2017 through May 27, 2018 reporting period to report deviations for failing to conduct daily visible emissions observations for EPNs 8, 9, 11, and 38 on December 2, 2017, December 3, 2017, December 5, 2017, and December 6, 2017; failing to include all instances of weekly pressure drop deviations for EPNs 4B, 5B, 6, 7A, 7C, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO2 and CO MAERs for EPN 38; failing to comply with the PM2.5 MAER for EPN 44; failing to include violations discovered during the environmental self-audit that began on June 7, 2018; and failing to prevent nuisance conditions during December 2017;

vii. Implement measures and/or procedures designed to ensure that all deviations are reported in a timely manner;

viii. Submit a revised deviation report for the May 28, 2018 through November 27, 2018 reporting period to report the deviations for failing to submit a deviation report no later than 30 days after the end of the November 27, 2017 through May 27, 2018 reporting period; failing to include all instances of weekly pressure drop deviations for

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EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO₂ and CO MAERs for EPN 38; failing to comply with the bentonite certified emissions rate for EPN BVF-1; failing to comply with the PM_{2.5} MAER for EPN 44; failing to comply with the PM, PM₁₀, and PM_{2.5} emissions limit for EPN 29; failing to report the reportable emissions event that occurred on July 27, 2018; and failing to include violations discovered during the environmental self-audit that began on June 7, 2018; and

ix. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 364391.

b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for NSR Permit Nos. 108113 and PSDTX1344M1 and amendment for PBR Registration No. 147082 within 30 days after the date of such requests, or by any other deadline specified in writing;

c. Within 45 days, submit written certification to demonstrate compliance with a.

d. Within 180 days, submit written certification that:

i. The amendment for NSR Permit Nos. 108113 and PSDTX1344M1 has been obtained or operations have ceased until authorization is obtained; and

ii. The amendment for PBR Registration No. 147082 has been obtained or operations have ceased until authorization is obtained.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: Michael Spitz, Chief Executive Officer, ArcelorMittal Texas HBI LLC, 2800 Kay Bailey Hutchison Road, Portland, Texas 78374

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	5-Aug-2019	Screening	8-Aug-2019	EPA Due	
	PCW	30-May-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC				
Reg. Ent. Ref. No.	RN106597875				
Facility/Site Region	14-Corpus Christi		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	58096	No. of Violations	9
Docket No.	2019-1114-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$157,750
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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.

Compliance History	41.0%	Adjustment	Subtotals 2, 3, & 7	\$64,677
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Notes: Enhancement for one NOV with same/similar violations and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$6,375
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Economic Benefit	50.0%	Enhancement*	Subtotal 6	\$15,177
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Total EB Amounts	\$15,177
Estimated Cost of Compliance	\$43,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$231,229
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$231,229
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$231,229
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DEFERRAL	20.0%	Reduction	Adjustment	-\$46,245
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$184,984
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Screening Date	8-Aug-2019	Docket No.	2019-1114-AIR-E	PCW
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58096			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN106597875			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	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>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
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) 41%

>> 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 orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 41%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 41%

Screening Date	8-Aug-2019	Docket No.	2019-1114-AIR-E	PCW
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC			
Case ID No.	58096	<i>Policy Revision 4 (April 2014) PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN106597875			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A) and (2)(C), Federal Operating Permit ("FOP") No. O3903, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to submit a deviation report no later than 30 days after the end of each reporting period and failed to report all instances of deviations. Specifically, the deviation report for the November 27, 2017 through May 27, 2018 reporting period was due by June 26, 2018, but was not submitted until June 27, 2018, and did not include the deviations for failing to conduct daily visible emissions observations for Emissions Point Numbers ("EPNs") 8, 9, 11, and 38 on December 2, 2017, December 3, 2017, December 5, 2017, and December 6, 2017; failing to include all instances of weekly pressure drop deviations for EPNs 4B, 5B, 6, 7A, 7C, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the sulfur dioxide ("SO2") and carbon monoxide ("CO") maximum allowable emissions rates ("MAERs") for EPN 38; failing to comply with the particulate matter ("PM") equal to or less than 2.5 microns ("PM2.5") MAER for EPN 44; failing to include violations discovered during the environmental self-audit that began on June 7, 2018; and failing to prevent nuisance conditions during December 2017.</p>			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			
		Percent	0.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
		Percent	15.0%	
Matrix Notes	100% of the rule requirement was not met.			
		Adjustment	\$21,250	
		\$3,750		
Violation Events				
Number of Violation Events		1	408	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		Violation Base Penalty	\$3,750	
		One single event is recommended.		
Good Faith Efforts to Comply		0.0%	Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$3,750	
Economic Benefit (EB) for this violation				
		Statutory Limit Test		
Estimated EB Amount	\$614	Violation Final Penalty Total	\$6,974	
		This violation Final Assessed Penalty (adjusted for limits)	\$6,974	

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
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	26-Jun-2018	1-Jul-2025	7.02	\$526	n/a	\$526
Remediation/Disposal				0.00	\$0	n/a	\$0
Other	\$250	26-Jun-2018	1-Jul-2025	7.02	\$88	n/a	\$88
Other (as needed)	\$250	26-Jun-2018	27-Jun-2018	0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated costs to submit the deviation report for the November 27, 2017 through May 27, 2018 reporting period (\$250), to submit a revised deviation report for the November 27, 2017 through May 27, 2018 reporting period to report deviations for failing to conduct daily visible emissions observations for EPNs 8, 9, 11, and 38 on December 2, 2017, December 3, 2017, December 5, 2017, and December 6, 2017; failing to include all instances of weekly pressure drop deviations for EPNs 4B, 5B, 6, 7A, 7C, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO2 and CO MAERs for EPN 38; failing to comply with the PM2.5 MAER for EPN 44; failing to include violations discovered during the environmental self-audit that began on June 7, 2018; and failing to prevent nuisance conditions during December 2017 (\$250), and to implement measures and/or procedures designed to ensure that all deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviation report was due and the Final Dates are the compliance date and 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

\$2,000

TOTAL

\$614

Screening Date 8-Aug-2019
Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1114-AIR-E

PCW

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

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.116(b)(1), and 122.143(4), New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M1, Special Conditions ("SC") No. 1, FOP No. O3903, GTC and Special Terms and Conditions ("STC") No. 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the representations with regard to construction plans and operation procedures in a permit application and failed to comply with the MAERs. Specifically, in the permit application for NSR Permit No. 108113 dated January 2013, the Respondent represented a startup venting volume of 160,000 cubic meters ("m3"), a shutdown venting volume of 15,000 m3, and no pressure maintenance vent for the Hot Pressure Relief Vent (Flare), EPN 38, but the vent gas volume during startup on September 23, 2016 was 271,844 m3, the vent gas volume during shutdowns from September 27, 2016 through June 2, 2018 ranged from 15,656 m3 to 250,694 m3, and a maintenance vent was installed that released gas volumes of 120,136 m3 to 61,867,386 m3 from September 30, 2016 through December 31, 2018, resulting in the unauthorized release of 2.67 tons of total PM, 64.21 tons of nitrogen oxides ("NOx"), 0.23 ton of SO2, 477.17 tons of CO, and 2.05 tons of volatile organic compounds ("VOC") emissions as indicated in the attached MAER Exceedance Table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 10 851 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$75,000

Ten quarterly events are recommended for the instances of non-compliance that occurred from September 1, 2016 through December 31, 2018.

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 \$75,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,418

Violation Final Penalty Total \$107,436

This violation Final Assessed Penalty (adjusted for limits) \$107,436

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	1-Sep-2016	1-Jul-2025	8.84	\$4,418	n/a	\$4,418
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain an amendment for NSR Permit Nos. 108113 and PSDTX1344M1 to accurately represent the startup and shutdown vent gas volumes, to include the pressure maintenance vent, and to increase the PM, PM10, PM2.5, NOx, SO2, CO, and VOC MAERs for EPN 38. The Date Required is the initial date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$4,418

Screening Date	8-Aug-2019	Docket No.	2019-1114-AIR-E	PCW
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58096			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN106597875			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 106.6(c), 106.261, and 122.143(4), Permit by Rule ("PBR") Registration No. 134619, FOP No. O3903, GTC and STC No. 7, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to comply with the representations with regard to construction plans, operating procedures, and maximum emission rates and failed to comply with the certified emissions rate. Specifically, in the application for PBR Registration No. 134619 dated July 17, 2015, the Respondent represented that the Solid Binder Bin Vent Filter, EPN BVF-1, would operate 730 hours annually, but the total hours of operation on a 12-month rolling basis ranged from 737 hours to 918 hours from November 2017 through September 2018 and the certified emissions rate for bentonite of 0.03 tpy based on any consecutive 12-month period was exceeded for the 12-month periods ending from April 2017 through November 2018, resulting in 0.31 ton of unauthorized bentonite emissions.</p>			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
	Potential			
				Percent 15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$21,250	
			\$3,750	
Violation Events				
	Number of Violation Events	7	608	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
	Seven quarterly events are recommended for the period of non-compliance that occurred from April 1, 2017 through November 30, 2018.			
Good Faith Efforts to Comply		10.0%	Reduction	\$2,625
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent completed compliance measures on January 23, 2020 after the Notice of Enforcement ("NOE") dated July 31, 2019.		
		Violation Subtotal	\$23,625	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$703	Violation Final Penalty Total	\$36,074
	This violation Final Assessed Penalty (adjusted for limits)			\$36,074

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 3

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Apr-2017	23-Jan-2020	2.81	\$703	n/a	\$703
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain an amendment for PBR Registration No. 134619 to accurately represent the total hours of operation and to increase the bentonite certified emissions rates for EPN BVF-1. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$703

Screening Date	8-Aug-2019	Docket No.	2019-1114-AIR-E	PCW
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC			
Case ID No.	58096	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN106597875	<i>PCW Revision March 26, 2014</i>		
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code §§ 106.6(c), 106.261, and 122.143(4), PBR Registration No. 147082, FOP No. O3903, GTC and STC No. 7, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to comply with the representations with regard to construction plans, operating procedures, and maximum emission rates and failed to comply with the certified emissions rate. Specifically, in the application for PBR Registration No. 147082 dated June 5, 2017, the Respondent represented that the throughput for the 5,000 metric tons ("mt") Hot Direct Reduced Iron Clusters ("HDRI"), EPN 52, and the certified emissions rate for PM of 0.07 tpy based on any consecutive 12-month period was exceeded for the 12-month periods ending from September 2018 through November 2018, resulting in 0.02 ton of unauthorized PM emissions.</p>			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
				Percent 15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment				\$21,250
				\$3,750
Violation Events				
Number of Violation Events		1	90 Number of violation days	
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
				Violation Base Penalty \$3,750
<p>One quarterly event is recommended for the instances of non-compliance that occurred from September 1, 2018 through November 30, 2018.</p>				
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				\$3,750
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$1,709	Violation Final Penalty Total	\$6,974	
This violation Final Assessed Penalty (adjusted for limits)				\$6,974

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 4

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Sep-2018	1-Jul-2025	6.84	\$1,709	n/a	\$1,709
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain an amendment for PBR Registration No. 147082 to accurately represent the throughput amount and to increase the PM certified emissions rates for EPN 52. The Date Required is the initial date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,709

Screening Date	8-Aug-2019	Docket No.	2019-1114-AIR-E	PCW
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC			
Case ID No.	58096	<i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN106597875			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code §§ 106.8(c)(2)(B) and (c)(4) and 122.143(4), PBR Registration No. 147082, FOP No. 03903, GTC and STC No. 9, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain records containing sufficient information to demonstrate compliance with applicable PBR conditions. Specifically, the Respondent provided records of the monthly throughput in tons for the 75,000 mt Grade C Hot Briquette Iron ("HBI"), EPN 44, and the 5,000 mt HDRI Clusters, EPN 52, for calendar years 2017 and 2018 as requested, but the throughputs in the records did not correlate with the amount of ore being stored and were not sufficient to determine compliance with the permit.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Adjustment

\$21,250

\$3,750

Violation Events

Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="174"/>	Number of violation days
	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	

Violation Base Penalty

\$3,750

One single event is recommended.

Good Faith Efforts to Comply

Reduction \$0

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

Notes

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

Violation Subtotal

\$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 5

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	15-Feb-2019	1-Jul-2025	6.38	\$478	n/a	\$478

Notes for DELAYED costs

Estimated cost to begin maintaining the records that contain sufficient information to demonstrate compliance with PBR Registration No. 147082 for EPNs 44 and 52. The Date Required is the date the records were initially requested and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$478

Screening Date	8-Aug-2019	Docket No.	2019-1114-AIR-E	PCW
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC			
Case ID No.	58096	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN106597875	<i>PCW Revision March 26, 2014</i>		
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 12, FOP No. O3903, GTC and STC No. 7, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the emissions limit. Specifically, during a stack test conducted on March 9, 2017, the Respondent exceeded the PM, PM10, and PM2.5 emissions limit of 10 milligrams per normal cubic meter ("mg/Nm3") dry at 3 percent oxygen ("3% O2") based on a one-day hourly average by 13.1 mg/Nm3 for the Reformer Main Flue Ejector Stack, EPN 29.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual			x	
	Potential				
					Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events	10	882	Number of violation days
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	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Violation Base Penalty \$37,500

Ten quarterly events are recommended from the March 9, 2017 stack test to the August 8, 2019 screening date.

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent completed compliance measures on December 6, 2024 after the NOE dated July 31, 2019.	

Reduction \$3,750

Violation Subtotal \$33,750

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$3,100	
Violation Final Penalty Total \$50,811	
This violation Final Assessed Penalty (adjusted for limits) \$50,811	

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 6

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$8,000	9-Mar-2017	6-Dec-2024	7.75	\$3,100	n/a	\$3,100
Notes for DELAYED costs	Estimated cost to conduct a stack test in order to demonstrate compliance with the PM, PM10, and PM2.5 emissions limit of 10 mg/Nm3 dry at 3% O2 for EPN 29. The Date Required is the initial date of non-compliance and the Final Date is the compliance date.						

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	\$8,000	TOTAL	\$3,100
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Screening Date	8-Aug-2019	Docket No.	2019-1114-AIR-E	PCW
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC			
Case ID No.	58096	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN106597875	<i>PCW Revision March 26, 2014</i>		
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O3903, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for the emissions event that occurred on July 27, 2018 was due by July 28, 2018, but was not submitted.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential				Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
		x				
					Percent	15.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$21,250
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Base Penalty	\$3,750
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Violation Events

Number of Violation Events	1		Number of violation days	174
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	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Violation Base Penalty	\$3,750
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One single event is recommended.	
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Good Faith Efforts to Comply

	0.0%	
	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	\$3,750
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$607
Violation Final Penalty Total	\$6,974
This violation Final Assessed Penalty (adjusted for limits)	
\$6,974	

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 7

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	28-Jul-2018	1-Jul-2025	6.93	\$520	n/a	\$520
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	28-Jul-2018	1-Jul-2025	6.93	\$87	n/a	\$87

Notes for DELAYED costs

Estimated delayed cost to submit the initial notification for the emission event that occurred on July 28, 2018 (\$250) and to conduct training regarding the reporting of emissions events that exceed reportable quantities (\$1,500). The Dates Required are the date the initial notification was due 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

\$607

Screening Date	8-Aug-2019	Docket No.	2019-1114-AIR-E	PCW
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC			
Case ID No.	58096	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN106597875	<i>PCW Revision March 26, 2014</i>		
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 1, FOP No. O3903, GTC and STC No. 7, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,497.15 pounds ("lbs") of CO, 232 lbs of NOx, 9.31 lbs of PM/PM10/PM2.5, 6.62 lbs of VOC, and 0.65 lb of SO2 from the Hot Pressure Relief Vent (Flare), EPN 38, during a reportable emissions event that occurred on July 27, 2018 and lasted four hours and 25 minutes.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$21,250
\$3,750	

Violation Events

Number of Violation Events	1	61	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		
Violation Base Penalty \$3,750			
One quarterly event is recommended.			

Good Faith Efforts to Comply

	0.0%		Reduction \$0
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$3,750

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$3,467
	Violation Final Penalty Total \$6,974
This violation Final Assessed Penalty (adjusted for limits) \$6,974	

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 8

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	27-Jul-2018	1-Jul-2025	6.93	\$3,467	n/a	\$3,467

Notes for DELAYED costs

Estimated delayed cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as the emissions event that occurred on July 27, 2018. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$3,467

Screening Date	8-Aug-2019	Docket No.	2019-1114-AIR-E	PCW																	
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC																				
Case ID No.	58096	<i>Policy Revision 4 (April 2014)</i>																			
Reg. Ent. Reference No.	RN106597875	<i>PCW Revision March 26, 2014</i>																			
Media	Air																				
Enf. Coordinator	Yuliya Dunaway																				
Violation Number	9																				
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 03903, GTC, and Tex. Health & Safety Code § 382.085(b)																				
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the May 28, 2018 through November 27, 2018 reporting period did not include the deviations for failing to submit a deviation report no later than 30 days after the end of the November 27, 2017 through May 27, 2018 reporting period; failing to include all instances of weekly pressure drop deviations for EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO2 and CO MAERs for EPN 38; failing to comply with the bentonite certified emissions rate for EPN BVF-1; failing to comply with the PM2.5 MAER for EPN 44; failing to comply with the PM, PM10, and PM2.5 emissions limit for EPN 29; failing to report the reportable emissions event that occurred on July 27, 2018; and failing to include violations discovered during the environmental self-audit that began on June 7, 2018.</p>																				
Base Penalty				\$25,000																	
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent 0.0%
		Harm																			
	Release	Major	Moderate	Minor																	
Actual																					
Potential																					
>>Programmatic Matrix																					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table>					Major	Moderate	Minor	Falsification			x	Percent 1.0%								
	Major	Moderate	Minor																		
Falsification			x																		
Matrix Notes	At least 70% of the rule requirement was met.																				
Adjustment				\$24,750																	
				\$250																	
Violation Events																					
Number of Violation Events		1	224	Number of violation days																	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x						
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																		
<div style="display: flex; justify-content: space-between; font-size: small;"> Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> </table>					Extraordinary			Ordinary			N/A	x									
Extraordinary																					
Ordinary																					
N/A	x																				
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>Notes</p> <p>The Respondent does not meet the good faith criteria for this violation.</p> </div> <div style="width: 35%;"></div> </div>																					
Violation Subtotal				\$250																	
Economic Benefit (EB) for this violation																					
Statutory Limit Test																					
Estimated EB Amount	\$81	Violation Final Penalty Total	\$2,039																		
This violation Final Assessed Penalty (adjusted for limits)				\$2,039																	

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 9

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Dec-2018	1-Jul-2025	6.52	\$81	n/a	\$81

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the May 28, 2018 through November 27, 2018 reporting period to report deviations for failing to submit a deviation report no later than 30 days after the end of the November 27, 2017 through May 27, 2018 reporting period; failing to include all instances of weekly pressure drop deviations for EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO2 and CO MAERs for EPN 38; failing to comply with the bentonite certified emissions rates for EPN BVF-1; failing to comply with the PM25 MAER for EPN 44; failing to comply with the PM, PM10, and PM25 emissions limit for EPN 29; failing to report the reportable emissions event that occurred on July 27, 2018; and failing to include violations discovered during the environmental self-audit that began on June 7, 2018. The Date Required is the date the deviation report was due and the Final Date is the estimated date of compliance. Additional Economic Benefit for measures and/or procedures included in Violation No. 1 of this PCW (Revision 4).

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

\$250

TOTAL

\$81



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Feb-2022	Screening	8-Feb-2022	EPA Due	
	PCW	17-Apr-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC				
Reg. Ent. Ref. No.	RN106597875				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	58096	No. of Violations	2
Docket No.	2019-1114-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$62,500
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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.

Compliance History	41.0%	Adjustment	Subtotals 2, 3, & 7	\$25,625
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Notes: Enhancement for one NOV with same/similar violations and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$2,394
Estimated Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$88,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$88,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$88,125
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DEFERRAL	20.0%	Reduction	Adjustment	-\$17,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$70,500
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Screening Date	8-Feb-2022	Docket No.	2019-1114-AIR-E	PCW
Respondent	ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	58096			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106597875			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	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>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
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) 41%

>> 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 orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 41%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 41%

Screening Date 8-Feb-2022 Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC Case ID No. 58096 Reg. Ent. Reference No. RN106597875 Media Air Enf. Coordinator Yuliya Dunaway	Docket No. 2019-1114-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1		
Rule Cite(s)		30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(C), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M1, Special Conditions ("SC") No. 1, Federal Operating Permit No. O3903, General Terms and Conditions and Special Terms and Conditions No. 7, and Tex. Health & Safety Code § 382.085(b)	
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 811.2 pounds ("lbs") of volatile organic compounds ("VOC"), 202.8 lbs of nitrogen oxides ("NOx"), 6,337.5 lbs of carbon monoxide, 0.13 lb of sulfure dioxide, and 5,070.0 lbs of particulate matter ("PM") as fugitive emissions, during an emissions event (Incident No. 364391) that occurred on August 5, 2021 and lasted 47 minutes.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		
	Potential				
					Percent 50.0%

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%

	Human health or the environment has been exposed to a significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
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Adjustment	\$12,500
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	\$12,500
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Violation Events

Number of Violation Events	1		1	Number of violation days
----------------------------	---	--	---	--------------------------

daily							
weekly		x					
monthly							
quarterly							
semiannual							
annual							
single event							

Violation Base Penalty	\$12,500
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One weekly event is recommended.	
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Good Faith Efforts to Comply

0.0%	Reduction
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	\$12,500
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Economic Benefit (EB) for this violation

Statutory Limit Test	
Estimated EB Amount	\$977
Violation Final Penalty Total	\$17,625
This violation Final Assessed Penalty (adjusted for limits)	
	\$17,625

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	5-Aug-2021	1-Jul-2025	3.91	\$977	n/a	\$977

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 364391. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$977

Screening Date 8-Feb-2022 Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC Case ID No. 58096 Reg. Ent. Reference No. RN106597875 Media Air Enf. Coordinator Yuliya Dunaway	Docket No. 2019-1114-AIR-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW
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Violation Number	2		
Rule Cite(s)		30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 1, FOP No. 03903, GTC and STC No. 7, and Tex. Health & Safety Code § 382.085(b)	
Violation Description		Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the PM, the PM equal to or less than 10 microns in diameter ("PM10"), and the PM equal to or less than 2.5 microns in diameter ("PM2.5") MAERs of 0.08 tpy, the NOx MAER of 2.96 tpy, and the VOC MAER of 0.02 tpy based on a 12-month rolling period for the 12-month periods ending from November 2019 through October 2020 for the Hot Pressure Relief Vent (Flare), EPN 38, resulting in 0.64 ton of unauthorized total PM emissions, 15.16 tons of unauthorized NOx emissions, and 0.50 ton of unauthorized VOC emissions.	
Base Penalty			\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm							
		Major Moderate Minor							
	Actual Potential	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 33%; height: 20px;"></td><td style="width: 33%; text-align: center;">x</td><td style="width: 33%;"></td></tr> <tr><td style="height: 20px;"></td><td></td><td></td></tr> </table>		x					Percent
	x								

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 25%; height: 20px;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td></tr> </table>								Percent	0.0%
Matrix Notes	<div style="border: 1px solid black; padding: 5px; background-color: #ffffcc;"> Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation. </div>									
Adjustment						\$12,500				

\$12,500

Violation Events

Number of Violation Events	4	366	Number of violation days															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%;">daily</td><td style="width: 70%;"></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty			\$50,000
daily																		
weekly																		
monthly																		
quarterly	x																	
semiannual																		
annual																		
single event																		
<div style="border: 1px solid black; padding: 5px; background-color: #ffffcc;"> Four quarterly events are recommended for the period of non-compliance from November 1, 2019 through October 31, 2020. </div>																		

Good Faith Efforts to Comply

	0.0%				
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
Extraordinary	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 20px;"></td><td style="width: 50%;"></td></tr> </table>				
Ordinary	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 20px;"></td><td style="width: 50%;"></td></tr> </table>				
N/A	x				
Notes	<div style="border: 1px solid black; padding: 5px; background-color: #ffffcc;"> The Respondent does not meet the good faith criteria for this violation. </div>				
Violation Subtotal			\$50,000		

Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,417
Statutory Limit Test	
Violation Final Penalty Total	\$70,500
This violation Final Assessed Penalty (adjusted for limits)	
	\$70,500

Economic Benefit Worksheet

Respondent ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC
Case ID No. 58096
Reg. Ent. Reference No. RN106597875
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Nov-2019	1-Jul-2025	5.67	\$1,417	n/a	\$1,417
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to obtain authorization to increase the PM, PM10, PM2.5, NOx, and VOC annual MAERs for EPN 38. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,417

ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC

Docket No. 2019-1114-AIR-E; Case ID No. 58096

MAER Exceedance Table - Hot Pressure Relief Vent (Flare), EPN 38				
Pollutant	Starting Month	Ending Month	MAER Limit (tpy)	Total Unauthorized Tons
PM	September 2016	November 2018	0.08	2.67*
PM10	September 2016	November 2018	0.08	2.64
PM2.5	September 2016	November 2018	0.08	2.64
NOx	September 2016	November 2018	2.96	64.21
SO2	September 2016	November 2018	< 0.01	0.23
CO	October 2016	November 2017	31.67	477.17
VOC	September 2016	November 2018	0.02	2.05

***PM includes PM10 and PM2.5**

Acronyms not already defined: PM10 = total PM equal to or less than 10 microns in diameter, including PM2.5; tpy = ton(s) per year based on a 12-month rolling period.



Compliance History Report

Compliance History Report for CN604261545, RN106597875, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN604261545, ArcelorMittal Texas HBI LLC	Classification:	SATISFACTORY	Rating:	35.32
Regulated Entity:	RN106597875, LA QUINTA PLANT	Classification:	SATISFACTORY	Rating:	35.32
Complexity Points:	21	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	2800 KAY BAILEY HUTCHISON RD, PORTLAND, SAN PATRICIO COUNTY, TX				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):

AIR OPERATING PERMITS PERMIT 3903	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1344
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1344M1	AIR NEW SOURCE PERMITS PERMIT 108113
AIR NEW SOURCE PERMITS REGISTRATION 134619	AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX43
AIR NEW SOURCE PERMITS REGISTRATION 150444	AIR NEW SOURCE PERMITS REGISTRATION 166205
AIR NEW SOURCE PERMITS REGISTRATION 147082	AIR NEW SOURCE PERMITS REGISTRATION 157588
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1344M2	AIR NEW SOURCE PERMITS REGISTRATION 179378
AIR NEW SOURCE PERMITS AFS NUM 4840900240	STORMWATER PERMIT TXR05CR67
WASTEWATER EPA ID TX0134911	WASTEWATER PERMIT WQ0005097000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER SDA012L	POLLUTION PREVENTION PLANNING ID NUMBER P09963
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 97213	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000084679
TAX RELIEF ID NUMBER 20334	TAX RELIEF ID NUMBER 20387
TAX RELIEF ID NUMBER 24503	TAX RELIEF ID NUMBER 24501
TAX RELIEF ID NUMBER 24502	TAX RELIEF ID NUMBER 24504
TAX RELIEF ID NUMBER 20390	TAX RELIEF ID NUMBER 24506
TAX RELIEF ID NUMBER 24505	

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: April 17, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 17, 2020 to April 17, 2025

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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

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

- | | | |
|---|---|--|
| 1 | Effective Date: 09/29/2021 | ADMINORDER 2020-1303-IWD-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | |
| | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: Effluent Limits PERMIT | |
| | Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported | |

data.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failure to collect and analyze samples for the required parameter at the minimum frequency specified in the permit as documented by a TCEQ record review.

2 Effective Date: 06/06/2022 ADMINORDER 2018-1266-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

5C THSC Chapter 382 382.085(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to prevent nuisance dust conditions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX1344M1, Special Condition 17 PERMIT

Description: Failure to store iron ore pellets in enclosed storage.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.116(b)(1)

5C THSC Chapter 382 382.0518(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to obtain proper authorization. Specifically, the Respondent did not obtain a permit amendment before operating additional non-enclosed stockpiles containing fines, clusters, chips, sludge, and remet.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

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: GC 14 PERMIT

GC 8 PERMIT

GTCs OP

SC 1 PERMIT

STC 7 OP

Description: Failure to comply with the Maximum Allowable Emission Rate Table (MAERT) limit for particulate matter (PM) at Emission Point Number (EPN) 29.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

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: GC 14 PERMIT

GC 8 PERMIT

GTCs OP

SC 1 PERMIT

STC 7 OP

Description: Failure to comply with the Maximum Allowable Emission Rate Table (MAERT) limit for carbon monoxide (CO) at Emission Point Number (EPN) 8.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

5C THSC Chapter 382 382.085(a)

Description: Failure to prevent nuisance dust conditions.

Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

30 TAC Chapter 305, SubChapter F 305.125(1)

40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)
 Rqmt Prov: Part III; Section A(4)(f)(1) PERMIT
 Description: Failed to conduct employee training annually. Specifically, operations at the Plant began in September of 2016 but employees had not received training on the stormwater pollution prevention plan.
 Classification: Minor
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)
 Rqmt Prov: Part III; Section B(1)(c) PERMIT
 Description: Failed to certify that the facility's stormwater system has been evaluated and that discharges of non-stormwater and non-permitted flows do not occur. Specifically, the stormwater pollution prevention plan certification was not available for review upon request.
 Classification: Moderate
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)
 Rqmt Prov: Part III; Section A(3)(d)(1) PERMIT
 Description: Failed to identify all stormwater outfalls at the facility. Specifically, the Respondent depicted one stormwater outfall on the Drainage Area Site Map, but additional outfalls were identified around the dock area and on the north side of the Plant.
 Classification: Moderate
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)
 Rqmt Prov: Part IV; Section B(1)(a) PERMIT
 Description: Failed to conduct Benchmark Monitoring. Specifically, TPDES MSGP No. TXR05CR67 was issued on April 27, 2016, the Plant began operating in September 2016, and the Respondent had not conducted any benchmark monitoring.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PSDTX1344M1, General Condition 1 OP
 PSDTX1344M1, General Condition 14 PERMIT
 PSDTX1344M1, General Condition 8 PERMIT
 PSDTX1344M1, Special Condition 1 PERMIT
 Description: Failure to comply with the annual permitted emission limit (tons per year (TPY)) for particulate matter (PM) from the Oxide Pellet Transfer (Post Storage) Fabric Filter Stack-Emission Point No. (EPN) 6.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PSDTX1344M1 General Condition 1 OP
 PSDTX1344M1, General Condition 14 PERMIT
 PSDTX1344M1, General Condition 8 PERMIT
 PSDTX1344M1, Special Condition 1 PERMIT
 Description: Failure to comply with the annual permitted emission limit (TPY) for PM from the Oxide Tower Transfer Fabric Filter Stack-EPN 7D.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PSDTX1344M1, General Condition 1 OP
 PSDTX1344M1, General Condition 14 PERMIT
 PSDTX1344M1, General Condition 8 PERMIT
 PSDTX1344M1, Special Condition 1 PERMIT
 Description: Failure to comply with the annual permitted emission limit (TPY) for PM, PM10, and PM2.5 from the Reformer Main Flue Ejector Stack-EPN 29.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX1344M1 General Condition 1 OP
PSDTX1344M1, General Condition 14 PERMIT
PSDTX1344M1, General Condition 8 PERMIT
PSDTX1344M1, Special Condition 1 PERMIT

Description: Failure to comply with the annual permitted emission limit (TPY) for PM, PM10, and PM2.5 from the Salt Water Cooling Tower-EPN 33.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX1344M1, Special Condition 6 PERMIT

Description: Failure to conduct quarterly visible emissions observations for the following EPNs: 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 16, 17, 8, and 29.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX1344M1, Special Condition 7 PERMIT

Description: Failure to conduct quarterly fugitive visible emissions observations from process buildings and/or fugitive sources.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain records for the quarterly inspections on the hoods and ductwork for the emission capture and control systems.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX1344M1, Special Condition 25A PERMIT

Description: Failure to sample and analyze cooling water for concentrations of total dissolved solids (TDS) once a week.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX1344M1, Special Condition 25A PERMIT

Description: Failure to sample and analyze cooling water for conductivity once a day.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX1344M1, Special Condition 30 PERMIT

Description: Failure to conduct visible emissions observations for wet scrubbers exhausting at EPNs 8, 9, 11, and 38 once per day.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(c)
30 TAC Chapter 106, SubChapter K 106.261
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit by Rule (PBR) §106.261 PA

Description: Failure to comply with the annual permitted emission limit (TPY) for PM2.5 from the 75,000 mt (metric tons) Grade C HBI (hot briquette iron) storage pile-EPN 44.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent particulate emissions from leaving the property from process buildings or fugitive sources resulting in the unauthorized discharge of industrial waste into or adjacent to any water in the state.

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 20, 2020	(1662358)
Item 2	August 19, 2020	(1682647)
Item 3	October 05, 2020	(1625056)
Item 9	November 18, 2020	(1672196)
Item 12	February 20, 2021	(1732338)
Item 14	March 15, 2021	(1732339)
Item 15	April 12, 2021	(1732340)
Item 16	April 14, 2021	(1673160)
Item 18	May 13, 2021	(1743455)
Item 20	August 16, 2021	(1759313)
Item 21	October 13, 2021	(1779901)
Item 22	November 11, 2021	(1785955)
Item 24	January 14, 2022	(1800767)
Item 25	February 04, 2022	(1808587)
Item 26	March 03, 2022	(1815686)
Item 27	March 18, 2022	(1795519)
Item 29	March 29, 2022	(1804017)
Item 30	March 31, 2022	(1797572)
Item 31	April 06, 2022	(1822271)
Item 32	May 11, 2022	(1831103)
Item 34	June 02, 2022	(1837382)
Item 35	July 05, 2022	(1844549)
Item 37	July 22, 2022	(1832978)
Item 39	August 09, 2022	(1851074)
Item 40	September 20, 2022	(1858504)
Item 41	October 12, 2022	(1864841)
Item 42	November 11, 2022	(1871730)
Item 43	December 20, 2022	(1877611)
Item 44	January 10, 2023	(1884416)
Item 46	February 15, 2023	(1892213)
Item 47	March 06, 2023	(1885657)
Item 48	March 15, 2023	(1846931)
Item 49	March 27, 2023	(1873499)
Item 50	April 05, 2023	(1907595)
Item 51	May 04, 2023	(1914733)
Item 52	May 23, 2023	(1886735)
Item 54	June 15, 2023	(1921363)
Item 55	July 18, 2023	(1928338)
Item 56	August 18, 2023	(1935261)
Item 57	August 30, 2023	(1918996)
Item 60	October 19, 2023	(1948250)
Item 62	November 20, 2023	(1953930)
Item 63	December 20, 2023	(1963734)
Item 64	January 31, 2024	(1970298)
Item 65	February 09, 2024	(1944253)
Item 66	February 19, 2024	(1979378)
Item 67	March 19, 2024	(1985938)
Item 68	April 18, 2024	(1992479)

Item 69	May 20, 2024	(1998914)
Item 70	June 20, 2024	(2005879)
Item 72	July 19, 2024	(2013439)
Item 73	August 14, 2024	(2019245)
Item 74	September 11, 2024	(2026040)
Item 75	October 07, 2024	(2032146)
Item 76	November 07, 2024	(2038455)
Item 77	December 16, 2024	(2044912)
Item 78	January 13, 2025	(2051414)
Item 79	February 10, 2025	(2058955)

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:	08/30/2024	(2002724)	
	Self Report?	NO		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(3) 30 TAC Chapter 281, SubChapter A 281.25(a)(4) Part III, Section A(4) PERMIT		
	Description:	Failed to implement pollution prevention practices to protect the water quality in the receiving waters.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 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 No. 30 PERMIT		
	Description:	Failure to conduct required visible emissions monitoring.		
	Self Report?	NO		Classification: Moderate
	Citation:	3 OP 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) 6 OP		
	Description:	Failure to conduct required visible emissions monitoring.		
	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 No. 25A PERMIT		
	Description:	Failure to perform daily zeroing of the conductivity meter associated with the Salt Water Cooling Tower (EPN 33).		
	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 No. III.A.5.a PERMIT STC No. 7 OP		
	Description:	Failure to monitor the inlet flow of the Process Water Degasser (EPN 30) as required by permit.		
	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 No. III.A.2.c.1 PERMIT		
	Description:	Failure to conduct daily zeroing and span checks of equipment as required by permit.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 30 TAC Chapter 122, SubChapter B 122.146(2) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
	Description:	Failure to submit a semi-annual Deviation Report (DR) and Permit Compliance Certification (PCC) within 30 days of the end of each reporting period or any certification period.		

F. Environmental audits:

Notice of Intent Date: 02/28/2023 (1886397)
No DOV Associated

Notice of Intent Date: 02/19/2024 (1972629)

Disclosure Date: 11/22/2024

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Condition 42.J

Description: Failed to have sufficient detailed emission rates of hazardous air pollutants determined from all emission points and failed to keep separate records for unregistered (record only) PBR emission units nor keeps records of all HAP emissions from all the emission points.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 106, SubChapter A 106.2
30 TAC Chapter 106, SubChapter A 106.4
30 TAC Chapter 106, SubChapter A 106.6
30 TAC Chapter 116, SubChapter B 116.110
30 TAC Chapter 122, SubChapter B 122.120
30 TAC Chapter 122, SubChapter B 122.146

Description: Failed to list units 40a, 40b and 40c (natural gas preheaters) in a PBR or NSR permit.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 122, SubChapter B 122.110
30 TAC Chapter 122, SubChapter B 122.132
30 TAC Chapter 122, SubChapter B 122.146

Description: Failed to include RY2022 EI Exceedance in deviation report for 8.31.2023

Viol. Minor

Classification:

Citation: 30 TAC Chapter 106, SubChapter A 106.2
30 TAC Chapter 106, SubChapter A 106.4
30 TAC Chapter 106, SubChapter A 106.6
30 TAC Chapter 122, SubChapter B 122.110
30 TAC Chapter 122, SubChapter B 122.132
30 TAC Chapter 122, SubChapter B 122.144
30 TAC Chapter 122, SubChapter B 122.146
40 CFR Chapter 60, SubChapter C, PT 60, SubPT IIII 60.4214
40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4245
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6590

Description: Failed to maintain proper runtime records for emergency generator, FW pump and FW booster pump.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 106, SubChapter A 106.2
30 TAC Chapter 106, SubChapter A 106.4
30 TAC Chapter 106, SubChapter A 106.6
30 TAC Chapter 122, SubChapter B 122.110
30 TAC Chapter 122, SubChapter B 122.132
30 TAC Chapter 122, SubChapter B 122.146

Description: Failed to list FUG in NSR/PSD Permit or PBR nor Title V for VOC.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 122, SubChapter B 122.146

Rqmt Prov: PERMIT Special Condition 10
PERMIT Special Condition 11
PERMIT Special Condition 9

Description: Failed to readily provide facility records complying NSR permit special conditions regarding fabric filter baghouse meeting 0.002 gr/dscf and wet scrubber meeting 0.0079 gr/dscf.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 122, SubChapter B 122.146
Description: Failed to include N2O over the permitted limit under subpart 98 GHG reporting, indicating that the facility went over the emission limits specified in Table 1 of the permit PSD-TX-1344-GHG on the deviation report.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 106, SubChapter A 106.2
30 TAC Chapter 106, SubChapter A 106.4
30 TAC Chapter 106, SubChapter A 106.6
30 TAC Chapter 122, SubChapter B 122.110
30 TAC Chapter 122, SubChapter B 122.132
30 TAC Chapter 122, SubChapter B 122.146
Description: Failed to include EPN 41 (Remet 35,000 mt) in emission source for 2021 PBR registration application.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failed to include information regarding facility routing the top gas to the reformer burner then goes out the flue stack in permit application.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 106, SubChapter A 106.2
30 TAC Chapter 106, SubChapter A 106.4
30 TAC Chapter 106, SubChapter A 106.6
30 TAC Chapter 116, SubChapter B 116.110
30 TAC Chapter 116, SubChapter B 116.116
30 TAC Chapter 122, SubChapter B 122.110
30 TAC Chapter 122, SubChapter B 122.132
30 TAC Chapter 122, SubChapter B 122.146
Description: Failed to include EPN DP-1 in 2019 PSD modification application.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 106, SubChapter A 106.2
30 TAC Chapter 106, SubChapter A 106.4
30 TAC Chapter 106, SubChapter A 106.6
30 TAC Chapter 122, SubChapter B 122.110
30 TAC Chapter 122, SubChapter B 122.132
30 TAC Chapter 122, SubChapter B 122.146
Description: Failed to include EPN 14 in the PBR registration 166205.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.10
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 122, SubChapter B 122.110
30 TAC Chapter 122, SubChapter B 122.132
30 TAC Chapter 122, SubChapter B 122.146
Description: Failed to list CO, NOx, and VOC streams from flare (38) in NSR permit, but listed in deviation report.
Disclosure Date: 03/04/2025

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 106, SubChapter A 106.2
30 TAC Chapter 106, SubChapter A 106.4
30 TAC Chapter 106, SubChapter A 106.6
30 TAC Chapter 116, SubChapter B 116.110
30 TAC Chapter 122, SubChapter B 122.120
30 TAC Chapter 122, SubChapter B 122.146
Description: Failed to list units 40a, 40b and 40c (natural gas preheaters) in a PBR or NSR permit.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.10
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 122, SubChapter B 122.110

30 TAC Chapter 122, SubChapter B 122.132

30 TAC Chapter 122, SubChapter B 122.146

Description: Failed to include RY2022 EI Exceedance in deviation report for 8.31.2023

Viol. Minor

Classification:

Citation: 30 TAC Chapter 106, SubChapter A 106.2

30 TAC Chapter 106, SubChapter A 106.4

30 TAC Chapter 106, SubChapter A 106.6

30 TAC Chapter 122, SubChapter B 122.110

30 TAC Chapter 122, SubChapter B 122.132

30 TAC Chapter 122, SubChapter B 122.144

30 TAC Chapter 122, SubChapter B 122.146

40 CFR Chapter 60, SubChapter C, PT 60, SubPT IIII 60.4214

40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4245

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6590

Description: Failed to maintain proper runtime records for emergency generator, FW pump and FW booster pump.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 305, SubChapter F 305.125

Description: Failed to correctly report flow data from March 2020 to present. AMTX discovered its TPDES Permit Outfall 001 Flow Data Historian was connected to an incorrect DCS tag and recording incorrect flow data. AMTX under reported flow from March 2020 to present.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ARCELORMITTAL TEXAS HBI LLC
F/K/A VOESTALPINE TEXAS LLC
RN106597875

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-1114-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a direct reduced iron/hot briquetting iron production plant located at 2800 Kay Bailey Hutchison Road in Portland, San Patricio County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$319,354 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$255,484 of the penalty and \$63,870 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On June 27, 2018, submitted the deviation report for the November 27, 2017 through May 27, 2018 reporting period;
 - b. On May 30, 2019, submitted an administratively complete permit amendment application for New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M1 to accurately represent the startup and shutdown vent gas volumes, to include the pressure maintenance vent, and to increase the particulate matter ("PM"), PM equal to or less than 10 microns ("PM10"), PM equal to or less than 2.5 microns ("PM2.5"), nitrogen oxides ("NOx"), sulfur dioxide ("SO2"), carbon monoxide ("CO"), and volatile organic compounds ("VOC") maximum allowable emissions rates ("MAERs") for Emissions Point Number ("EPN") 38, in accordance with 30 TEX. ADMIN. CODE § 116.111;
 - c. On January 23, 2020, obtained an amendment for Permit By Rule ("PBR") Registration No. 134619 which accurately represent the total hours of operation and increased bentonite certified emissions rates for EPN BVF-1; and
 - d. On December 6, 2024, conducted a stack test that demonstrated compliance with the PM, PM10, and PM2.5 emissions limit of 10 milligrams per normal cubic meter ("mg/Nm3") dry at 3 percent oxygen ("3% O2") for EPN 29;

II. ALLEGATIONS

1. During an investigation at the Plant conducted from June 3, 2019 through July 2, 2019, an investigator documented that the Respondent:
 - a. Failed to submit a deviation report no later than 30 days after the end of each reporting period and failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A) and (2)(C), Federal Operating Permit ("FOP") No. O3903, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the November 27, 2017 through May 27, 2018 reporting period was due by June 26, 2018, but was not submitted until June 27, 2018, and did not include the

deviations for failing to conduct daily visible emissions observations for EPNs 8, 9, 11, and 38 on December 2, 2017, December 3, 2017, December 5, 2017, and December 6, 2017; failing to include all instances of weekly pressure drop deviations for EPNs 4B, 5B, 6, 7A, 7C, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO₂ and CO MAERs for EPN 38; failing to comply with the PM MAER for EPN 44; failing to include violations discovered during the environmental self-audit that began on June 7, 2018; and failing to prevent nuisance conditions during December 2017.

- b. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application and failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.116(b)(1), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, Special Conditions ("SC") No. 1, FOP No. O3903, GTC and Special Terms and Conditions ("STC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, in the permit application for NSR Permit No. 108113 dated January 2013, the Respondent represented a startup venting volume of 160,000 cubic meters ("m³"), a shutdown venting volume of 15,000 m³, and no pressure maintenance vent for the Hot Pressure Relief Vent (Flare), EPN 38, but the vent gas volume during startup on September 23, 2016 was 271,844 m³, the vent gas volume during shutdowns from September 27, 2016 through June 2, 2018 ranged from 15,656 m³ to 250,694 m³, and a maintenance vent was installed that released gas volumes of 120,136 m³ to 61,867,386 m³ from September 30, 2016 through December 31, 2018, resulting in the unauthorized release of 2.67 tons of total PM, 64.21 tons of NO_x, 0.23 ton of SO₂, 477.17 tons of CO, and 2.05 tons of VOC emissions as indicated in the MAER Exceedance Table below.

MAER Exceedance Table - Hot Pressure Relief Vent (Flare), EPN 38				
Pollutant	Starting Month	Ending Month	MAER Limit (tpy)	Total Unauthorized Tons
PM	September 2016	November 2018	0.08	2.67*
PM ₁₀	September 2016	November 2018	0.08	2.64
PM _{2.5}	September 2016	November 2018	0.08	2.64
NO _x	September 2016	November 2018	2.96	64.21
SO ₂	September 2016	November 2018	< 0.01	0.23
CO	October 2016	November 2017	31.67	477.17
VOC	September 2016	November 2018	0.02	2.05

***PM includes PM₁₀ and PM_{2.5}**

Acronyms not already defined: PM₁₀ = total PM equal to or less than 10 microns in diameter, including PM_{2.5}; tpy = ton(s) per year based on a 12-month rolling period.

- c. Failed to comply with the representations with regard to construction plans, operating procedures, and maximum emission rates and failed to comply with the certified emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 106.6(c),

106.261, and 122.143(4), PBR Registration No. 134619, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, in the application for PBR Registration No. 134619 dated July 17, 2015, the Respondent represented that the Solid Binder Bin Vent Filter, EPN BVF-1, would operate 730 hours annually, but the total hours of operation on a 12-month rolling basis ranged from 737 hours to 918 hours from November 2017 through September 2018 and the certified emissions rate for bentonite of 0.03 tpy based on any consecutive 12-month period was exceeded for the 12-month periods ending from April 2017 through November 2018, resulting in 0.31 ton of unauthorized bentonite emissions.

- d. Failed to comply with the representations with regard to construction plans, operating procedures, and maximum emission rates and failed to comply with the certified emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 106.6(c), 106.261, and 122.143(4), PBR Registration No. 147082, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, in the application for PBR Registration No. 147082 dated June 5, 2017, the Respondent represented that the throughput for the 5,000 metric tons ("mt") Hot Direct Reduced Iron Clusters ("HDRI"), EPN 52, and the certified emissions rate for PM of 0.07 tpy based on any consecutive 12-month period was exceeded for the 12-month periods ending from September 2018 through November 2018, resulting in 0.02 ton of unauthorized PM emissions.
- e. Failed to maintain records containing sufficient information to demonstrate compliance with applicable PBR conditions, in violation of 30 TEX. ADMIN. CODE §§ 106.8(c)(2)(B) and (c)(4) and 122.143(4), PBR Registration No. 147082, FOP No. O3903, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent provided records of the monthly throughput in tons for the 75,000 mt Grade C Hot Briquette Iron ("HBI"), EPN 44, and the 5,000 mt HDRI Clusters, EPN 52, for calendar years 2017 and 2018 as requested, but the throughputs in the records did not correlate with the amount of ore being stored and were not sufficient to determine compliance with the permit.
- f. Failed to comply with the emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 12, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on March 9, 2017, the Respondent exceeded the PM, PM10, and PM2.5 emissions limit of 10 mg/Nm3 dry at 3% O2 based on a one-day hourly average by 13.1 mg/Nm3 for the Reformer Main Flue Ejector Stack, EPN 29.
- g. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O3903, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for the emissions event that occurred on July 27, 2018 was due by July 28, 2018, but was not submitted.
- h. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,497.15 pounds

("lbs") of CO, 232.00 lbs of NOx, 9.31 lbs of PM/PM10/PM2.5, 6.62 lbs of VOC, and 0.65 lb of SO2 from the Hot Pressure Relief Vent (Flare), EPN 38, during a reportable emissions event that occurred on July 27, 2018 and lasted four hours and 25 minutes.

- i. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3903, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the May 28, 2018 through November 27, 2018 reporting period did not include the deviations for failing to submit a deviation report no later than 30 days after the end of the November 27, 2017 through May 27, 2018 reporting period; failing to include all instances of weekly pressure drop deviations for EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO2 and CO MAERs for EPN 38; failing to comply with the bentonite certified emissions rate for EPN BVF-1; failing to comply with the PM2.5 MAER for EPN 44; failing to comply with the PM, PM10, and PM2.5 emissions limit for EPN 29; failing to report the reportable emissions event that occurred on July 27, 2018; and failing to include violations discovered during the environmental self-audit that began on June 7, 2018.
2. During a record review for the Plant conducted from August 30, 2021 through September 13, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(C), 116.115(c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 100 percent opacity and released 811.2 lbs of VOC, 202.8 lbs of NOx, 6,337.5 lbs of CO, 0.13 lb of SO2, and 5,070.0 lbs of PM as fugitive emissions, during an emissions event (Incident No. 364391) that occurred on August 5, 2021 and lasted 47 minutes.
3. During a record review for the Plant conducted from July 8, 2022 through August 25, 2022, an investigator documented that the Respondent failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM, PM10, and PM2.5 MAERs of 0.08 tpy, the NOx MAER of 2.96 tpy, and the VOC MAER of 0.02 tpy based on a 12-month rolling period for the 12-month periods ending from November 2019 through October 2020 for the Hot Pressure Relief Vent (Flare), EPN 38, resulting in 0.64 ton of unauthorized total PM emissions, 15.16 tons of unauthorized NOx emissions, and 0.50 ton of unauthorized VOC emissions.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall

not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC, Docket No. 2019-1114-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 undertake the following technical requirements:

- a. Within 30 days after the effective date of the Order:
 - i. Submit an administratively complete amendment registration for PBR Registration No. 147082 to accurately represent the throughput amount for EPN 52, in accordance with 30 TEX. ADMIN. CODE ch. 106, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Begin maintaining the records that contain sufficient information to demonstrate compliance with PBR Registration No. 147082 for EPNs 44 and 52;
 - iii. Submit the initial notification for the emission event that occurred on July 28, 2018;
 - iv. Conduct training regarding the reporting of emissions events that exceed reportable quantities;
 - v. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as the emissions event that occurred on July 27, 2018;
 - vi. Submit a revised deviation report for the November 27, 2017 through May 27, 2018 reporting period to report deviations for failing to conduct daily visible emissions observations for EPNs 8, 9, 11, and 38 on December 2, 2017, December 3, 2017, December 5, 2017, and December 6, 2017; failing to include all instances of weekly pressure drop deviations for EPNs 4B, 5B, 6, 7A, 7C, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO₂ and CO MAERs for EPN 38; failing to comply with the PM_{2.5} MAER for EPN 44; failing to include violations discovered during the environmental self-audit that began on June 7, 2018; and failing to prevent nuisance conditions during December 2017;
 - vii. Implement measures and/or procedures designed to ensure that all deviations are reported in a timely manner;

- viii. Submit a revised deviation report for the May 28, 2018 through November 27, 2018 reporting period to report the deviations for failing to submit a deviation report no later than 30 days after the end of the November 27, 2017 through May 27, 2018 reporting period; failing to include all instances of weekly pressure drop deviations for EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 9, 11, and 17; failing to include all instances of weekly flow rate deviations for EPN 8; failing to comply with the SO₂ and CO MAERs for EPN 38; failing to comply with the bentonite certified emissions rate for EPN BVF-1; failing to comply with the PM_{2.5} MAER for EPN 44; failing to comply with the PM, PM₁₀, and PM_{2.5} emissions limit for EPN 29; failing to report the reportable emissions event that occurred on July 27, 2018; and failing to include violations discovered during the environmental self-audit that began on June 7, 2018; and
- ix. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 364391.
- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for NSR Permit Nos. 108113 and PSDTX1344M1 and amendment for PBR Registration No. 147082 within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.d to demonstrate compliance with Ordering Provision No. 2.a; in accordance with Ordering Provision No. 2.d; and
- d. Within 180 days after the effective date of this Order, submit written certification that:
 - i. The amendment for NSR Permit Nos. 108113 and PSDTX1344M1 has been obtained or operations have ceased until authorization is obtained; and
 - ii. The amendment for PBR Registration No. 147082 has been obtained or operations have ceased until authorization is obtained;

Include detailed supporting documentation including photographs receipts, and/or other records to demonstrate compliance. 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. 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.
6. 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.
7. 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.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date
11/02/2025

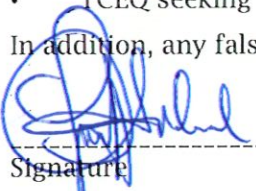
Date

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

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

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

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



Signature

8/15/25

Date

Michael Spitz

Name (Printed or typed)
Authorized Representative of
ArcelorMittal Texas HBI LLC f/k/a voestalpine Texas LLC

CEO

Title

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

Payment was mailed separately on 8/14/25.