

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1997-AIR-E **TCEQ ID:** RN100238682 **CASE NO.:** 38828
RESPONDENT NAME: Ascend Performance Materials, LLC

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Ascend Performance Materials Chocolate Bayou Plant, located eight miles south of the Highway 35 and Farm-to-Market 2917 intersection on Farm-to-Market 2917, Alvin, Brazoria County</p> <p>TYPE OF OPERATION: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are five additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1331-AIR-E, 2010-0088-AIR-E, 2010-1325-AIR-E, 2010-1828-AIR-E, and 2011-0222-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 25, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, Air Enforcement Section, MC 149, (512) 239-6634; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Paul Cartlidge, Plant Manager, Ascend Performance Materials, LLC, P.O. Box 711, Alvin, Texas 77512-0711 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigations Relating to this Case: August 31, 2009, November 18, 2009, January 10, 2010, and April 16, 2010</p> <p>Date of NOV/NOE Relating to this Case: November 23, 2009, April 7, 2010, and May 16, 2010 (NOEs)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,044 pounds ("lbs") of unauthorized volatile organic compound ("VOC") emissions, 3,439 lbs of which were highly reactive VOCs, 22 lbs of unauthorized hydrogen cyanide emissions, and 15,280 lbs of unauthorized carbon monoxide emissions from Emission Point Number 70Z404 during the two hour and 48 minute event (Incident No. 126994). The event occurred when a valve positioner on the Acrylonitrile 7 Unit Absorber Off-Gas Vent malfunctioned. Since the emissions event was not reported properly and could have been avoided by better maintenance and/or operational practices, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.15(b)(2)(F) and (c), and 115.722(c)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit Nos. 38336, PSD-TX-910, and N-011, Special Conditions ("SC") No. 1].</p> <p>2) Failed to properly report the July 19, 2009 emissions event. Specifically, the Respondent did not provide the permit number in the final report governing</p>	<p>Total Assessed: \$65,564</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$32,782</p> <p>Total Paid to General Revenue: \$32,782</p> <p>Compliance History Classification: Person/CN – Average Site/RN – Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: This is a Findings Order because the Respondent had three previous repeat violations of semi-annual deviation reporting requirements and exposure to pollutants above protective levels due to an excessive emissions event.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent acquired the Plant on June 1, 2009. The Executive Director also recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) On November 17, 2009, a renewal was issued for FOP No. O-02325 that includes NEW Permit No. 48895;</p> <p>b) On May 12, 2010, authorization to operate the ECU Boiler was included in an amendment to NSR permit No. 48895;</p> <p>c) On May 14, 2010, all required actions identified in the approved Corrective Action Plan were completed in order to address the excessive emissions event that occurred on September 23, 2009 from the Acrylonitrile 7 Unit and Acrylonitrile 2 Unit (Incident No. 129824); and</p> <p>d) By October 7, 2010, the Respondent implemented procedures to ensure emissions events are reported properly and all affected personnel were properly trained in reporting requirements.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Develop and implement improvements to training, design, operation, or maintenance procedures, in order to address the emissions event that occurred on July 19, 2009 from the Acrylonitrile 7 Unit in order to prevent the reoccurrence of same or similar incidents as Incident No.</p>

<p>the facilities involved in the emissions event (Incident No. 126994) [30 TEX. ADMIN. CODE §101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to submit a complete and accurate semi-annual deviation report for the December 1, 2008 through May 31, 2009 reporting period. Specifically, deviations were documented in an investigation conducted November 18, 2009 that were not reported [30 TEX. ADMIN. CODE § 122.143(4) and § 122.145(2)(A), Federal Operating Permit ("FOP") No. O-02325 General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to obtain proper authorization to operate a previously grandfathered emissions source. Specifically, the ECU Boiler (Emission Point No. 350H1-1) was being operated prior to obtaining the proper authorization [30 TEX. ADMIN. CODE §§ 116.110(a) and 116.770(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].</p> <p>5) Failed to timely incorporate NSR Permit No. 48895 into FOP Number O-02325. Specifically, NSR Permit No. 48895 was under the jurisdiction of FOP No. O-02325 as of July 23, 2008, but was not incorporated into the FOP until renewal on November 17, 2009 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.210(a), FOP No. O-02325 Special Terms and Conditions No. 19(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 129824) that began on September 23, 2009, the Respondent failed to prevent a loss of power, causing the unauthorized release of 4,865.02 lbs of acrylonitrile and 1,489.24 lbs of hydrogen cyanide from the Acrylonitrile 7 Unit and Acrylonitrile 2 Unit over a five hour and fifty-three minute period. This event was determined to be an excessive emissions event [30 Tex. Admin. Code §§ 116.115(c) and 101.20(3), New Source Review Permit Nos. 18251 and N-011 Special Conditions No. 1, New Source Review Permit Nos. 38336, PSD-TX-910, and N-011 SC No. 1, and Tex. Health & Safety Code § 382.085(b)].</p>		<p>126994;</p> <p>ii. Implement procedures designed to ensure semi-annual deviation reports are complete, accurate, and submitted within 30 days after the end of each reporting period; and</p> <p>iii. Develop and implement improvements to training, design, operations, or maintenance procedures, in order to address the emissions event that occurred on February 15, 2010 from the Acrylonitrile 2 Unit in order to prevent the reoccurrence of same or similar incidents as Incident No. 135872.</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions a.i. through a.iii.; and</p> <p>c) Submit required written certifications and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>
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<p>7) Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 135872) on February 15, 2010, the Respondent failed to fully isolate the South Bottoms Filter resulting in the unauthorized release of 718 pounds of acrylonitrile on the Acrylonitrile 2 Unit Product Purification Column pad area over a nine minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b) [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit Nos. 18251 and N-11 Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): BLo038U

Attachment A
Docket Number: 2009-1997-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Ascend Performance Materials, LLC

Penalty Amount: Sixty-Five Thousand Five Hundred Sixty-Four Dollars (\$65,564)

SEP Offset Amount: Thirty-Two Thousand Seven Hundred Eighty-Two Dollars (\$32,782)

Type of SEP: Pre-approved

Third-Party Recipient: Brazoria County – *Brazoria County Vehicle and Equipment Program*

Location of SEP: Brazoria County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be used by **Brazoria County** for the *Brazoria County Vehicle and Equipment Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP Funds to: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. *SEP Funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.*

Retirement of Vehicles. The Third-Party Recipient shall submit proof that any purchase of new vehicles or equipment using SEP Funds meets current EPA low-emission standards. The Third-Party Recipient shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be

destroyed. The Third-Party Recipient shall submit proof of registration, decommissioning, and scrapping by an authorized vehicle dismantler for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, The Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below. The Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

b. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NO_x), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

Ascend Performance Materials, LLC
Agreed Order - Attachment A

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Brazoria County Parks Department
313 W. Mulberry
Angleton, Texas 77155

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	30-Nov-2009		
	PCW	6-Jan-2010	Screening	9-Dec-2009
			EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	Ascend Performance Materials, LLC (PCW 1)		
Reg. Ent. Ref. No.	RN100288682		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38828	No. of Violations	2
Docket No.	2009-1997-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$5,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	189.0% Enhancement	<i>Subtotals 2, 3, & 7</i> \$9,639

Notes: Enhancement for 17 same/similar NOV's, 19 dissimilar NOV's, and four orders with denial of liability. Reduction for six Notices of Intent and four Disclosures of Violations.

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

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$0
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
Total EB Amounts	\$63	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$1,750		

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$14,739
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			

Notes

Final Penalty Amount \$14,739

STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$10,289
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DEFERRAL	0.0% Reduction	<i>Adjustment</i>	\$0
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$10,289
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Screening Date 9-Dec-2009

Docket No. 2009-1997-AIR-E

PCW

Respondent Ascend Performance Materials, LLC (PCW 1)

Policy Revision 2 (September 2002)

Case ID No. 38828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	17	85%
	Other written NOVs	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	4	-8%
<i>Please Enter Yes or No</i>			
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) 189%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 17 same/similar NOVs, 19 dissimilar NOVs, and four orders with denial of liability.
Reduction for six Notices of Intent and four Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 189%

Screening Date 9-Dec-2009	Docket No. 2009-1997-AIR-E	PCW
Respondent Ascend Performance Materials, LLC (PCW 1)	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 38828	<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN100238682		
Media [Statute] Air		
Enf. Coordinator James Nolan		
Violation Number 1		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 115.722(c)(2), Tex. Health & Safety Code § 382.085(b), and New Source Review Permit Nos. 38336, PSD-TX-910, and N-011, Special Conditions No. 1	
Violation Description	Failed to prevent unauthorized emissions during an event that occurred on July 19, 2009, as documented during an investigation conducted on August 31, 2009. Specifically, the Respondent released 12,044 pounds ("lbs") of unauthorized volatile organic compound emissions, 3,439 lbs of which were highly reactive volatile organic compounds, 22 lbs of unauthorized hydrogen cyanide emissions, and 15,280 lbs of unauthorized carbon monoxide emissions from Emission Point Number 70Z404 during the two hour and 48 minute event (Incident No. 126994). The event occurred when a valve positioner on the Acrylonitrile 7 Unit Absorber Off-Gas Vent malfunctioned. Since the emissions event was not reported properly and could have been avoided by better maintenance and/or operational practices, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.	
Base Penalty	\$10,000	
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm
	Actual	Major Moderate Minor
	Potential	Percent
	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Moderate <input type="checkbox"/> Minor	<input type="text" value="50%"/>
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="checkbox"/> Major <input type="checkbox"/> Moderate <input type="checkbox"/> Minor	Percent <input type="text" value="0%"/>
Matrix Notes	The emissions event resulted in the release of a significant amount of pollutants which did not exceed levels protective of human health and/or the environment.	
Adjustment	\$5,000	
\$5,000		
Violation Events		
Number of Violation Events	<input type="text" value="1"/>	Number of violation days
	<input type="text" value="1"/>	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>
Violation Base Penalty	\$5,000	
One monthly event is recommended based on the July 19, 2009 event.		
Good Faith Efforts to Comply		
	0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal	\$5,000	
Economic Benefit (EB) for this violation		
Estimated EB Amount	<input type="text" value="\$69"/>	Statutory Limit Test
		Violation Final Penalty Total
		<input type="text" value="\$14,450"/>
This violation Final Assessed Penalty (adjusted for limits)		
<input type="text" value="\$10,000"/>		

Economic Benefit Worksheet

Respondent: Ascend Performance Materials, LLC (PCW 1)
Case ID No.: 38828
Reg. Ent. Reference No.: RN100238682
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	19-Jul-2009	18-Sep-2011	2.17	\$163	n/a	\$163

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper operation and maintenance practices are followed. Date Required is based on the date of the emissions event and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$163

Screening Date: 9-Dec-2009

Docket No.: 2009-1997-AIR-E

PCW

Respondent: Ascend Performance Materials, LLC (PCW 1)

Policy Revision 2 (September 2002)

Case ID No.: 38828

PCW Revision October 30, 2009

Reg. Ent. Reference No.: RN100238682

Media [Statute]: Air

Enf. Coordinator: James Nolan

Violation Number: 2

Rule Cite(s)

30 Tex. Admin. Code § 101.201(b)(1)(H) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to properly report the July 19, 2009 emissions event, as documented during an investigation conducted on August 31, 2009. Specifically, the Respondent did not provide the permit number in the final report governing the facilities involved in the emissions event (Incident No. 126994).

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent: 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent: 1%

Matrix Notes

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

Adjustment: \$9,900

\$100

Violation Events

Number of Violation Events: 1

Number of violation days: 101

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$100

One single event is recommended based on the failure to provide a permit number in a final report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal: \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$15

Violation Final Penalty Total: \$289

This violation Final Assessed Penalty (adjusted for limits): \$289

Economic Benefit Worksheet

Respondent: Ascend Performance Materials, LLC (PCW 1)
Case ID No.: 38828
Reg. Ent. Reference No.: RN100238682
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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	\$250	2-Aug-2009	7-Oct-2010	1.18	\$15	n/a	\$15
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper reporting procedures are followed. Date Required is based on the date the notification was due and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$15

Compliance History Report (PCW 1)

Customer/Respondent/Owner-Operator:	CN603482811 Ascend Performance Materials, LLC	Classification: AVERAGE	Rating: 4.05
Regulated Entity:	RN100238682 ASCEND PERFORMANCE MATERIALS CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 4.05

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0038U
	AIR OPERATING PERMITS	PERMIT	1258
	AIR OPERATING PERMITS	PERMIT	2317
	AIR OPERATING PERMITS	PERMIT	2318
	AIR OPERATING PERMITS	PERMIT	2319
	AIR OPERATING PERMITS	PERMIT	2320
	AIR OPERATING PERMITS	PERMIT	2321
	AIR OPERATING PERMITS	PERMIT	2322
	AIR OPERATING PERMITS	PERMIT	2323
	AIR OPERATING PERMITS	PERMIT	2324
	AIR OPERATING PERMITS	PERMIT	2325
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
	WASTEWATER	PERMIT	WQ0000001000
	WASTEWATER	PERMIT	TPDES0003875
	WASTEWATER	PERMIT	TX0003875
	AIR NEW SOURCE PERMITS	PERMIT	2271
	AIR NEW SOURCE PERMITS	PERMIT	3046
	AIR NEW SOURCE PERMITS	PERMIT	5084
	AIR NEW SOURCE PERMITS	PERMIT	6534
	AIR NEW SOURCE PERMITS	PERMIT	8372
	AIR NEW SOURCE PERMITS	PERMIT	18251
	AIR NEW SOURCE PERMITS	PERMIT	28694
	AIR NEW SOURCE PERMITS	PERMIT	32151
	AIR NEW SOURCE PERMITS	PERMIT	34029
	AIR NEW SOURCE PERMITS	PERMIT	38336
	AIR NEW SOURCE PERMITS	PERMIT	38998
	AIR NEW SOURCE PERMITS	PERMIT	39171
	AIR NEW SOURCE PERMITS	PERMIT	39643
	AIR NEW SOURCE PERMITS	PERMIT	48895
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0038U
	AIR NEW SOURCE PERMITS	REGISTRATION	76211
	AIR NEW SOURCE PERMITS	AFS NUM	4803900009
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX307A
	AIR NEW SOURCE PERMITS	REGISTRATION	71063

AIR NEW SOURCE PERMITS	EPA ID	PSDTX910
AIR NEW SOURCE PERMITS	REGISTRATION	72689
AIR NEW SOURCE PERMITS	REGISTRATION	72545
AIR NEW SOURCE PERMITS	REGISTRATION	74040
AIR NEW SOURCE PERMITS	REGISTRATION	73707
AIR NEW SOURCE PERMITS	REGISTRATION	74788
AIR NEW SOURCE PERMITS	REGISTRATION	75318
AIR NEW SOURCE PERMITS	REGISTRATION	77064
AIR NEW SOURCE PERMITS	REGISTRATION	77079
AIR NEW SOURCE PERMITS	REGISTRATION	78148
AIR NEW SOURCE PERMITS	REGISTRATION	78728
AIR NEW SOURCE PERMITS	REGISTRATION	80379
AIR NEW SOURCE PERMITS	REGISTRATION	80616
AIR NEW SOURCE PERMITS	REGISTRATION	83875
AIR NEW SOURCE PERMITS	PERMIT	N011
AIR NEW SOURCE PERMITS	REGISTRATION	83109
AIR NEW SOURCE PERMITS	REGISTRATION	89881
AIR NEW SOURCE PERMITS	REGISTRATION	91314
RADIOACTIVE WASTE DISPOSAL	LICENSE	RW0219
UNDERGROUND INJECTION CONTROL	PERMIT	WDW013
UNDERGROUND INJECTION CONTROL	PERMIT	WDW224
UNDERGROUND INJECTION CONTROL	PERMIT	WDW318
UNDERGROUND INJECTION CONTROL	PERMIT	WDW326
UNDERGROUND INJECTION CONTROL	PERMIT	WDW359
UNDERGROUND INJECTION CONTROL	PERMIT	WDW002
UNDERGROUND INJECTION CONTROL	PERMIT	WDW001
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD001700806
PROCESSING		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30138
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD001700806
STORMWATER	PERMIT	TXR05Y499
WATER LICENSING	LICENSE	0200049
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50189
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30138
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50189
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50189

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50189
STORAGE

AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0038U

Location: Eight miles south of the Highway 35 and Farm-to-Market Road 2917 intersection on Farm-to-Market Road 2917 in Alvin, Brazoria County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 01, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 01, 2004 to December 01, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Kirk Schoppe Phone: 239 - 0489

Site Compliance History Components

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
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 02/20/2006 ADMINORDER 2005-0555-AIR-E
N/A
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit #39171, SC#4 PA
Description: Equistar failed to close the automatic inlet valve to the incinerator.

Effective Date: 11/19/2007 ADMINORDER 2005-0166-AIR-E
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to report the November 17, 2004 emissions event within 24 hours after its discovery. Specifically, the emissions event that was discovered on November 17, 2004 was not reported until December 22, 2004 as documented during an investigation conducted from April 22, 2005 to May 2, 2005.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 18251, SC#4 PA
Description: Failure to comply with permitted emissions limit during an emissions event on November 17,

2004.

Classification: Moderate

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

Rqmt Prov: O-02317, ST&C 3A(iii) OP

Description: Failure to maintain records documenting quarterly opacity observations of tank 55T12 and scrubber 55K1, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the NTA Unit.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records documenting the VOC concentration of the exhaust gas associated with 578T5 in order to demonstrate proper function of the carbon canister control equipment, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR 2271, GC 8 PERMIT

Description: Failure to comply with the permitted short-term ammonia emissions limits for scrubber 55K1, as reported in a deviation report for the period of December 1, 2004 through May 31, 2005 for the NTA unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 2271, GC 1 PERMIT

Description: Failure to comply with the permit representations relating to annual HTMA production, annual ammonia usage, and annual ammonia production, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the NTA unit.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to include the following emission units in the Title V application: 55S101, 55S102, 55S103, and 55S104.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization for the carbon absorption system on wastewater tank 57T5 prior to installation, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition No. 1 OP

Description: Failure to operate residue strip tank 57T34 on June 12 and 28, 2004 and August 16, 2004 within temperature ranges specified in the permit application, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition No. 8 OP

Description: Failure to include all gas streams going to vent condenser 57E22 from exceeding rolling annual permitted emissions limits, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18251 and N-011, SC No. 4 PA

Description: Failure to prevent unauthorized emissions during an October 9, 2005 emissions event.

Effective Date: 01/28/2008

ADMINORDER 2006-1599-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during a January 11, 2004 emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 18251, SC No. 4 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 15, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251 PA

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 1, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 2, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Solutia failed to submit an emissions event report within 24 hours after discovery of the event, Incident No. 68042. Specifically, the emissions event was discovered on November 12, 2005 at 0944, but was not reported until November 15, 2005 at 1441.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 18251, Special Condition No. 4 PERMIT

Description: Solutia failed to prevent unauthorized emissions during an emissions event, Incident 68043, that occurred on November 12, 2005 and lasted 1 hour and 25 minutes.

Effective Date: 05/18/2009

ADMINORDER 2008-0062-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02319 General Terms and Conditions OP

Description: Failed to submit the Annual Compliance Certification for the period of beginning November 29, 2004 through November 28, 2005, with the required certification language. In addition, Solutia failed to identify this deficiency in the semi-annual deviation report for the time period of November 28, 2005 through May 28, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 98.7 pounds ("lbs") of hydrogen cyanide, 357.4 lbs of acrylonitrile, and 5 lbs of acrolein were released when Solutia failed to open the manual block valve during crossover of Acrylonitrile Unit 3 off gas to the Acrylonitrile Unit 2 Waste Heat Boiler resulting in the over pressure of the system, causing an emissions event which began on August 5, 2007, and lasted for five minutes (Incident No. 95610)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification within 24 hours of discovery of an emissions event that started on August 5, 2007. Specifically, the incident started and ended on August 5, 2007, but the initial notification was not submitted until August 8, 2007.

Classification: Moderate

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

Rqmt Prov: SPECIAL CONDITION 4 OP

Description: Failed to comply with a permit limit of 4.50 pounds per hour ("lbs/hr") for NOx emissions from the AN-7 Process Air Startup Heater ("70H101-1"). Specifically, it was determined that NOx emissions from 70H101-1 were 5.39 lbs/hr.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8000
5C THSC Chapter 382 382.085(b)

Description: Failed to test for compliance with the carbon monoxide ("CO") emission limits for 70H101-1 during the reference method stack test conducted on February 19, 2007.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on September 26, 2007. Specifically, approximately 189 lbs of acrylonitrile ("AN"), 308 lbs of hydrogen cyanide ("HCN"), and 258 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the 36 minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on October 30, 2007. Specifically, approximately 99 lbs of acrylonitrile ("AN"), 210 lbs of hydrogen cyanide ("HCN"), and 535 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the one hour and nine minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions on November 26, 2007 when the secondary pump, Pump 350P1-3 failed to start automatically when the primary boiler feed water pump, Pump 350P1-2 failed. Specifically, during the emissions event which lasted five minutes, the total unauthorized emissions were 355.59 lbs of VOCs and 50.54 lbs of hydrogen cyanide.

Classification: Major

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

Rqmt Prov: Permit 6534, Special Condition 1 PERMIT

Description: Failed to comply with the combined maximum allowable emission rate ("MAER") for NOx for seven Linear Alkyl Benzene ("LAB") Unit heaters during stack testing conducted on February 27-28, 2007 and March 1-2 and 14, 2007. Specifically, the combined NOx MAER for Heaters 50H1-1, 50H1-2, 50H1-3, 50H3, 51H1, 51H5 and 51H6 is 18.0 lbs/hr. During testing, the actual combined rate was 21.85 lbs/hr.

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: TCEQ Permit 38336 Special Condition 4 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a reference method

stack test conducted on March 28, 2008, it was determined that NOx and CO emissions from the AN-7 Process Air Startup Heater, EPN 70H101-2 were 8.62 lbs/hr and 13.47 lbs/hr respectively. The emission limits for this EPN are 4.50 lbs/hr for NOx and 6.0 lbs/hr for CO.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No.4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 2, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for 37 minutes and resulted in the release of 166 lbs of propylene. The emission limits for the EPN are 4.01 lbs/hr for VOC.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emission event occurred on February 29, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for one hour and 43 minutes and resulted in the release of 15.20 lbs of hydrogen cyanide ("HCN") and 526.80 lbs of propylene. The emission limits for this EPN are 1.26 lbs/hr for HCN and 4.01 lbs/hr for VOC.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 27, 2008 due to a loss of air flow from operator error at EPN 30H5, which lasted for one hour and 51 minutes and resulted in the release of 4,057 lbs of VOC, 4,714 lbs of CO and 61 lbs of hydrogen cyanide ("HCN"). The emission limits for this EPN are 3.57 lbs/hr for VOC, 31 lbs/hr for CO and 1.28 lbs/hr for HCN.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report an emissions event. Specifically, the final report for the March 27, 2008 emissions event did not contain the authorized limits for several pollutants that were involved in the event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

	1	12/10/2004	(260541)
N/A	2	12/10/2004	(263070)
	3	12/10/2004	(263071)
	4	12/13/2004	(262649)
	5	12/14/2004	(343284)
	6	12/14/2004	(343317)
	7	12/15/2004	(351916)
	8	12/16/2004	(336194)
	9	12/17/2004	(344033)
	10	12/20/2004	(335252)
	11	12/20/2004	(338265)
	12	12/20/2004	(338296)
	13	12/22/2004	(381756)
	14	12/23/2004	(336768)
	15	12/28/2004	(344974)
	16	12/30/2004	(343622)
	17	12/30/2004	(345394)
	18	01/03/2005	(343620)
	19	01/03/2005	(343624)
	20	02/14/2005	(348976)

21 02/14/2005 (349294)
22 02/21/2005 (349363)
23 02/22/2005 (381755)
24 02/24/2005 (349397)
25 02/28/2005 (347701)
26 03/24/2005 (419586)
27 04/04/2005 (349690)
28 04/08/2005 (376952)
29 04/18/2005 (419587)
30 04/19/2005 (376908)
31 05/11/2005 (348724)
32 05/16/2005 (380841)
33 05/23/2005 (419588)

34 05/31/2005 (374702)
35 05/31/2005 (379380)
36 05/31/2005 (379386)
37 06/08/2005 (348652)
38 06/23/2005 (419589)
39 07/19/2005 (440731)
40 07/21/2005 (398102)
41 08/16/2005 (440732)
42 08/19/2005 (404318)
43 08/24/2005 (349399)
44 08/24/2005 (377022)
45 08/25/2005 (401920)
46 08/29/2005 (401919)
47 08/30/2005 (401906)
48 09/01/2005 (401916)
49 09/19/2005 (440733)
50 10/04/2005 (379884)
51 10/11/2005 (399217)
52 10/24/2005 (468248)
53 11/28/2005 (468249)
54 12/20/2005 (468250)
55 12/30/2005 (434386)
56 01/09/2006 (439878)
57 01/23/2006 (468251)
58 01/30/2006 (438969)
59 02/16/2006 (405519)
60 02/21/2006 (438633)
61 03/03/2006 (457603)
62 03/20/2006 (498075)
63 04/19/2006 (451614)
64 04/24/2006 (498076)
65 04/30/2006 (468247)
66 05/12/2006 (464820)
67 05/12/2006 (464822)
68 05/12/2006 (464824)
69 05/12/2006 (464827)
70 05/12/2006 (464828)
71 05/16/2006 (457449)
72 05/17/2006 (458668)
73 05/18/2006 (449724)
74 05/18/2006 (451024)
75 05/22/2006 (498077)
76 05/31/2006 (466924)
77 05/31/2006 (466929)
78 05/31/2006 (466931)

79	05/31/2006	(466932)
80	06/05/2006	(463415)
81	06/21/2006	(467669)
82	06/21/2006	(480974)
83	06/23/2006	(498078)
84	06/29/2006	(466692)
85	06/29/2006	(482575)
86	06/29/2006	(482600)
87	07/10/2006	(464446)
88	07/20/2006	(467521)
89	07/25/2006	(485504)
90	07/26/2006	(520095)
91	08/17/2006	(497124)
92	08/21/2006	(520096)
93	08/23/2006	(486778)
94	08/31/2006	(480128)
95	09/15/2006	(511153)
96	09/21/2006	(520097)
97	10/23/2006	(544349)
98	10/27/2006	(516020)
99	10/27/2006	(516053)
100	11/08/2006	(518116)
101	11/29/2006	(531921)
102	11/29/2006	(532004)
103	11/29/2006	(544350)
104	12/07/2006	(532264)
105	12/08/2006	(531936)
106	12/11/2006	(518235)
107	12/11/2006	(518239)
108	12/27/2006	(544351)
109	01/11/2007	(532283)
110	01/18/2007	(535916)
111	01/18/2007	(536107)
112	01/22/2007	(544352)
113	01/23/2007	(536763)
114	01/30/2007	(536987)
115	01/30/2007	(536993)
116	02/16/2007	(512464)
117	02/16/2007	(539392)
118	02/16/2007	(539394)
119	02/20/2007	(539401)
120	02/21/2007	(539360)
121	02/22/2007	(539395)
122	02/22/2007	(575043)
123	02/23/2007	(539396)
124	03/12/2007	(539397)
125	03/12/2007	(539398)
126	03/12/2007	(539403)
127	03/26/2007	(575044)
128	04/12/2007	(543359)
129	04/12/2007	(543389)
130	04/12/2007	(543393)
131	04/12/2007	(543396)
132	04/12/2007	(543411)
133	04/19/2007	(575045)
134	05/23/2007	(575046)
135	06/08/2007	(543508)
136	06/13/2007	(563309)

137	06/25/2007	(575047)
138	06/26/2007	(558363)
139	07/05/2007	(564044)
140	07/05/2007	(565543)
141	07/06/2007	(560348)
142	07/23/2007	(575048)
143	08/17/2007	(571113)
144	08/17/2007	(571116)
145	08/17/2007	(571117)
146	08/17/2007	(571120)
147	08/17/2007	(571122)
148	08/22/2007	(573057)
149	08/28/2007	(566965)
150	08/28/2007	(566968)
151	08/29/2007	(572199)
152	08/30/2007	(571497)
153	09/20/2007	(607508)
154	09/27/2007	(593895)
155	09/27/2007	(594475)
156	09/28/2007	(565072)
157	10/04/2007	(565781)
158	10/16/2007	(594030)
159	10/19/2007	(607509)
160	10/31/2007	(607507)
161	11/01/2007	(598289)
162	11/01/2007	(598293)
163	11/05/2007	(597652)
164	11/06/2007	(599382)
165	11/15/2007	(619438)
166	12/03/2007	(595635)
167	12/14/2007	(609886)
168	12/17/2007	(599351)
169	12/17/2007	(599355)
170	12/17/2007	(610670)
171	12/18/2007	(619439)
172	12/20/2007	(611710)
173	12/20/2007	(611714)
174	01/17/2008	(619440)
175	01/28/2008	(595602)
176	01/29/2008	(609295)
177	02/04/2008	(595610)
178	02/13/2008	(615839)
179	02/13/2008	(615859)
180	02/14/2008	(609298)
181	02/14/2008	(671945)
182	02/15/2008	(612072)
183	02/15/2008	(618125)
184	03/11/2008	(616438)
185	03/18/2008	(615838)
186	03/18/2008	(671946)
187	03/24/2008	(639874)
188	04/03/2008	(615836)
189	04/03/2008	(617714)
190	04/11/2008	(618763)
191	04/17/2008	(671947)
192	04/21/2008	(612070)
193	04/22/2008	(640492)
194	04/25/2008	(616540)

195 04/29/2008 (639697)
196 04/29/2008 (639703)
197 04/29/2008 (639707)
198 04/29/2008 (639708)
199 04/29/2008 (639711)
200 05/14/2008 (689865)
201 05/20/2008 (671627)
202 06/04/2008 (646671)
203 06/06/2008 (682013)
204 06/20/2008 (683391)
205 06/20/2008 (689866)
206 07/02/2008 (681880)
207 07/03/2008 (682028)
208 07/14/2008 (710637)
209 07/14/2008 (710641)
210 07/28/2008 (684301)

211 07/30/2008 (687438)
212 08/01/2008 (685339)
213 08/12/2008 (687925)
214 08/15/2008 (710638)
215 08/22/2008 (689052)
216 08/26/2008 (680027)
217 08/28/2008 (595601)
218 08/29/2008 (689053)
219 09/25/2008 (710639)
220 10/13/2008 (703732)
221 10/14/2008 (702982)
222 10/14/2008 (702989)
223 10/16/2008 (710640)
224 10/30/2008 (706840)
225 11/03/2008 (681757)
226 11/17/2008 (705402)
227 11/17/2008 (705404)
228 11/17/2008 (706687)
229 11/18/2008 (727417)
230 11/24/2008 (708102)
231 12/08/2008 (682431)
232 12/17/2008 (750168)
233 01/06/2009 (721518)
234 01/06/2009 (721523)
235 01/28/2009 (703392)
236 02/04/2009 (703385)
237 02/12/2009 (750164)
238 02/13/2009 (703393)
239 02/13/2009 (709611)
240 02/16/2009 (723984)
241 02/16/2009 (723985)
242 02/20/2009 (723296)
243 02/24/2009 (726852)
244 02/24/2009 (726862)
245 02/24/2009 (726865)
246 02/24/2009 (726874)
247 02/24/2009 (726880)
248 03/16/2009 (750165)
249 03/20/2009 (724849)
250 03/20/2009 (725378)
251 04/06/2009 (736212)
252 04/16/2009 (750166)

253 04/16/2009 (750167)
 254 05/15/2009 (768286)
 255 06/10/2009 (768287)
 256 06/23/2009 (759561)
 257 06/29/2009 (724359)
 258 07/31/2009 (761167)
 259 08/10/2009 (760734)
 260 08/11/2009 (762921)
 261 08/11/2009 (765164)
 262 08/31/2009 (767513)
 263 11/06/2009 (767538)
 264 11/23/2009 (776989)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/13/2004 (262649)
 N/A Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

TCEQ Air Permit No. 18251, SC #4 PA
 Description: Solutia failed to prevent moisture from entering the igniter unit on the flare.

Date: 12/20/2004 (335252) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Air Permit #18251, SC #1 PA

Description: Sterling Chemicals failed to prevent external corrosion on a pipeline.

Date: 12/31/2004 (351918) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

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

Date: 01/03/2005 (343620)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Air Permit No. 38336, SC #4 PA

Description: Solutia inadvertently sent steam through the drain line to the process sewer increasing the pressure in the process sewer tank.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: Failure to report an emissions event (Incident #45511) that occurred at the AN7 Unit in a timely manner.

Date: 02/14/2005 (348976)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Solutia failed to prevent a fire suppression discharge which resulted in a release of 145 pounds (lbs) of Halon 1301 (bromotrifluoromethane).

Date: 04/04/2005 (349690)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: The regulated entity failed to prevent a shutdown of the AN2 waste heat boiler due to the malfunction of the valve positioner.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Solutia, Inc., - Chocolate Bayou Plant failed to identify on the emissions event report the permit number authorization.

Date: 07/21/2005 (398102) CN603482811

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Permit #18251, SC #4 PERMIT

Description: Solutia failed to include the facility's authorization limit and number on the final report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Solutia failed to include the facility's authorization limit and number on the final report.

Date: 08/24/2005 (377022) CN603482811

Self Report? NO Classification: Moderate

Citation: 18251 SC 4 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Solutia failed to properly tighten a valve.

Date: 08/24/2005 (349399)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit No. 38998, SC#4 PA

Description: The regulated entity failed to prevent a leak in a propylene pump.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: failed to identify the permit number representing the propylene pump in the emissions event report.

Date: 09/30/2005 (468248) CN603482811

Self Report? YES Classification: Moderate

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

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

Date: 10/31/2005 (468249) CN603482811

Self Report? YES Classification: Moderate

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

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

Date: 02/16/2006 (405519) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to record quarterly opacity observation on Unit ID: 350H1-1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)(E)
Description: Solutia, Inc., failed to equipt Unit IDs:P-10 and P-13, with a Close-Vent system.

Date: 02/17/2006 (405519) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
O-02325 PERMIT

Description: Failure to comply with the requirements of 30 TEX. ADMIN. CODE Chapter

106.472(9).

Date: 03/02/2006 (457603)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(c)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
SC 2 PERMIT

Description: Failure to have a monitoring plan that indicates the monitoring parameter levels that constitute a leak from the heat exchangers into the water of cooling towers E379CT3, E379CT4, and 70382EG.

Self Report? NO Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Ordering Provision 3.a. ORDER

Description: Failure to comply with ordering provisions of the Commission Order Docket No. 2002-0174-AIR-E.

Date: 07/25/2006 (485504)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 18251, Special Condition 4 PERMIT

Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)

Description: Failure to maintain the AN2 Flare in good working order during facility operations.

Date: 07/31/2006 (520096) CN603482811
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (520097) CN603482811
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (480128) CN603482811
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain the tank throughputs for the acetic tank and water circulating tank as represented in the permit application dated February 29, 2000 for the TCEQ Permit no. 38336.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
38336, Special Condition 23.E PERMIT
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02324, Special Condition 18 OP
O-02324, Special Condition 1A OP

Description: Failure to install caps/plugs/flanges on eight open-ended lines in unit 70ANFUG.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

O-02324, Special Condition 1A OP
Description: Failure to conduct a first attempt at repair on 1 valve within five calendar days after a leak was detected in the AN 7 Unit.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
38336, Special Condition 12B PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02324, Special Condition 18 OP

Description: Failure to maintain three pilots on the flare 70Z522.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
38336, Special Condition 4 PERMIT
38336, Special Condition 8A PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02324, Special Condition 18 OP

Description: Failure to maintain the NOx emissions from the boiler 70Z401 within the permit limit in the AN7 Unit.

Date: 11/29/2006 (532004)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 38998, Special Condition 4 PERMIT
Description: Failure to prevent unauthorized emissions.

Date: 12/31/2006 (544352) CN603482811
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/16/2007 (512464) CN603482811
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02321, SC 12 OP
FOP O-02321, SC 1A OP
NSR 18251 SC 14E PA
NSR 18251, SC 12E PA
Description: Failure to cap 10 open-ended lines in HRVOC and HAP service.

Date: 02/21/2007 (539360)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)
PROVISION VII.D. PERMIT
Description: Violation of maximum injection flow rate.

Date: 08/31/2007 (607508) CN603482811
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/27/2007 (594475) CN603482811
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382, SubChapter D 382.085(b)
FOP No. 2324, Spec. Cond 18 OP
FOP No. 2324, Spec. Cond. 1A OP
NSR Permit No. 38336, Spec. Cond. 20E PERMIT

Description: Failure to seal four (4) open ended lines in VOC service during the compliance period.

Date: 10/31/2007 (619438) CN603482811
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/29/2008 (595602) CN603482811
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
O-01258, General Terms and Conditions OP
Description: Failure to submit the November 30, 2005 semi-annual deviation report within 30 days after the end of the reporting period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
O-01258, General Terms and Conditions OP
Description: Failure to submit a complete semi-annual report and annual compliance certification containing all terms and conditions of the permit for which compliance was not achieved.

Date: 03/31/2008 (671947) CN603482811
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/11/2008 (618763) CN603482811
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
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)
NSR 6534 Special Condition 18E PERMIT
O-02319 Special Condition 1A OP
O-02319 Special Condition 20 OP
Description: Failure to maintain open ended lines.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
5C THSC Chapter 382 382.085(b)
O-02319 Special Condition 1A OP
Description: Failure to perform annual benzene tank inspections.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)

NSR 6534 Special Condition 5 PERMIT
O-02319 Special Condition 1A OP

O-02319 Special Condition 20 OP
Description: Failure to maintain heating value of fuel gas.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
NSR 6534 Special Condition 9B PERMIT
O-02319 Special Condition 1A OP
O-02319 Special Condition 20 OP

Description: Failure to maintain flame on process flare 50Z2-C.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
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)
NSR 6534 Special Condition 10F PERMIT
NSR 6534 Special Condition 18F PERMIT
O-02319 Special Condition 1A OP
O-02319 Special Condition 20 OP

Description: Failure to monitor delay of repair components on a quarterly frequency.

Date: 04/30/2008 (689865) CN603482811
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2008 (689866) CN603482811
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/26/2008 (680027) CN603482811
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)
New Source Review Permit Num. 5084 SC 5 PERMIT
Special Term and Condition 4 OP
Description: Failure to maintain the six minute average and a temperature above 1465 degrees Fahrenheit on unit 55H2 (Incinerator) during the annual compliance certification period 4/30/2007 through 4/30/2008.

Date: 08/29/2008 (689053) CN603482811
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)
5C THSC Chapter 382 382.085(b)
O-02323 General Terms and Conditions OP
Description: Failure to submit the second semi-annual deviation report within the 30 day time frame.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
O-02323 General Terms and Conditions OP
Description: Failure to submit the PCC report for the certification period of December 1, 2007 through May 31, 2008 within the 30 day time frame.

Date: 11/03/2008 (681757) CN603482811
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 38336, Spec. Cond. 11 PERMIT
Spec. Cond. 18 OP

Description: Failure to maintain reactor rate hours on 70Z404 below permitted levels.
Self Report? NO Classification: Minor

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

Description: Failure to submit complete and accurate deviation report.

Date: 02/06/2009 (703385) CN603482811

Self Report? NO Classification: Minor

Citation: 2271, SC 5 PERMIT
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)
O-01258, SC 4 OP

Description: Failure to maintain water flow in Dryer Scrubber 55K1 at or above 65 gallons per minute.

Self Report? NO Classification: Moderate

Citation: 2271, GC 9 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01258, SC 4 OP

Description: Failure to collect all dust from the dust collector capture system during loading operation.

Date: 02/13/2009 (703393) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Special Condition 20 OP
Special Condition 9A PA

Description: Failure to maintain the minimum heating value for flare 50Z-2.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 20 OP

Description: Failure to maintain emissions below Maximum Allowable Emission Rate on flare 50Z2-C.

Self Report? NO Classification: Minor

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

Description: Failure to report all deviations for each 6-month period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Special Condition 20 OP
Special Condition 9B PA

Description: Failure to maintain a flame on process flare 50Z2-C.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 18I PERMIT
Special Condition 1A OP
Special Condition 20 OP
Description: Failure to repair valve 158963 within 15 days of leak discovery.

Date: 07/31/2009 (761167)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)
Provision II.A.7 PERMIT
Description: Facility did not have land disposal restriction documentation for waste stream 3013212H.

F. Environmental audits.

Disclosure Date: 01/07/2005

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)
30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 101, SubChapter F 101.201
30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)
30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.780
30 TAC Chapter 116, SubChapter B 116.116(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251
PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211
30 TAC Chapter 101, SubChapter F 101.222(c)
30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 01/21/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)

30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter H 115.780

30 TAC Chapter 116, SubChapter B 116.116(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251

PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211

30 TAC Chapter 101, SubChapter F 101.222(c)

30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 01/28/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a

release of RQ of hydrogen cyanide)
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201
Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201
Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.
Viol. Classification: Major
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)
30 TAC Chapter 116, SubChapter B 116.116(b)
Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)
Viol. Classification: Moderate
Citation:
30 TAC Chapter 101, SubChapter A 101.20(2)
Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter C 115.212
Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.780
30 TAC Chapter 116, SubChapter B 116.116(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160
Rqmt Prov: PERMIT 18251
PERMIT 38336
Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.211
30 TAC Chapter 101, SubChapter F 101.222(c)
30 TAC Chapter 116, SubChapter B 116.116(b)
Rqmt Prov: PERMIT NSR Permit No. 38336
Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)
Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213
Rqmt Prov: PERMIT 18251
Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213
Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348

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40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 06/30/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)

30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.780
30 TAC Chapter 116, SubChapter B 116.116(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251
PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211
30 TAC Chapter 101, SubChapter F 101.222(c)
30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
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40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 07/28/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)

30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter H 115.780

30 TAC Chapter 116, SubChapter B 116.116(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251

PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211
30 TAC Chapter 101, SubChapter F 101.222(c)
30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
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40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 12/19/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)
30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 101, SubChapter F 101.201
30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)
30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.780
30 TAC Chapter 116, SubChapter B 116.116(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251
PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211
30 TAC Chapter 101, SubChapter F 101.222(c)
30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213
Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213
Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
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40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHA.

01/03/2006
(453378)

Notice of Intent Date:

Disclosure Date: 03/30/2006

Viol. Classification: Moderate
Citation: 30-TAC Chapter 115, SubChapter H 115.722

Description: Failure to meet BTU and HRVOC calibration requirements for AN2/3 process flares.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.401

Description: Failure to submit ECT-3H, and highly-reactive volatile organic compound emissions cap and trade level of activity certification form to TCEQ by 4/30/05.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(4)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

Description: Failure to report Absorber Off Gas vents & Fugitives in HON units in HON NOCS.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11

Description: Failure to have HON stack performance test demonstrations for AN2/3 process flares 30Z7 (currently known and permitted as 30Z8) and 31Z4 (currently known and permitted as 31Z6).

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(b)
Description: Failure to add group 2 to TRE determinations to HON NOCS.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)
30 TAC Chapter 115, SubChapter B 115.126(4)
Description: Failure to provide exemption documentation to demonstrate option 1 or 2 for industrial waste water rules for 30D1, 30D4, 30D8, 31D1, 31D4. Failure to maintain Regulation V vent gas exemption documentation on for 30 HIC, 31 HIC, 30D2, and 31D2.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
Description: Failure to complete to make repairs for fugitive first attempts and open ended lines.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119
Description: Failure to have tank controls for tanks 30T15, 30T14, and 31T7.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
Description: Failure to maintain records of HON SSM, group 1 sources, maintenance wastewater and process wastewater in AN2/3 unit prior to 2006.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213
Description: Failure to conduct NOx RACT stack tests for Air Startup Heaters.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116
Rqmt Prov: PERMIT 18251
Description: Failure to maintain accurate permit representations for miscellaneous process impurities.

Viol. Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.121
Description: Failure to update Title V permit to include various sources and rules, HW MACT, HON Tank Vents, Regulation V tanks and vent gas rules.
Disclosure Date: 06/28/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722
Description: Failure to meet BTU and HRVOC calibration requirements for AN2/3 process flares.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.401
Description: Failure to submit ECT-3H, and highly-reactive volatile organic compound emissions cap and trade level of activity certification form to TCEQ by 4/30/05.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(4)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)
Description: Failure to report Absorber Off Gas vents & Fugitives in HON units in HON NOCS.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11
Description: Failure to have HON stack performance test demonstrations for AN2/3 process flares 30Z7 (currently known and permitted as 30Z8) and 31Z4 (currently known and permitted as 31Z6).

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(b)
Description: Failure to add group 2 to TRE determinations to HON NOCS.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)
30 TAC Chapter 115, SubChapter B 115.126(4)
Description: Failure to provide exemption documentation to demonstrate option 1 or 2 for industrial waste water rules for 30D1, 30D4, 30D8, 31D1, 31D4. Failure to maintain Regulation V vent gas exemption documentation on for 30 HIC, 31 HIC, 30D2, and 31D2.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
Description: Failure to complete to make repairs for fugitive first attempts and open ended lines.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119

Description: Failure to have tank controls for tanks 30T15, 30T14, and 31T7.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

Description: Failure to maintain records of HON SSM, group 1 sources, maintenance wastewater and process wastewater in AN2/3 unit prior to 2006.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Description: Failure to conduct NOx RACT stack tests for Air Startup Heaters.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116

Rqmt Prov: PERMIT 18251

Description: Failure to maintain accurate permit representations for miscellaneous process impurities.

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to update Title V permit to include various sources and rules, HW MACT, HON Tank Vents, Regulation V tanks and vent gas rules.

04/07/2006

(462917)

Notice of Intent Date:

Disclosure Date: 11/14/2006

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)(3)

30 TAC Chapter 122, SubChapter B 122.142

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

Description: Failure to submit written notification to the regional office or local pollution control office for 57T5 wastewater streams subject to 115 rules. Failure to include 57T5 tank and applicable requirements in NOCS and accurately represent in the Title V permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)(1)

Description: Failure to consider all unit 57T5 VOC's in streams as HAP's.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

Description: Failure to represent ch. 115, Subchapter B, Division 2 Vent Gas Controls that applies to 57T5 in the NOCS or Title V Permit, and amend the Title V permit to reflect that Tanks 57T5, 57T6, and 57T10 are surge control storage vessels that are exempt from permit requirements due to capacity.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116

30 TAC Chapter 122, SubChapter B 122.142

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

Description: Failure to include or accurately represent Tank Nos. 57T3, 57T6, 57T5, 57T10, 57T1, 57T11, 57T35, 57T32, 57R1-1 and 57R1-2 in the NOCS and the Title V and NSR permits.

05/25/2006

(481532)

Notice of Intent Date:

Disclosure Date: 11/14/2006

Viol. Classification: Minor

Rqmt Prov: PERMIT 32151, SC 8A

Description: Failure to notify the regional office 45 days prior to schedule stack sampling for scrubber 83S14 and 83S6.

04/23/2007

(559025)

Notice of Intent Date:

No DOV Associated

01/31/2008

(641816)

Notice of Intent Date:

No DOV Associated

07/07/2009

(762800)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

DATES	Assigned	12-Apr-2010	Screening	22-Apr-2010	EPA Due	3-Jan-2011
	PCW	14-Jan-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ascend Performance Materials, LLC (PCW 2)
Reg. Ent. Ref. No.	RN100238682
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38828	No. of Violations	1
Docket No.	2009-1997-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$10,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	156.0% Enhancement	<i>Subtotals 2, 3, & 7</i> \$15,600
Notes	Enhancement for eight same/similar NOVs, 24 dissimilar NOVs, and four orders with denial of liability; Reduction for six Notices of Intent and three Disclosures of Violations.	
Culpability	No 0.0% Enhancement	<i>Subtotal 4</i> \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		<i>Subtotal 5</i> \$0
Economic Benefit	0.0% Enhancement	<i>Subtotal 6</i> \$0
Total EB Amounts	\$192	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$4,000	
SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$25,600
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i> \$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	<i>Final Penalty Amount</i>	\$25,600
STATUTORY LIMIT ADJUSTMENT		<i>Final Assessed Penalty</i> \$10,000
DEFERRAL	0.0% Reduction	<i>Adjustment</i> \$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	No deferral is recommended for Findings Orders.	
PAYABLE PENALTY		\$10,000

Screening Date 22-Apr-2010

Docket No. 2009-1997-AIR-E

PCW

Respondent Ascend Performance Materials, LLC (PCW 2)

Policy Revision 2 (September 2002)

Case ID No. 38828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	8	40%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	3	-6%
<i>Please Enter Yes or No</i>			
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) 156%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for eight same/similar NOVs, 24 dissimilar NOVs, and four orders with denial of liability.
Reduction for six Notices of Intent and three Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 156%

Screening Date 22-Apr-2010

Docket No. 2009-1997-AIR-E

PCW

Respondent Ascend Performance Materials, LLC (PCW 2)

Policy Revision 2 (September 2002)

Case ID No. 38828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 101.20(3); New Source Review Permit Nos. 18251 and N-011 Special Conditions No. 1; New Source Review Permit Nos. 38336, PSD TX-910, and N-011 Special Conditions No. 1; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 129824) that began on September 23, 2009, the Respondent failed to prevent a loss of power, causing the unauthorized release of 4,865.02 pounds ("lbs") of acrylonitrile and 1,489.24 lbs of hydrogen cyanide from the Acrylonitrile 7 Unit and Acrylonitrile 2 Unit over a five hour and fifty-three minute period. This event was determined to be an excessive emissions event.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	5/14/2010	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$64

Violation Final Penalty Total \$25,600

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: Ascend Performance Materials, LLC (PCW 2)
Case ID No.: 38828
Reg. Ent. Reference No.: RN100238682
Media: Air
Violation No.: 1

Percent Interest:	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

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)	\$2,000	23-Sep-2009	14-May-2010	0.64	\$64	n/a	\$64
Notes for DELAYED costs: Estimated costs to modify policies and procedures to prevent a recurrence of similar emissions events. The date required is the date of the emissions event, and the final date is the date of compliance.							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs:							

Approx. Cost of Compliance	\$2,000	TOTAL	\$64
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Compliance History Report (PCW 2)

Customer/Respondent/Owner-Operator:	CN603482811	Ascend Performance Materials, LLC	Classification: AVERAGE	Rating: 4.94
Regulated Entity:	RN100238682	ASCEND PERFORMANCE MATERIALS CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 4.94

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0038U
	AIR OPERATING PERMITS	PERMIT	1258
	AIR OPERATING PERMITS	PERMIT	2317
	AIR OPERATING PERMITS	PERMIT	2318
	AIR OPERATING PERMITS	PERMIT	2319
	AIR OPERATING PERMITS	PERMIT	2320
	AIR OPERATING PERMITS	PERMIT	2321
	AIR OPERATING PERMITS	PERMIT	2322
	AIR OPERATING PERMITS	PERMIT	2323
	AIR OPERATING PERMITS	PERMIT	2324
	AIR OPERATING PERMITS	PERMIT	2325
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
	WASTEWATER	PERMIT	WQ0000001000
	WASTEWATER	PERMIT	TPDES0003875
	WASTEWATER	PERMIT	TX0003875
	AIR NEW SOURCE PERMITS	REGISTRATION	92085
	AIR NEW SOURCE PERMITS	REGISTRATION	92480
	AIR NEW SOURCE PERMITS	REGISTRATION	92173
	AIR NEW SOURCE PERMITS	PERMIT	2271
	AIR NEW SOURCE PERMITS	PERMIT	3046
	AIR NEW SOURCE PERMITS	PERMIT	5084
	AIR NEW SOURCE PERMITS	PERMIT	6534
	AIR NEW SOURCE PERMITS	PERMIT	8372
	AIR NEW SOURCE PERMITS	PERMIT	18251
	AIR NEW SOURCE PERMITS	REGISTRATION	28694
	AIR NEW SOURCE PERMITS	PERMIT	32151
	AIR NEW SOURCE PERMITS	REGISTRATION	34029
	AIR NEW SOURCE PERMITS	PERMIT	38336
	AIR NEW SOURCE PERMITS	PERMIT	38998
	AIR NEW SOURCE PERMITS	PERMIT	39171
	AIR NEW SOURCE PERMITS	REGISTRATION	39643
	AIR NEW SOURCE PERMITS	PERMIT	48895
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0038U
	AIR NEW SOURCE PERMITS	REGISTRATION	76211
	AIR NEW SOURCE PERMITS	AFS NUM	4803900009
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX307A
	AIR NEW SOURCE PERMITS	REGISTRATION	71063
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX910
	AIR NEW SOURCE PERMITS	REGISTRATION	91893
	AIR NEW SOURCE PERMITS	REGISTRATION	72689
	AIR NEW SOURCE PERMITS	REGISTRATION	72545
	AIR NEW SOURCE PERMITS	REGISTRATION	74040
	AIR NEW SOURCE PERMITS	REGISTRATION	73707
	AIR NEW SOURCE PERMITS	REGISTRATION	74788
	AIR NEW SOURCE PERMITS	REGISTRATION	75318
	AIR NEW SOURCE PERMITS	REGISTRATION	77064
	AIR NEW SOURCE PERMITS	REGISTRATION	77079
	AIR NEW SOURCE PERMITS	REGISTRATION	78148
	AIR NEW SOURCE PERMITS	REGISTRATION	78728
	AIR NEW SOURCE PERMITS	REGISTRATION	80379
	AIR NEW SOURCE PERMITS	REGISTRATION	91882
	AIR NEW SOURCE PERMITS	REGISTRATION	80616
	AIR NEW SOURCE PERMITS	REGISTRATION	83875
	AIR NEW SOURCE PERMITS	PERMIT	N011
	AIR NEW SOURCE PERMITS	REGISTRATION	83109
	AIR NEW SOURCE PERMITS	REGISTRATION	89881
	AIR NEW SOURCE PERMITS	REGISTRATION	91873
	RADIOACTIVE WASTE DISPOSAL	LICENSE	RW0219
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW013
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW224
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW318
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW326
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW359
	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	EPA ID	TXD001700806
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30138
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD001700806

GENERATION		
STORMWATER	PERMIT	TXR05Y499
WATER LICENSING	LICENSE	0200049
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50189
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30138
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50189
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50189
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50189
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0038U

Location: Eight miles south of the Highway 35 and Farm-to-Market Road 2917 intersection on Farm-to-Market Road 2917 in Alvin, Brazoria County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 19, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 22, 2005 to April 22, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

Site Compliance History Components

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
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 02/20/2006 ADMINORDER 2005-0555-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #39171, SC#4 PA
 Description: Equistar failed to close the automatic inlet valve to the incinerator.

Effective Date: 11/19/2007 ADMINORDER 2005-0166-AIR-E
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report the November 17, 2004 emissions event within 24 hours after its discovery. Specifically, the emissions event that was discovered on November 17, 2004 was not reported until December 22, 2004 as documented during an investigation conducted from April 22, 2005 to May 2, 2005.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251, SC#4 PA

Description: Failure to comply with permitted emissions limit during an emissions event on November 17, 2004.

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

Rqmt Prov: O-02317, ST&C 3A(iii) OP
 Description: Failure to maintain records documenting quarterly opacity observations of tank 55T12 and scrubber 55K1, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the NTA Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records documenting the VOC concentration of the exhaust gas associated with 57BT6 in order to demonstrate proper function of the carbon canister control equipment, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR 2271, GC 8 PERMIT

Description: Failure to comply with the permitted short-term ammonia emissions limits for scrubber 55K1, as reported in a deviation report for the period of December 1, 2004 through May 31, 2005 for the NTA unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 2271, GC 1 PERMIT

Description: Failure to comply with the permit representations relating to annual HTMA production, annual ammonia usage, and annual ammonia production, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the NTA unit.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to include the following emission units in the Title V application: 55S101, 55S102, 55S103, and 55S104.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization for the carbon absorption system on wastewater tank 57T5 prior to installation, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition No. 1 OP

Description: Failure to operate residue strip tank 57T34 on June 12 and 28, 2004 and August 16, 2004 within temperature ranges specified in the permit application, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition No. 8 OP

Description: Failure to include all gas streams going to vent condenser 57E22 from exceeding rolling annual permitted emissions limits, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18251 and N-011, SC No. 4 PA

Description: Failure to prevent unauthorized emissions during an October 9, 2005 emissions event.

Effective Date: 01/28/2008

ADMINORDER 2006-1599-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during a January 11, 2004 emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 18251, SC No. 4 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 15, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251 PA

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 1, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 2, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Solutia failed to submit an emissions event report within 24 hours after discovery of the event, incident No. 68042. Specifically, the emissions event was discovered on November 12, 2005 at 0944, but was not reported until November 15, 2005 at 1441.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 18251, Special Condition No. 4 PERMIT

Description: Solutia failed to prevent unauthorized emissions during an emissions event, incident 68043, that occurred on November 12, 2005 and lasted 1 hour and 25 minutes.

Effective Date: 05/18/2009

ADMINORDER 2008-0062-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02319 General Terms and Conditions OP

Description: Failed to submit the Annual Compliance Certification for the period of beginning November 29, 2004 through November 28, 2005, with the required certification language. In addition, Solutia failed to identify this deficiency in the semi-annual deviation report for the time period of November 28, 2005 through May 28, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 98.7 pounds ("lbs") of hydrogen cyanide, 357.4 lbs of acrylonitrile, and 5 lbs of acrolein were released when Solutia failed to open the manual block valve during crossover of Acrylonitrile Unit 3 off gas to the Acrylonitrile Unit 2 Waste Heat Boiler resulting in the over pressure of the system, causing an emissions event which began on August 5, 2007, and lasted for five minutes (Incident No. 95610)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification within 24 hours of discovery of an emissions event that started on August 5, 2007. Specifically, the incident started and ended on August 5, 2007, but the initial notification was not submitted until August 8, 2007.

Classification: Moderate

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

Rqmt Prov: SPECIAL CONDITION 4 OP

Description: Failed to comply with a permit limit of 4.50 pounds per hour ("lbs/hr") for NOx emissions from the AN-7 Process Air Startup Heater ("70H101-1"). Specifically, it was determined that NOx emissions from 70H101-1 were 5.39 lbs/hr.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8000
5C THSC Chapter 382 382.085(b)

Description: Failed to test for compliance with the carbon monoxide ("CO") emission limits for 70H101-1 during the reference method stack test conducted on February 19, 2007.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on September 26, 2007. Specifically, approximately 189 lbs of acrylonitrile ("AN"), 308 lbs of hydrogen cyanide ("HCN"), and 258 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the 36 minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on October 30, 2007. Specifically, approximately 99 lbs of acrylonitrile ("AN"), 210 lbs of hydrogen cyanide ("HCN"), and 535 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the one hour and nine minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions on November 26, 2007 when the secondary pump, Pump 350P-3 failed to start automatically when the primary boiler feed water pump, Pump 350P-2 failed. Specifically, during the emissions event which lasted five minutes, the total unauthorized emissions were 355.59 lbs of VOCs and 50.54 lbs of hydrogen cyanide.

Classification: Major

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

Rqmt Prov: Permit 6534, Special Condition 1 PERMIT

Description: Failed to comply with the combined maximum allowable emission rate ("MAER") for NOx for seven Linear Alkyl Benzene ("LAB") Unit heaters during stack testing conducted on February 27-28, 2007 and March 1-2 and 14, 2007. Specifically, the combined NOx MAER for Heaters 50H1-1, 50H1-2, 50H1-3, 50H3, 51H1, 51H5 and 51H6 is 18.0 lbs/hr. During testing, the actual combined rate was 21.85 lbs/hr.

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: TCEQ Permit 38336 Special Condition 4 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a reference method stack test conducted on March 28, 2008, it was determined that NOx and CO emissions from the AN-7 Process Air Startup Heater, EPN 70H101-2 were 8.62 lbs/hr and 13.47 lbs/hr respectively. The emission limits for this EPN are 4.50 lbs/hr for NOx and 6.0 lbs/hr for CO.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No.4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 2, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for 37 minutes and resulted in the release of 166 lbs of propylene. The emission limits for the EPN are 4.01 lbs/hr for VOC.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emission event occurred on February 29, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for one hour and 43 minutes and resulted in the release of 15.20 lbs of hydrogen cyanide ("HCN") and 526.80 lbs of propylene. The emission limits for this EPN are 1.26 lbs/hr for HCN and 4.01 lbs/hr for VOC.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 27, 2008 due to a loss of air flow from operator error at EPN 30H5, which lasted for one hour and 51 minutes and resulted in the release of 4,057 lbs of VOC, 4,714 lbs of CO and 61 lbs of hydrogen cyanide ("HCN"). The emission limits for this EPN are 3.57 lbs/hr for VOC, 31 lbs/hr for CO and 1.26 lbs/hr for HCN.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report an emissions event. Specifically, the final report for the March 27, 2008 emissions event did not contain the authorized limits for several pollutants that were involved in the event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/11/2005	(348724)
2	05/16/2005	(380841)
3	05/23/2005	(419588)
4	05/31/2005	(374702)
5	05/31/2005	(379380)
6	05/31/2005	(379386)
7	06/08/2005	(348652)
8	06/23/2005	(419589)
9	07/19/2005	(440731)
10	07/21/2005	(398102)
11	08/16/2005	(440732)
12	08/19/2005	(404318)
13	08/24/2005	(349399)
14	08/24/2005	(377022)
15	08/25/2005	(401820)
16	08/29/2005	(401919)
17	08/30/2005	(401906)
18	09/01/2005	(401916)
19	09/19/2005	(440733)
20	10/04/2005	(379884)
21	10/11/2005	(399217)
22	10/24/2005	(468248)
23	11/28/2005	(468249)
24	12/20/2005	(468250)
25	12/30/2005	(434386)
26	01/09/2006	(439878)
27	01/23/2006	(468251)

28	01/30/2006	(438969)
29	02/16/2006	(405519)
30	02/21/2006	(438633)
31	03/03/2006	(457603)
32	03/20/2006	(498075)
33	04/19/2006	(451614)
34	04/24/2006	(498076)
35	04/30/2006	(468247)
36	05/12/2006	(464820)
37	05/12/2006	(464822)
38	05/12/2006	(464824)
39	05/12/2006	(464827)
40	05/12/2006	(464828)
41	05/16/2006	(457449)
42	05/17/2006	(458668)
43	05/18/2006	(449724)
44	05/18/2006	(451024)
45	05/22/2006	(498077)
46	05/31/2006	(466924)
47	05/31/2006	(466929)
48	05/31/2006	(466931)
49	05/31/2006	(466932)
50	06/05/2006	(463415)
51	06/21/2006	(467669)
52	06/21/2006	(480974)
53	06/23/2006	(498078)
54	06/29/2006	(466692)
55	06/29/2006	(482575)
56	06/29/2006	(482600)
57	07/10/2006	(464446)
58	07/20/2006	(467521)
59	07/25/2006	(485504)
60	07/26/2006	(520095)
61	08/17/2006	(497124)
62	08/21/2006	(520096)
63	08/23/2006	(486778)
64	08/31/2006	(480128)
65	09/15/2006	(511153)
66	09/21/2006	(520097)
67	10/23/2006	(544349)
68	10/27/2006	(516020)
69	10/27/2006	(516053)
70	11/08/2006	(518116)
71	11/29/2006	(531921)
72	11/29/2006	(532004)
73	11/29/2006	(544350)
74	12/07/2006	(532264)
75	12/08/2006	(531936)
76	12/11/2006	(518235)
77	12/11/2006	(518239)
78	12/27/2006	(544351)
79	01/11/2007	(532283)
80	01/18/2007	(535916)
81	01/18/2007	(536107)
82	01/22/2007	(544352)
83	01/23/2007	(536763)
84	01/30/2007	(536987)
85	01/30/2007	(536993)
86	02/16/2007	(512464)
87	02/16/2007	(539392)
88	02/16/2007	(539394)
89	02/20/2007	(539401)
90	02/21/2007	(539360)
91	02/22/2007	(539395)
92	02/22/2007	(575043)
93	02/23/2007	(539396)

94	03/12/2007	(539397)
95	03/12/2007	(539398)
96	03/12/2007	(539403)
97	03/26/2007	(575044)
98	04/12/2007	(543359)
99	04/12/2007	(543389)
100	04/12/2007	(543393)
101	04/12/2007	(543396)
102	04/12/2007	(543411)
103	04/18/2007	(575045)
104	05/23/2007	(575046)
105	06/08/2007	(543508)
106	06/13/2007	(563309)
107	06/25/2007	(575047)
108	06/26/2007	(558363)
109	07/06/2007	(564044)
110	07/05/2007	(565543)
111	07/06/2007	(560348)
112	07/23/2007	(575048)
113	08/17/2007	(571113)
114	08/17/2007	(571116)
115	08/17/2007	(571117)
116	08/17/2007	(571120)
117	08/17/2007	(571122)
118	08/22/2007	(573057)
119	08/28/2007	(566965)
120	08/28/2007	(566968)
121	08/29/2007	(572199)
122	08/30/2007	(571497)
123	09/20/2007	(607508)
124	09/27/2007	(593895)
125	09/27/2007	(594475)
126	09/28/2007	(565072)
127	10/04/2007	(565781)
128	10/16/2007	(594030)
129	10/19/2007	(607509)
130	10/31/2007	(607507)
131	11/01/2007	(588289)
132	11/01/2007	(588293)
133	11/05/2007	(597652)
134	11/06/2007	(599382)
135	11/15/2007	(619438)
136	12/03/2007	(595635)
137	12/14/2007	(609886)
138	12/17/2007	(599351)
139	12/17/2007	(599355)
140	12/17/2007	(610670)
141	12/18/2007	(619439)
142	12/20/2007	(611710)
143	12/20/2007	(611714)
144	01/17/2008	(619440)
145	01/28/2008	(595602)
146	01/29/2008	(609295)
147	02/04/2008	(595610)
148	02/13/2008	(615839)
149	02/13/2008	(615859)
150	02/14/2008	(609298)
151	02/14/2008	(671945)
152	02/15/2008	(612072)
153	02/15/2008	(618125)
154	03/11/2008	(616438)
155	03/18/2008	(615838)
156	03/18/2008	(671946)
157	03/24/2008	(639874)
158	04/03/2008	(615836)
159	04/03/2008	(617714)

160	04/11/2008	(618763)
161	04/17/2008	(671947)
162	04/21/2008	(612070)
163	04/22/2008	(640492)
164	04/25/2008	(616540)
165	04/29/2008	(639697)
166	04/29/2008	(639703)
167	04/29/2008	(639707)
168	04/29/2008	(639708)
169	04/29/2008	(639711)
170	05/14/2008	(689865)
171	05/20/2008	(671627)
172	06/04/2008	(646671)
173	06/06/2008	(682013)
174	06/20/2008	(683391)
175	06/20/2008	(689866)
176	07/02/2008	(681880)
177	07/03/2008	(682028)
178	07/14/2008	(710637)
179	07/14/2008	(710641)
180	07/28/2008	(684301)
181	07/30/2008	(687438)
182	08/01/2008	(685339)
183	08/12/2008	(687925)
184	08/15/2008	(710638)
185	08/22/2008	(689052)
186	08/26/2008	(680027)
187	08/28/2008	(595601)
188	08/29/2008	(689053)
189	09/25/2008	(710639)
190	10/13/2008	(703732)
191	10/14/2008	(702982)
192	10/14/2008	(702989)
193	10/16/2008	(710640)
194	10/30/2008	(706840)
195	11/03/2008	(681757)
196	11/17/2008	(705402)
197	11/17/2008	(705404)
198	11/17/2008	(706687)
199	11/18/2008	(727417)
200	11/24/2008	(708102)
201	12/08/2008	(682431)
202	12/17/2008	(750168)
203	01/06/2009	(721518)
204	01/06/2009	(721523)
205	01/28/2009	(703392)
206	02/04/2009	(703385)
207	02/12/2009	(750164)
208	02/13/2009	(703393)
209	02/13/2009	(709611)
210	02/16/2009	(723984)
211	02/16/2009	(723985)
212	02/20/2009	(723296)
213	02/24/2009	(726852)
214	02/24/2009	(726862)
215	02/24/2009	(726865)
216	02/24/2009	(726874)
217	02/24/2009	(726880)
218	03/16/2009	(750165)
219	03/20/2009	(724849)
220	03/20/2009	(725378)
221	04/06/2009	(735212)
222	04/16/2009	(750166)
223	04/16/2009	(750167)
224	05/15/2009	(768286)
225	06/10/2009	(768287)

226	06/23/2009	(759561)
227	06/29/2009	(724359)
228	07/31/2009	(761167)
229	08/10/2009	(760734)
230	08/11/2009	(762921)
231	08/11/2009	(765164)
232	08/31/2009	(767513)
233	11/06/2009	(767538)
234	11/23/2009	(776989)
235	12/11/2009	(784537)
236	12/11/2009	(784562)
237	12/11/2009	(784564)
238	12/13/2009	(767543)
239	12/13/2009	(767545)
240	12/13/2009	(767547)
241	12/14/2009	(767550)
242	01/05/2010	(767553)
243	01/07/2010	(784346)
244	01/19/2010	(785856)
245	02/10/2010	(790032)
246	02/10/2010	(790040)
247	03/03/2010	(767564)
248	04/06/2010	(767606)
249	04/09/2010	(784203)
250	04/22/2010	(796385)
251	04/22/2010	(796387)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/21/2005 (398102) CN603482811
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Permit #18251, SC #4 PERMIT
 Description: Solutia failed to include the facility's authorization limit and number on the final report.

Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: Solutia failed to include the facility's authorization limit and number on the final report.

Date: 08/24/2005 (377022) CN603482811
 Self Report? NO Classification Moderate

Citation: 18251 SC 4 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Solutia failed to properly tighten a valve.
 Date 08/24/2005 (349399)
 Self NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Air Permit No. 38998, SC#4 PA
 Description: The regulated entity failed to prevent a leak in a propylene pump.
 Self NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: failed to identify the permit number representing the propylene pump in the emissions event report.

Date 09/30/2005 (468248) CN603482811
 Self YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 10/31/2005 (468249) CN603482811
 Self YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 02/16/2006 (405519) CN603482811
 Self NO Classification Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 Description: Failure to record quarterly opacity observation on Unit ID: 350H1-1

Self	NO		Classification	Moderate
Citation:		30 TAC Chapter 115, SubChapter B 115.142(1)(E)		
Description:		Solutia, Inc., failed to equip Unit IDs:P-10 and P-13, with a Close-Vent system.		
Date	02/17/2006	(405519)	CN603482811	
Self	NO		Classification	Moderate
Citation:		30 TAC Chapter 116, SubChapter B 116.110(a)(1)		
Description:		O-02325 PERMIT Failure to comply with the requirements of 30 TEX. ADMIN. CODE Chapter 106.472(9).		
Date	03/02/2006	(457603)		
Self	NO		Classification	Moderate
Citation:		30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(c)(1)(ii) 5C THC Chapter 382, SubChapter A 382.085(b) SC 2 PERMIT		
Description:		Failure to have a monitoring plan that indicates the monitoring parameter levels that constitute a leak from the heat exchangers into the water of cooling towers E379CT3, E379CT4, and 70382EG.		
Self	NO		Classification	Major
Citation:		2A TWC Chapter 7, SubChapter A 7.101 Ordering Provision 3.a. ORDER		
Description:		Failure to comply with ordering provisions of the Commission Order Docket No. 2002-0174-AIR-E.		
Date	07/25/2006	(485504)		
Self	NO		Classification	Moderate
Citation:		30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) No. 18251, Special Condition 4 PERMIT		
Description:		Failure to prevent unauthorized emissions.		
Self	NO		Classification	Moderate
Citation:		30 TAC Chapter 101, SubChapter F 101.221(a)		
Description:		Failure to maintain the AN2 Flare in good working order during facility operations.		
Date	07/31/2006	(520096)	CN603482811	
Self	YES		Classification	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:		Failure to meet the limit for one or more permit parameter		
Date	08/31/2006	(520097)	CN603482811	
Self	YES		Classification	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:		Failure to meet the limit for one or more permit parameter		
Date	08/31/2006	(480128)	CN603482811	
Self	NO		Classification	Moderate
Citation:		30 TAC Chapter 116, SubChapter B 116.116(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:		Failure to maintain the tank throughputs for the acetic tank and water circulating tank as represented in the permit application dated February 29, 2000 for the TCEQ Permit no. 38336.		
Self	NO		Classification	Minor
Citation:		30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 38336, Special Condition 23.E PERMIT 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b) O-02324, Special Condition 18 OP O-02324, Special Condition 1A OP		
Description:		Failure to install caps/plugs/flanges on eight open-ended lines in unit 70ANFUG.		
Self	NO		Classification	Minor
Citation:		30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2) 5C THC Chapter 382, SubChapter D 382.085(b) O-02324, Special Condition 1A OP		
Description:		Failure to conduct a first attempt at repair on 1 valve within five calendar days after a leak was detected in the AN 7 Unit.		
Self	NO		Classification	Minor
Citation:		30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		

38336, Special Condition 12B PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02324, Special Condition 18 OP
 Description: Failure to maintain three pilots on the flare 70Z522.
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 38336, Special Condition 4 PERMIT
 38336, Special Condition 8A PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02324, Special Condition 18 OP

Description: Failure to maintain the NOx emissions from the boiler 70Z401 within the permit limit in the AN7 Unit.
 Date 11/29/2006 (532004)
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 38998, Special Condition 4 PERMIT

Description: Failure to prevent unauthorized emissions.
 Date 12/31/2006 (544352) CN603482811
 Self YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
 Date 02/16/2007 (512464) CN603482811
 Self YES Classification Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02321, SC 12 OP
 FOP O-02321, SC 1A OP
 NSR 18251 SC 14E PA
 NSR 18251, SC 12E PA

Description: Failure to cap 10 open-ended lines in HRVOC and HAP service.
 Date 02/21/2007 (539360)
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)
 PROVISION VII.D. PERMIT

Description: Violation of maximum injection flow rate.
 Date 08/31/2007 (607508) CN603482811
 Self YES Classification Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 09/27/2007 (594475) CN603482811
 Self NO Classification Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP No. 2324, Spec. Cond 18 OP
 FOP No. 2324, Spec. Cond. 1A OP
 NSR Permit No. 38336, Spec. Cond. 20E PERMIT

Description: Failure to seal four (4) open ended lines in VOC service during the compliance period.
 Date 10/31/2007 (619438) CN603482811
 Self YES Classification Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 01/29/2008 (595602) CN603482811
 Self NO Classification Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 O-01258, General Terms and Conditions OP

Description: Failure to submit the November 30, 2005 semi-annual deviation report within 30 days after the end of the reporting period.

Self	NO		Classification	Minor
Citation:		30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THSC Chapter 382 382.085(b)		
Description:		O-01258, General Terms and Conditions OP Failure to submit a complete semi-annual report and annual compliance certification containing all terms and conditions of the permit for which compliance was not achieved.		
Date	03/31/2008	(671947)	CN603482811	
Self	YES		Classification	Moderate
Citation:		2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to meet the limit for one or more permit parameter		
Date	04/11/2008	(618763)	CN603482811	
Self	NO		Classification	Minor
Citation:		30 TAC Chapter 115, SubChapter D 115.352(4) 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) NSR 6534 Special Condition 18E PERMIT O-02319 Special Condition 1A OP O-02319 Special Condition 20 OP		
Description:		Failure to maintain open ended lines.		
Self	NO		Classification	Minor
Citation:		30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(l) 5C THSC Chapter 382 382.085(b) O-02319 Special Condition 1A OP		
Description:		Failure to perform annual benzene tank inspections.		
Self	NO		Classification	Minor
Citation:		30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) NSR 6534 Special Condition 5 PERMIT O-02319 Special Condition 1A OP O-02319 Special Condition 20 OP		
Description:		Failure to maintain heating value of fuel gas.		
Self	NO		Classification	Minor
Citation:		30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 5C THSC Chapter 382 382.085(b) NSR 6534 Special Condition 9B PERMIT O-02319 Special Condition 1A OP O-02319 Special Condition 20 OP		
Description:		Failure to maintain flame on process flare 50Z2-C.		
Self	NO		Classification	Minor
Citation:		30 TAC Chapter 115, SubChapter D 115.364(2)(C) 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) NSR 6534 Special Condition 10F PERMIT NSR 6534 Special Condition 18F PERMIT O-02319 Special Condition 1A OP O-02319 Special Condition 20 OP		
Description:		Failure to monitor delay of repair components on a quarterly frequency.		
Date	04/30/2008	(689865)	CN603482811	
Self	YES		Classification	Moderate
Citation:		2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to meet the limit for one or more permit parameter		
Date	05/31/2008	(689866)	CN603482811	
Self	YES		Classification	Moderate
Citation:		2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to meet the limit for one or more permit parameter		
Date	08/26/2008	(680027)	CN603482811	
Self	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)		

New Source Review Permit Num. 5084 SC 5 PERMIT
Special Term and Condition 4 OP

Description: Failure to maintain the six minute average and a temperature above 1465 degrees Fahrenheit on unit 55H2 (Incinerator) during the annual compliance certification period 4/30/2007 through 4/30/2008.

Date 08/29/2008 (689053) CN603482811
Self NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
O-02323 General Terms and Conditions OP
Description: Failure to submit the second semi-annual deviation report within the 30 day time frame.

Self NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
O-02323 General Terms and Conditions OP
Description: Failure to submit the PCC report for the certification period of December 1, 2007 through May 31, 2008 within the 30 day time frame.

Date 11/03/2008 (681757) CN603482811
Self NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 38336, Spec. Cond. 11 PERMIT
Spec. Cond. 18 OP
Description: Failure to maintain reactor rate hours on 70Z404 below permitted levels.

Self NO Classification Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GT&C OP
Description: Failure to submit complete and accurate deviation report.

Date 02/06/2009 (703385) CN603482811
Self NO Classification Minor
Citation: 2271, SC 5 PERMIT
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)
O-01258, SC 4 OP
Description: Failure to maintain water flow in Dryer Scrubber 55K1 at or above 65 gallons per minute.

Self NO Classification Moderate
Citation: 2271, GC 9 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01258, SC 4 OP
Description: Failure to collect all dust from the dust collector capture system during loading operation.

Date 02/13/2009 (703393) CN603482811
Self NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Special Condition 20 OP
Special Condition 9A PA
Description: Failure to maintain the minimum heating value for flare 50Z-2.

Self NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 20 OP
Description: Failure to maintain emissions below Maximum Allowable Emission Rate on flare 50Z2-C.

Self NO Classification Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: 5C THSC Chapter 382.085(b)
 General Terms and Conditions OP
 Failure to report all deviations for each 6-month period.

Self NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382.085(b)
 Special Condition 1A OP
 Special Condition 20 OP
 Special Condition 9B PA

Description: Failure to maintain a flame on process flare 50Z2-C.

Self NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
 5C THSC Chapter 382.085(b)
 Special Condition 18I PERMIT
 Special Condition 1A OP
 Special Condition 20 OP

Description: Failure to repair valve 158963 within 15 days of leak discovery.
 Date 07/31/2009 (761167)

Self NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)
 Provision II.A.7 PERMIT

Description: Facility did not have land disposal restriction documentation for waste stream 3013212H.

Date 01/06/2010 (767553) CN603482811

Self NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(II)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(II)
 5C THSC Chapter 382.085(b)
 FOP, Special Term and Condition 12A OP
 FOP, Special Term and Condition 1A OP
 NSR Permit, Special Condition 19A PERMIT

Description: Failure to maintain flare 31Z4 (31Z6 in FOP O-0231, 2007) vent gas heating at the minimum required heating value. Category B19 (g) (1)

Self NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
 5C THSC Chapter 382.085(b)
 FOP, Special Term and Condition 12A OP
 FOP, Special Term and Condition 1A OP
 NSR, Special Condition 15E PERMIT
 NSR, Special Condition 3A PERMIT
 NSR, Special Condition 5 PERMIT
 NSR, Special Condition 13E PERMIT

Description: Failure to prevent an open ended line on a valve at AN23 on January 22, 2009. Category C10

Date 04/07/2010 (767606) CN603482811

Self NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382.085(b)
 FOP O-02325 SC 11(A) OP
 NSR 48895 SC 4(B) PERMIT

Description: Failure to maintain monthly monitoring for three cooling towers, EPN's E379CT3, E379CT4, and 70382E6 from April 1, 2009 at 0000 to April 30, 2009 at 2359. (Category C1 violation)

F. Environmental audits.

Notice of Intent Date: 01/03/2006 (453378)
 Disclosure Date: 03/30/2006
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.722

Description: Failure to meet BTU and HRVOC calibration requirements for AN2/3 process flares.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.401

Description: Failure to submit ECT-3H, and highly-reactive volatile organic compound emissions cap and trade level of activity certification form to TCEQ by 4/30/05.

Viol. Classification: Moderate

Citation:

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(4)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

Description: Failure to report Absorber Off Gas vents & Fugitives in HON units in HON NOCS.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11

Description: Failure to have HON stack performance test demonstrations for AN2/3 process flares 30Z7 (currently known and permitted as 30Z8) and 31Z4 (currently known and permitted as 31Z6).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(b)

Description: Failure to add group 2 to TRE determinations to HON NOCS.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)

30 TAC Chapter 115, SubChapter B 115.126(4)

Description: Failure to provide exemption documentation to demonstrate option 1 or 2 for industrial waste water rules for 30D1, 30D4, 30D8, 31D1, 31D4. Failure to maintain Regulation V vent gas exemption documentation on for 30 HIC, 31 HIC, 30D2, and 31D2.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Description: Failure to complete to make repairs for fugitive first attempts and open ended lines.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119

Description: Failure to have tank controls for tanks 30T15, 30T14, and 31T7.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

Description: Failure to maintain records of HON SSM, group 1 sources, maintenance wastewater and process wastewater in AN2/3 unit prior to 2006.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Description: Failure to conduct NOx RACT stack tests for Air Startup Heaters.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116

Rqmt PERMIT 18251

Description: Failure to maintain accurate permit representations for miscellaneous process impurities.

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to update Title V permit to include various sources and rules, HW MACT, HON Tank Vents, Regulation V tanks and vent gas rules.

Notice of Intent Date: 04/07/2006 (462917)

Disclosure Date: 11/14/2006

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)(3)

30 TAC Chapter 122, SubChapter B 122.142

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

Description: Failure to submit written notification to the regional office or local pollution control office for 57T5 wastewater streams subject to 115 rules. Failure to include 57T5 tank and applicable requirements in NOCS and accurately represent in the Title V permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)(1)

Description: Failure to consider all unit 57T5 VOC's in streams as HAP's.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

Description: Failure to represent ch. 115, Subchapter B, Division 2 Vent Gas Controls that applies to 57T5 in the NOCS or Title V Permit , and amend the Title V permit to reflect that Tanks 57T5, 57T6, and 57T10 are surge control storage vessels that are exempt from permit requirements due to capacity.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116

30 TAC Chapter 122, SubChapter B 122.142

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

Description: Failure to include or accurately represent Tank Nos. 57T3, 57T6, 57T5, 57T10, 57T1, 57T11, 57T35, 57T32, 57R1-1 and 57R1-2 in the NOCS and the Title V and NSR permits.

Notice of Intent Date: 05/25/2006 (481532)

Disclosure Date: 11/14/2006

Viol. Classification: Minor

Rqmt PERMIT 32151, SC 8A

Description: Failure to notify the regional office 45 days prior to schedule stack sampling for scrubber 83S14 and 83S6.

Notice of Intent Date: 04/23/2007 (559025)

No DOV Associated

Notice of Intent Date: 01/31/2008 (641816)

No DOV Associated

Notice of Intent Date: 07/07/2009 (762800)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned PCW	12-Apr-2010	Screening	22-Apr-2010	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	Ascend Performance Materials, LLC (PCW-3)
Reg. Ent. Ref. No.	RN100238682
Facility/Site Region	42-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38828	No. of Violations	4
Docket No.	2009-1997-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$17,500
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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	168.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$29,400
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Notes: Enhancement for 12 same/similar NOV's, 20 dissimilar NOV's, and four orders with denial of liability. Reduction for six Notices of Intent and three Disclosures of Violations.

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

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$1,625
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts: \$325
Approx. Cost of Compliance: \$5,250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$45,275
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes:

Final Penalty Amount \$45,275

STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$45,275
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DEFERRAL	0.0% Reduction	<i>Adjustment</i>	\$0
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Reduces the Final Assessed Penalty by the Indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings/Orders.

PAYABLE PENALTY	\$45,275
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Screening Date 22-Apr-2010

Docket No. 2009-1997-AIR-E

PCW

Respondent Ascend Performance Materials, LLC (PCW 3)

Policy Revision 2 (September 2002)

Case ID No. 38828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	12	60%
	Other written NOVs	20	40%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	3	-6%
Please Enter Yes or No			
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) 168%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 12 same/similar NOVs, 20 dissimilar NOVs, and four orders with denial of liability. Reduction for six Notices of Intent and three Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 168%

Screening Date 22-Apr-2010

Docket No. 2009-1997-AIR-E

PCW

Respondent Ascend Performance Materials, LLC (PCW 3)

Policy Revision 2 (September 2002)

Case ID No. 38828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit No. O-02325 General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a complete and accurate semi-annual deviation report for the December 1, 2008 through May 31, 2009 reporting period. Specifically, deviations were documented in an investigation conducted November 18, 2009 that were not reported.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

296 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$85

Violation Final Penalty Total \$6,700

This violation Final Assessed Penalty (adjusted for limits) \$6,700

Economic Benefit Worksheet

Respondent: Ascend Performance Materials, LLC (PCW 3)
Case ID No.: 38828
Reg. Ent. Reference No.: RN100238682
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$750	30-Jun-2009	7-Oct-2011	2.27	\$85	n/a	\$85

Notes for DELAYED costs

Estimated cost to submit complete and accurate deviation reports and to implement measures designed to ensure the proper preparation and submittal of deviation reports. The date required is the date the deviation report was due, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$85

Screening Date: 22-Apr-2010

Docket No.: 2009-1997-AIR-E

PCW

Respondent: Ascend Performance Materials, LLC (PCW 3)

Policy Revision 2 (September 2002)

Case ID No.: 3882B

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100238682

Media [Statute]: Air

Enf. Coordinator: James Nolan

Violation Number: 2

Rule Cite(s): 30 Tex. Admin. Code §§ 116.110(a) and 116.770(a) and Tex. Health & Safety Code §§ 382.0513(a) and 382.085(b)

Violation Description

Failed to obtain proper authorization to operate a previously grandfathered emissions source, as documented in an investigation conducted November 18, 2009. Specifically, the ECU Boiler (Emission Point No. 350H1-1) was being operated prior to obtaining the proper authorization.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment: \$7,500

\$2,500

Violation Events

Number of Violation Events: 4 Number of violation days: 345

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty: \$10,000

Four quarterly events are recommended from the date the Respondent acquired the ECU Unit, June 1, 2009 to the date compliance was achieved, May 12, 2010.

Good Faith Efforts to Comply

10.0% Reduction

\$1,000

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes: Authorization to operate the ECU Boiler was included in an amendment to New Source Review Permit No. 48895, issued May 12, 2010.

Violation Subtotal: \$9,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$165

Violation Final Penalty Total: \$25,800

This violation Final Assessed Penalty (adjusted for limits): \$25,800

Economic Benefit Worksheet

Respondent Ascend Performance Materials, LLC (PCW 3)
Case ID No. 38828
Reg. Ent. Reference No. RN100238682
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

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	\$3,500	1-Jun-2009	12-May-2010	0.95	\$165	n/a	\$165
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to obtain authorization to operate the ECU Boiler. The date required is the date the ECU Unit was acquired by the Respondent and the final date is the date of compliance.						

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$3,500	TOTAL	\$165
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Screening Date: 22-Apr-2010

Docket No: 2009-1997-AIR-E

PCW

Respondent: Ascend Performance Materials, LLC (PCW 3)

Policy Revision 2 (September 2002)

Case ID No: 38828

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN100238682

Media [Statute]: Air

Enf. Coordinator: James Noian

Violation Number: 3

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.210(a), Federal Operating Permit No. O-02325 Special Terms and Conditions No. 19(B), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to timely incorporate New Source Review Permit No. 48895 into Federal Operating Permit No. O-02325. Specifically, New Source Review Permit No. 48895 was under the jurisdiction of Federal Operating Permit No. O-02325 as of July 23, 2008, but was not incorporated into the Federal Operating Permit until renewal on November 17, 2009.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent: 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent: 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment: \$7,500

\$2,500

Violation Events

Number of Violation Events: 1

Number of violation days: 483

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: On November 17, 2009 a renewal was issued for Federal Operating Permit No. O-02325 that includes New Source Review Permit No. 48895.

Violation Subtotal: \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$33

Violation Final Penalty Total: \$6,075

This violation Final Assessed Penalty (adjusted for limits): \$6,075

Economic Benefit Worksheet

Respondent: Ascend Performance Materials, LLC (PCW 3)

Case ID No. 38828

Reg. Ent. Reference No. RN100238682

Media: Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$500	23-Jul-2008	17-Nov-2009	1.32	\$33	n/a	\$33
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to amend Federal Operating Permit No. O-02325. The date required is the date the Federal Operating Permit should have been amended and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$33

Screening Date 22-Apr-2010

Docket No. 2009-1997-AIR-E

PCW

Respondent Ascend Performance Materials, LLC (PCW 3)

Policy Revision 2 (September 2002)

Case ID No. 38828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 116.115(c); New Source Review Permit Nos. 19251 and N-011; Special Conditions No. 1; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 135872) on February 15, 2010, the Respondent failed to fully isolate the South Bottoms Filter resulting in the unauthorized release of 718 pounds of acrylonitrile on the Acrylonitrile 2 Unit Product Purification Column pad area over a nine minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDCRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	X	(mark with X)

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$6,700

This violation Final Assessed Penalty (adjusted for limits) \$6,700

Economic Benefit Worksheet

Respondent Ascend Performance Materials, LLC (PCW 3)

Case ID No. 38828

Reg. Ent. Reference No. RN100238682

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	15-Feb-2010	7-Oct-2011	1.64	\$41	n/a	\$41

Notes for DELAYED costs

Estimated costs to modify policies and procedures to prevent a recurrence of similar emissions events. The date required is the date of the emissions event, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$41

Compliance History Report (PCW 3)

Customer/Respondent/Owner-Operator:	CN603482811	Ascend Performance Materials, LLC	Classification: AVERAGE	Rating: 4.94
Regulated Entity:	RN100238682	ASCEND PERFORMANCE MATERIALS CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 4.94

ID Number(s):	ACCOUNT NUMBER	BL0038U
AIR OPERATING PERMITS	PERMIT	1258
AIR OPERATING PERMITS	PERMIT	2317
AIR OPERATING PERMITS	PERMIT	2318
AIR OPERATING PERMITS	PERMIT	2319
AIR OPERATING PERMITS	PERMIT	2320
AIR OPERATING PERMITS	PERMIT	2321
AIR OPERATING PERMITS	PERMIT	2322
AIR OPERATING PERMITS	PERMIT	2323
AIR OPERATING PERMITS	PERMIT	2324
AIR OPERATING PERMITS	PERMIT	2325
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
WASTEWATER	PERMIT	WQ0000001000
WASTEWATER	PERMIT	TPDES0003875
WASTEWATER	PERMIT	TX0003875
AIR NEW SOURCE PERMITS	REGISTRATION	92085
AIR NEW SOURCE PERMITS	REGISTRATION	92480
AIR NEW SOURCE PERMITS	REGISTRATION	92173
AIR NEW SOURCE PERMITS	PERMIT	2271
AIR NEW SOURCE PERMITS	PERMIT	3046
AIR NEW SOURCE PERMITS	PERMIT	5084
AIR NEW SOURCE PERMITS	PERMIT	6534
AIR NEW SOURCE PERMITS	PERMIT	8372
AIR NEW SOURCE PERMITS	PERMIT	18251
AIR NEW SOURCE PERMITS	REGISTRATION	28694
AIR NEW SOURCE PERMITS	PERMIT	32151
AIR NEW SOURCE PERMITS	REGISTRATION	34029
AIR NEW SOURCE PERMITS	PERMIT	38336
AIR NEW SOURCE PERMITS	PERMIT	38998
AIR NEW SOURCE PERMITS	PERMIT	39171
AIR NEW SOURCE PERMITS	REGISTRATION	39643
AIR NEW SOURCE PERMITS	PERMIT	48895
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0038U
AIR NEW SOURCE PERMITS	REGISTRATION	76211
AIR NEW SOURCE PERMITS	AFS NUM	4803900009
AIR NEW SOURCE PERMITS	EPA ID	PSDTX307A
AIR NEW SOURCE PERMITS	REGISTRATION	71063
AIR NEW SOURCE PERMITS	EPA ID	PSDTX910
AIR NEW SOURCE PERMITS	REGISTRATION	91693
AIR NEW SOURCE PERMITS	REGISTRATION	72689
AIR NEW SOURCE PERMITS	REGISTRATION	72545
AIR NEW SOURCE PERMITS	REGISTRATION	74040
AIR NEW SOURCE PERMITS	REGISTRATION	73707
AIR NEW SOURCE PERMITS	REGISTRATION	74788
AIR NEW SOURCE PERMITS	REGISTRATION	75318
AIR NEW SOURCE PERMITS	REGISTRATION	77064
AIR NEW SOURCE PERMITS	REGISTRATION	77079
AIR NEW SOURCE PERMITS	REGISTRATION	78148
AIR NEW SOURCE PERMITS	REGISTRATION	78728
AIR NEW SOURCE PERMITS	REGISTRATION	80379
AIR NEW SOURCE PERMITS	REGISTRATION	91882
AIR NEW SOURCE PERMITS	REGISTRATION	80616
AIR NEW SOURCE PERMITS	REGISTRATION	83875
AIR NEW SOURCE PERMITS	PERMIT	N011
AIR NEW SOURCE PERMITS	REGISTRATION	83109
AIR NEW SOURCE PERMITS	REGISTRATION	89881
AIR NEW SOURCE PERMITS	REGISTRATION	91873
RADIOACTIVE WASTE DISPOSAL	LICENSE	RW0219
UNDERGROUND INJECTION CONTROL	PERMIT	WDW013
UNDERGROUND INJECTION CONTROL	PERMIT	WDW224
UNDERGROUND INJECTION CONTROL	PERMIT	WDW318
UNDERGROUND INJECTION CONTROL	PERMIT	WDW326
UNDERGROUND INJECTION CONTROL	PERMIT	WDW359
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	EPA ID	TXD001700806
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30138
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD001700806
STORMWATER	PERMIT	TXR05Y499
WATER LICENSING	LICENSE	0200049
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50189

COMPLIANCE PLANS			
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)		30138
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT		50189
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50189
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50189
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER		BL0038U

Location: Eight miles south of the Highway 35 and Farm-to-Market Road 2917 intersection on Farm-to-Market Road 2917 in Alvin, Brazoria County, Texas

TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: May 19, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 22, 2005 to April 22, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

Site Compliance History Components

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
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 02/20/2006 ADMINORDER 2005-0555-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permt #39171, SC#4 PA
Description: Equistar failed to close the automatic Inlet valve to the Incinerator.

Effective Date: 11/19/2007 ADMINORDER 2005-0166-AIR-E
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report the November 17, 2004 emissions event within 24 hours after its discovery. Specifically, the emissions event that was discovered on November 17, 2004 was not reported until December 22, 2004 as documented during an investigation conducted from April 22, 2005 to May 2, 2005.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251, SC#4 PA

Description: Failure to comply with permitted emissions limit during an emissions event on November 17, 2004.

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

Rqmt Prov: O-02317, ST&C 3A(iii) OP
Description: Failure to maintain records documenting quarterly opacity observations of tank 55T12 and scrubber 55K1, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the NTA Unit.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records documenting the VOC concentration of the exhaust gas associated with 578T5 in order to demonstrate proper function of the carbon canister control equipment, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR 2271, GC 8 PERMIT

Description: Failure to comply with the permitted short-term ammonia emissions limits for scrubber 55K1, as reported in a deviation report for the period of December 1, 2004 through May 31, 2005 for the NTA unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 2271, GC 1 PERMIT

Description: Failure to comply with the permit representations relating to annual HTMA production, annual ammonia usage, and annual ammonia production, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the NTA unit.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to include the following emission units in the Title V application: 55S101, 55S102, 55S103, and 55S104.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization for the carbon absorption system on wastewater tank 57T5 prior to installation, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition No. 1 OP

Description: Failure to operate residue strip tank 57T34 on June 12 and 28, 2004 and August 16, 2004 within temperature ranges specified in the permit application, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition No. 8 OP

Description: Failure to include all gas streams going to vent condenser 57E22 from exceeding rolling annual permitted emissions limits, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18251 and N-011, SC No. 4 PA

Description: Failure to prevent unauthorized emissions during an October 9, 2005 emissions event.

Effective Date: 01/28/2008

ADMINORDER 2006-1599-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during a January 11, 2004 emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 18251, SC No. 4 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 15, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251 PA

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 1, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 2, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Solutia failed to submit an emissions event report within 24 hours after discovery of the event, Incident No. 68042. Specifically, the emissions event was discovered on November 12, 2005 at 0944, but was not reported until November 15, 2005 at 1441.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 18251, Special Condition No. 4 PERMIT

Description: Solutia failed to prevent unauthorized emissions during an emissions event, Incident 68043, that occurred on November 12, 2005 and lasted 1 hour and 25 minutes.

Effective Date: 05/18/2009

ADMINORDER 2008-0062-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02319 General Terms and Conditions OP

Description: Failed to submit the Annual Compliance Certification for the period of beginning November 29, 2004 through November 28, 2005, with the required certification language. In addition, Solutia failed to identify this deficiency in the semi-annual deviation report for the time period of November 28, 2005 through May 28, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 98.7 pounds ("lbs") of hydrogen cyanide, 357.4 lbs of acrylonitrile, and 5 lbs of acrolein were released when Solutia failed to open the manual block valve during crossover of Acrylonitrile Unit 3 off gas to the Acrylonitrile Unit 2 Waste Heat Boiler resulting in the over pressure of the system, causing an emissions event which began on August 5, 2007, and lasted for five minutes (Incident No. 95610)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification within 24 hours of discovery of an emissions event that started on August 5, 2007. Specifically, the incident started and ended on August 5, 2007, but the initial notification was not submitted until August 8, 2007.

Classification: Moderate

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

Rqmt Prov: SPECIAL CONDITION 4 OP

Description: Failed to comply with a permit limit of 4.50 pounds per hour ("lbs/hr") for NOx emissions from the AN-7 Process Air Startup Heater ("70H101-1"). Specifically, it was determined that NOx emissions from 70H101-1 were 5.39 lbs/hr.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8000
5C THSC Chapter 382 382.085(b)

Description: Failed to test for compliance with the carbon monoxide ("CO") emission limits for 70H101-1 during the reference method stack test conducted on February 19, 2007.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on September 26, 2007. Specifically, approximately 189 lbs of acrylonitrile ("AN"), 308 lbs of hydrogen cyanide ("HCN"), and 258 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the 36 minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on October 30, 2007. Specifically, approximately 99 lbs of acrylonitrile ("AN"), 210 lbs of hydrogen cyanide ("HCN"), and 535 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the one hour and nine minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions on November 26, 2007 when the secondary pump, Pump 350P1-3 failed to start automatically when the primary boiler feed water pump, Pump 350P1-2 failed. Specifically, during the emissions event which lasted five minutes, the total unauthorized emissions were 355.59 lbs of VOCs and 50.54 lbs of hydrogen cyanide.

Classification: Major

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

Rqmt Prov: Permit 6534, Special Condition 1 PERMIT

Description: Failed to comply with the combined maximum allowable emission rate ("MAER") for NOx for seven Linear Alkyl Benzene ("LAB") Unit heaters during stack testing conducted on February 27-28, 2007 and March 1-2 and 14, 2007. Specifically, the combined NOx MAER for Heaters 50H1-1, 50H1-2, 50H1-3, 50H3, 51H1, 51H5 and 51H6 is 18.0 lbs/hr. During testing, the actual combined rate was 21.85 lbs/hr.

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: TCEQ Permit 38336 Special Condition 4 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a reference method stack test conducted on March 28, 2008, it was determined that NOx and CO emissions from the AN-7 Process Air Startup Heater, EPN 70H101-2 were 8.62 lbs/hr and 13.47 lbs/hr respectively. The emission limits for this EPN are 4.50 lbs/hr for NOx and 6.0 lbs/hr for CO.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No.4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 2, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for 37 minutes and resulted in the release of 166 lbs of propylene. The emission limits for the EPN are 4.01 lbs/hr for VOC.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emission event occurred on February 29, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for one hour and 43 minutes and resulted in the release of 15.20 lbs of hydrogen cyanide ("HCN") and 526.80 lbs of propylene. The emission limits for this EPN are 1.26 lbs/hr for HCN and 4.01 lbs/hr for VOC.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 27, 2008 due to a loss of air flow from operator error at EPN 30H5, which lasted for one hour and 51 minutes and resulted in the release of 4,057 lbs of VOC, 4,714 lbs of CO and 61 lbs of hydrogen cyanide ("HCN"). The emission limits for this EPN are 3.57 lbs/hr for VOC, 31 lbs/hr for CO and 1.28 lbs/hr for HCN.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report an emissions event. Specifically, the final report for the March 27, 2008 emissions event did not contain the authorized limits for several pollutants that were involved in the event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/11/2005	(348724)
2	05/16/2005	(380841)
3	05/23/2005	(419588)
4	05/31/2005	(374702)
5	05/31/2005	(379380)
6	05/31/2005	(379386)
7	06/06/2005	(348652)
8	06/23/2005	(419589)
9	07/19/2005	(440731)
10	07/21/2005	(398102)
11	08/16/2005	(440732)
12	08/19/2005	(404318)
13	08/24/2005	(349399)
14	08/24/2005	(377022)
15	08/25/2005	(401920)
16	08/29/2005	(401919)
17	08/30/2005	(401906)
18	09/01/2005	(401916)
19	09/19/2005	(440733)
20	10/04/2005	(379884)
21	10/11/2005	(399217)
22	10/24/2005	(468248)
23	11/28/2005	(468249)
24	12/20/2005	(468250)
25	12/30/2005	(434386)
26	01/09/2006	(439878)
27	01/23/2006	(468251)
28	01/30/2006	(438969)
29	02/16/2006	(405519)
30	02/21/2006	(438633)
31	03/03/2006	(457603)
32	03/20/2006	(498075)
33	04/19/2006	(451614)
34	04/24/2006	(498076)
35	04/30/2006	(468247)
36	05/12/2006	(464820)
37	05/12/2006	(464822)
38	05/12/2006	(464824)
39	05/12/2006	(464827)
40	05/12/2006	(464828)
41	05/16/2006	(457449)
42	05/17/2006	(458668)
43	05/18/2006	(449724)
44	05/18/2006	(451024)
45	05/22/2006	(498077)
46	05/31/2006	(466924)
47	05/31/2006	(466929)
48	05/31/2006	(466931)
49	05/31/2006	(466932)
50	06/05/2006	(463415)
51	06/21/2006	(467669)

52	06/21/2006	(480974)
53	06/23/2006	(498078)
54	06/29/2006	(466692)
55	06/29/2006	(482575)
56	06/29/2006	(482600)
57	07/10/2006	(464446)
58	07/20/2006	(467521)
59	07/25/2006	(485504)
60	07/26/2006	(520095)
61	08/17/2006	(497124)
62	08/21/2006	(520096)
63	08/23/2006	(486778)
64	08/31/2006	(480128)
65	09/15/2006	(511153)
66	09/21/2006	(520097)
67	10/23/2006	(544349)
68	10/27/2006	(516020)
69	10/27/2006	(516053)
70	11/08/2006	(518116)
71	11/29/2006	(531921)
72	11/29/2006	(532004)
73	11/29/2006	(544350)
74	12/07/2006	(532264)
75	12/08/2006	(531936)
76	12/11/2006	(518235)
77	12/11/2006	(518239)
78	12/27/2006	(544351)
79	01/11/2007	(532283)
80	01/18/2007	(535916)
81	01/18/2007	(536107)
82	01/22/2007	(544352)
83	01/23/2007	(536783)
84	01/30/2007	(536987)
85	01/30/2007	(536993)
86	02/16/2007	(512464)
87	02/16/2007	(539392)
88	02/16/2007	(539394)
89	02/20/2007	(539401)
90	02/21/2007	(539360)
91	02/22/2007	(539395)
92	02/22/2007	(575043)
93	02/23/2007	(539396)
94	03/12/2007	(539397)
95	03/12/2007	(539398)
96	03/12/2007	(539403)
97	03/26/2007	(575044)
98	04/12/2007	(543359)
99	04/12/2007	(543389)
100	04/12/2007	(543393)
101	04/12/2007	(543396)
102	04/12/2007	(543411)
103	04/19/2007	(575045)
104	05/23/2007	(575046)
105	06/08/2007	(543508)
106	06/13/2007	(563309)
107	06/25/2007	(575047)
108	06/26/2007	(558363)
109	07/05/2007	(564044)
110	07/05/2007	(565543)
111	07/06/2007	(560348)
112	07/23/2007	(575048)
113	08/17/2007	(571113)
114	08/17/2007	(571116)
115	08/17/2007	(571117)
116	08/17/2007	(571120)
117	08/17/2007	(571122)
118	08/22/2007	(573057)
119	08/28/2007	(566965)
120	08/28/2007	(566968)
121	08/29/2007	(572199)
122	08/30/2007	(571497)

123	09/20/2007	(607508)
124	09/27/2007	(593895)
125	09/27/2007	(594475)
126	09/28/2007	(565072)
127	10/04/2007	(565781)
128	10/16/2007	(594030)
129	10/19/2007	(607509)
130	10/31/2007	(607507)
131	11/01/2007	(598289)
132	11/01/2007	(598293)
133	11/05/2007	(597652)
134	11/06/2007	(599382)
135	11/15/2007	(619438)
136	12/03/2007	(595635)
137	12/14/2007	(609886)
138	12/17/2007	(599351)
139	12/17/2007	(599355)
140	12/17/2007	(610870)
141	12/18/2007	(619439)
142	12/20/2007	(611710)
143	12/20/2007	(611714)
144	01/17/2008	(619440)
145	01/28/2008	(595602)
146	01/29/2008	(609295)
147	02/04/2008	(595610)
148	02/13/2008	(615839)
149	02/13/2008	(615859)
150	02/14/2008	(609298)
151	02/14/2008	(671945)
152	02/15/2008	(612072)
153	02/15/2008	(618125)
154	03/11/2008	(616436)
155	03/18/2008	(615838)
156	03/18/2008	(671946)
157	03/24/2008	(639874)
158	04/03/2008	(615836)
159	04/03/2008	(617714)
160	04/11/2008	(618763)
161	04/17/2008	(671947)
162	04/21/2008	(612070)
163	04/22/2008	(640492)
164	04/25/2008	(616540)
165	04/29/2008	(639697)
166	04/29/2008	(639703)
167	04/29/2008	(639707)
168	04/29/2008	(639708)
169	04/29/2008	(639711)
170	05/14/2008	(689865)
171	05/20/2008	(671627)
172	06/04/2008	(646671)
173	06/06/2008	(682013)
174	06/20/2008	(683391)
175	06/20/2008	(689866)
176	07/02/2008	(681880)
177	07/03/2008	(682028)
178	07/14/2008	(710637)
179	07/14/2008	(710641)
180	07/28/2008	(684301)
181	07/30/2008	(687438)
182	08/01/2008	(685339)
183	08/12/2008	(687925)
184	08/15/2008	(710636)
185	08/22/2008	(689052)
186	08/26/2008	(680027)
187	08/28/2008	(595601)
188	08/29/2008	(689053)
189	09/25/2008	(710639)
190	10/13/2008	(703732)
191	10/14/2008	(702982)
192	10/14/2008	(702989)
193	10/16/2008	(710640)

194	10/30/2008	(706840)
195	11/03/2008	(681757)
196	11/17/2008	(705402)
197	11/17/2008	(705404)
198	11/17/2008	(706687)
199	11/18/2008	(727417)
200	11/24/2008	(708102)
201	12/08/2008	(682431)
202	12/17/2008	(750168)
203	01/06/2009	(721518)
204	01/06/2009	(721523)
205	01/28/2009	(703392)
206	02/04/2009	(703385)
207	02/12/2009	(750164)
208	02/13/2009	(703393)
209	02/13/2009	(709611)
210	02/16/2009	(723984)
211	02/16/2009	(723985)
212	02/20/2009	(723296)
213	02/24/2009	(726852)
214	02/24/2009	(726862)
215	02/24/2009	(726865)
216	02/24/2009	(726874)
217	02/24/2009	(726880)
218	03/16/2009	(750165)
219	03/20/2009	(724849)
220	03/20/2009	(725378)
221	04/06/2009	(736212)
222	04/16/2009	(750166)
223	04/16/2009	(750167)
224	05/15/2009	(768286)
225	06/10/2009	(768287)
226	06/23/2009	(759561)
227	06/29/2009	(724359)
228	07/31/2009	(761187)
229	08/10/2009	(760734)
230	08/11/2009	(762921)
231	08/11/2009	(765164)
232	08/31/2009	(767513)
233	11/06/2009	(767538)
234	11/23/2009	(776989)
235	12/11/2009	(784537)
236	12/11/2009	(784582)
237	12/11/2009	(784564)
238	12/13/2009	(767543)
239	12/13/2009	(767545)
240	12/13/2009	(767547)
241	12/14/2009	(767550)
242	01/05/2010	(767553)
243	01/07/2010	(784346)
244	01/19/2010	(785856)
245	02/10/2010	(790032)
246	02/10/2010	(790040)
247	03/03/2010	(767564)
248	04/06/2010	(767606)
249	04/09/2010	(784203)
250	04/22/2010	(796385)
251	04/22/2010	(796387)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	07/21/2005	(398102)	CN603482811
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ Permit #18251, SC #4 PERMIT		
Description:	Solutia failed to include the facility's authorization limit and number on the final report.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)		
Description:	Solutia failed to include the facility's authorization limit and number on the final report.		
Date:	08/24/2005	-377022	CN603482811 Emissions Event

Self Report?	NO	Classification:	Moderate
Citation:	18251 SC 4 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Solutia failed to properly tighten a valve.		
Date	08/24/2005	(349399)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ Air Permit No. 38998, SC#4 PA		
Description:	The regulated entity failed to prevent a leak in a propylene pump.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)		
Description:	failed to identify the permit number representing the propylene pump in the emissions event report.		
Date	09/30/2005	(468248)	CN603482811
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2005	(468249)	CN603482811
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/16/2006	(405519)	CN603482811
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
Description:	Failure to record quarterly opacity observation on Unit ID: 350H1-1		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.142(1)(E)		
Description:	Solutia, Inc., failed to equipt Unit IDs:P-10 and P-13, with a Close-Vent system.		
Date	02/17/2006	(405519)	CN603482811
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) O-02325 PERMIT		
Description:	Failure to comply with the requirements of 30 TEX. ADMIN. CODE Chapter 106.472(9).		
Date	03/02/2006	(457603)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(c)(1)(ii) 5C THC Chapter 382, SubChapter A 382.085(b) SC 2 PERMIT		
Description:	Failure to have a monitoring plan that indicates the monitoring parameter levels that constitute a leak from the heat exchangers into the water of cooling towers E379CT3, E379CT4, and 70382EG.		
Self Report?	NO	Classification:	Major
Citation:	2A TWC Chapter 7, SubChapter A 7.101 Ordering Provision 3.a. ORDER		
Description:	Failure to comply with ordering provisions of the Commission Order Docket No. 2002-0174-AIR-E.		
Date	07/25/2006	(485504)	EE
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) No. 18251, Special Condition 4 PERMIT		
Description:	Failure to prevent unauthorized emissions.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.221(a)		
Description:	Failure to maintain the AN2 Flare in good working order during facility operations.		
Date	07/31/2006	(520096)	CN603482811
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2006	(520097)	CN603482811
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2006	-480128	CN603482811
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 118, SubChapter B 116.116(a)(1)		

Description: 5C THC Chapter 382, SubChapter D 382.085(b)
 Failure to maintain the tank throughputs for the acetic tank and water circulating tank as represented in the permit applicallon dated February 29, 2000 for the TCEQ Permit no. 38336.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 38336, Special Condition 23.E PERMIT
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02324, Special Condition 18 OP
 O-02324, Special Condition 1A OP

Description: Failure to install caps/plugs/flanges on eight open-ended lines in unit 70ANFUG.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02324, Special Condition 1A OP

Description: Failure to conduct a first attempt at repair on 1 valve within five calendar days after a leak was detected in the AN 7 Unit.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 38336, Special Condition 12B PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02324, Special Condition 18 OP

Description: Failure to maintain three pilots on the flare 70Z522.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 38336, Special Condition 4 PERMIT
 38336, Special Condition 8A PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02324, Special Condition 18 OP

Description: Failure to maintain the NOx emissions from the boiler 70Z401 within the permit limit in the AN7 Unit.

Date 11/29/2006 (532004) EE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 38998, Special Condition 4 PERMIT

Description: Failure to prevent unauthorized emissions.

Date 12/31/2006 (544352) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

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

Date 02/16/2007 (512464) CN603482811
 Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02321, SC 12 OP
 FOP O-02321, SC 1A OP
 NSR 18251 SC 14E PA
 NSR 18251, SC 12E PA

Description: Failure to cap 10 open-ended lines in HRVOC and HAP service.

Date 02/21/2007 (539360)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)
 PROVISION VII.D. PERMIT

Description: Violation of maximum injection flow rate.

Date 08/31/2007 (607508) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date 09/27/2007 (594475) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP No. 2324, Spec. Cond 1B OP
 FOP No. 2324, Spec. Cond. 1A OP
 NSR Permit No. 38336, Spec. Cond. 20E PERMIT
Description: Failure to seal four (4) open ended lines in VOC service during the compliance period.

Date 10/31/2007 (619438) CN603482811
Self Report? YES **Classification:** Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 01/29/2008 (585602) CN603482811
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 O-0125B, General Terms and Conditions OP

Description: Failure to submit the November 30, 2005 semi-annual deviation report within 30 days after the end of the reporting period.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 O-0125B, General Terms and Conditions OP

Description: Failure to submit a complete semi-annual report and annual compliance certification containing all terms and conditions of the permit for which compliance was not achieved.

Date 03/31/2008 (671947) CN603482811
Self Report? YES **Classification:** Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 04/11/2008 (618763) CN603482811
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 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)
 NSR 6534 Special Condition 18E PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP

Description: Failure to maintain open ended lines.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
 5C THSC Chapter 382 382.085(b)
 O-02319 Special Condition 1A OP

Description: Failure to perform annual benzene tank inspections.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 5 PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP

Description: Failure to maintain heating value of fuel gas.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 9B PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP

Description: Failure to maintain flame on process flare 50Z2-C.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 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)
 NSR 6534 Special Condition 10F PERMIT
 NSR 6534 Special Condition 18F PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP

Description: Failure to monitor delay of repair components on a quarterly frequency.
 Date 04/30/2008 (689865) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 05/31/2008 (689866) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 08/28/2008 (680027) CN603482811
 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)
 New Source Review Permit Num. 5084 SC 5 PERMIT
 Special Term and Condition 4 OP

Description: Failure to maintain the six minute average and a temperature above 1465 degrees Fahrenheit on unit 55H2 (Inclinator) during the annual compliance certification period 4/30/2007 through 4/30/2008.
 Date 08/29/2008 (689053) CN603482811
 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)
 5C THSC Chapter 382 382.085(b)
 O-02323 General Terms and Conditions OP

Description: Failure to submit the second semi-annual deviation report within the 30 day time frame.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 O-02323 General Terms and Conditions OP

Description: Failure to submit the PCC report for the certification period of December 1, 2007 through May 31, 2008 within the 30 day time frame.
 Date 11/03/2008 -681757 CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 38336, Spec. Cond. 11 PERMIT
 Spec. Cond. 18 OP

Description: Failure to maintain reactor rate hours on 702404 below permitted levels.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GT&C OP

Description: Failure to submit complete and accurate deviation report.
 Date 02/06/2009 (703385) CN603482811
 Self Report? NO Classification: Minor
 Citation: 2271, SC 5 PERMIT
 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)
 O-01258, SC 4 OP

Description: Failure to maintain water flow in Dryer Scrubber 55K1 at or above 65 gallons per minute.
 Self Report? NO Classification: Moderate
 Citation: 2271, GC 9 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01258, SC 4 OP

Description: Failure to collect all dust from the dust collector capture system during loading operation.
 Date 02/13/2009 (703393) CN603482811
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(II)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Special Condition 2D OP

Description: Special Condition 9A PA
 Failure to maintain the minimum heating value for flare 50Z-2.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 20 OP
 Description: Failure to maintain emissions below Maximum Allowable Emission Rate on flare 50Z2-C.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report all deviations for each 6-month period.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Special Condition 20 OP
 Special Condition 9B PA
 Description: Failure to maintain a flame on process flare 50Z2-C.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 18I PERMIT
 Special Condition 1A OP
 Special Condition 20 OP
 Description: Failure to repair valve 158963 within 15 days of leak discovery.
 Date 07/31/2009 (781167)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)
 Provision II.A.7 PERMIT
 Description: Facility did not have land disposal restriction documentation for waste stream 3013212H.
 Date 01/06/2010 (767553) CN603482811
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term and Condition 12A OP
 FOP, Special Term and Condition 1A OP
 NSR Permit, Special Condition 19A PERMIT
 Description: Failure to maintain flare 31Z4 (31Z8 In FOP O-0231, 2007) vent gas heating at the minimum required heating value. Category B19 (g) (1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term and Condition 12A OP
 FOP, Special Term and Condition 1A OP
 NSR, Special Condition 15E PERMIT
 NSR, Special Condition 3A PERMIT
 NSR, Special Condition 5 PERMIT
 NSR, Special Condition 13E PERMIT
 Description: Failure to prevent an open ended line on a valve at AN23 on January 22, 2009. Category C10
 Date 04/07/2010 (767606) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02325 SC 11(A) OP
 NSR 48895 SC 4(B) PERMIT

Description: Failure to maintain monthly monitoring for three cooling towers, EPN's E379CT3, E379CT4, and 70382E6 from April 1, 2009 at 0000 to April 30, 2009 at 2359. (Category C1 violation)

F. Environmental audits.

Notice of Intent Date: 01/03/2006 (453378)
Disclosure Date: 03/30/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722

Description: Failure to meet BTU and HRVOC calibration requirements for AN2/3 process flares.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.401

Description: Failure to submit ECT-3H, and highly-reactive volatile organic compound emissions cap and trade level of activity certification form to TCEQ by 4/30/05.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(4)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

Description: Failure to report Absorber Off Gas vents & Fugitives in HON units in HON NOCS.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11

Description: Failure to have HON stack performance test demonstrations for AN2/3 process flares 30Z7 (currently known and permitted as 30Z8) and 31Z4 (currently known and permitted as 31Z6).

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(b)

Description: Failure to add group 2 to TRE determinations to HON NOCS.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)
30 TAC Chapter 115, SubChapter B 115.126(4)

Description: Failure to provide exemption documentation to demonstrate option 1 or 2 for Industrial waste water rules for 30D1, 30D4, 30D8, 31D1, 31D4. Failure to maintain Regulation V vent gas exemption documentation on for 30 HIC, 31 HIC, 30D2, and 31D2.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Description: Failure to complete to make repairs for fugitive first attempts and open ended lines.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119

Description: Failure to have tank controls for tanks 30T15, 30T14, and 31T7.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

Description: Failure to maintain records of HON SSM, group 1 sources, maintenance wastewater and process wastewater in AN2/3 unit prior to 2006.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213

Description: Failure to conduct NOx RACT stack tests for Air Startup Heaters.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116

Rqmt PERMIT 18251

Description: Failure to maintain accurate permit representations for miscellaneous process impurities.

Viol. Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to update Title V permit to include various sources and rules, HW MACT, HON Tank Vents, Regulation V tanks and vent gas rules.

Notice of Intent Date: 04/07/2006 (462917)
Disclosure Date: 11/14/2006
Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)(3)

30 TAC Chapter 122, SubChapter B 122.142
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

Description: Failure to submit written notification to the regional office or local pollution control office for 57T5 wastewater streams subject to 115 rules. Failure to include 57T5 tank and applicable requirements in NOCS and accurately represent in the Title V permit.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)(1)

Description: Failure to consider all unit 57T5 VOC's in streams as HAP's.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.142

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

Description: Failure to represent ch. 115, Subchapter B, Division 2 Vent Gas Controls that applies to 57T5 in the NOCS or Title V Permit, and amend the Title V permit to reflect that Tanks 57T5, 57T6, and 57T10 are surge control storage vessels that are exempt from permit requirements due to capacity.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116

30 TAC Chapter 122, SubChapter B 122.142

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

Description: Failure to include or accurately represent Tank Nos. 57T3, 57T6, 57T5, 57T10, 57T1, 57T11, 57T35, 57T32, 57R1-1 and 57R1-2 in the NOCS and the Title V and NSR permits.

Notice of Intent Date: 05/25/2006 (481532)

Disclosure Date: 11/14/2006

Viol. Classification: Minor
Rqmt PERMIT 32151, SC 8A

Description: Failure to notify the regional office 45 days prior to schedule stack sampling for scrubber 83S14 and 83S6.

Notice of Intent Date: 04/23/2007 (559025)

No DOV Associated

Notice of Intent Date: 01/31/2008 (641816)

No DOV Associated

Notice of Intent Date: 07/07/2009 (762800)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ASCEND PERFORMANCE
MATERIALS, LLC
RN100238682

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1997-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Ascend Performance Materials, LLC (“the 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 the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petrochemical plant located eight miles south of the Highway 35 and Farm-to-Market Road 2917 intersection on Farm-to-Market Road 2917 in Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on August 31, 2009, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an event that occurred on July 19, 2009. Specifically, the Respondent released 12,044 pounds ("lbs") of unauthorized volatile organic compound emissions, 3,439 lbs of which were highly reactive volatile organic compounds, 22 lbs of unauthorized hydrogen cyanide emissions, and 15,280 lbs of unauthorized carbon monoxide emissions from Emission Point Number 70Z404 during the two hour and 48 minute event (Incident No. 126994). The event occurred when a valve positioner on the Acrylonitrile 7 Unit Absorber Off-Gas Vent malfunctioned. Since the emissions event was not reported properly and could have been avoided by better maintenance and/or operational practices, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. During an investigation conducted on August 31, 2009, TCEQ staff documented that the Respondent failed to properly report the July 19, 2009 emissions event. Specifically, the Respondent did not provide the permit number in the final report governing the facilities involved in the emissions event (Incident No. 126994).
5. During an investigation conducted on November 18, 2009, TCEQ staff documented that the Respondent failed to submit a complete and accurate semi-annual deviation report for the December 1, 2008 through May 31, 2009 reporting period. Specifically, deviations were documented that were not reported.
6. During an investigation conducted on November 18, 2009, TCEQ staff documented that the Respondent failed to obtain proper authorization to operate a previously grandfathered emissions source. Specifically, the ECU Boiler (Emission Point No. 350H1-1), which had been subject to regulation under Standard Permit No. 39643 and Federal Operating Permit No. O-02325, was being operated prior to obtaining the proper authorization.
7. During an investigation conducted on November 18, 2009, TCEQ staff documented that the Respondent failed to timely incorporate New Source Review Permit No. 48895 into Federal Operating Permit No. O-02325. Specifically, New Source Review Permit No. 48895 was under the jurisdiction of Federal Operating Permit No. O-02325 as of July 23, 2008, but was not incorporated into the Federal Operating Permit until renewal on November 17, 2009.
8. During an investigation conducted on January 10, 2010, TCEQ staff documented that the Respondent failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 129824) that began on September

- 23, 2009, the Respondent failed to prevent a loss of power, causing the unauthorized release of 4,865.02 lbs of acrylonitrile and 1,489.24 lbs of hydrogen cyanide from the Acrylonitrile 7 Unit and Acrylonitrile 2 Unit over a five hour and fifty-three minute period. This event was determined to be an excessive emissions event.
9. During an investigation conducted on April 16, 2010, TCEQ staff documented that the Respondent failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 135872) on February 15, 2010, the Respondent failed to fully isolate the South Bottoms Filter resulting in the unauthorized release of 718 pounds of acrylonitrile on the Acrylonitrile 2 Unit Product Purification Column pad area over a nine minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b).
 10. The Respondent received notice of the violations on November 24, 2009, April 12, 2010 and May 21, 2010.
 11. The Executive Director recognizes that the Respondent acquired the Plant on June 1, 2009. The Executive Director also recognizes the Respondent has implemented the following corrective measures at the Plant:
 - a. On November 17, 2009, a renewal was issued for Federal Operating Permit No. O-02325 that includes New Source Review Permit No. 48895;
 - b. On May 12, 2010, authorization to operate the ECU Boiler was included in an amendment to New Source Review Permit No. 48895;
 - c. By May 14, 2010, all required actions identified in the approved Corrective Action Plan were completed in order to address the excessive emissions event that occurred on September 23, 2009 from the Acrylonitrile 7 Unit and Acrylonitrile 2 Unit (Incident No. 129824); and
 - d. By October 7, 2010, the Respondent implemented procedures to ensure emissions events are reported properly and all affected personnel were properly trained in reporting requirements.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 115.722(c)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit Nos. 38336, PSD-TX-910, and N-011, Special Conditions No. 1.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to properly report the July 19, 2009 emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit a complete and accurate semi-annual deviation report for the December 1, 2008 through May 31, 2009 reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit No. O-02325 General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to obtain proper authorization to operate a previously grandfathered emissions source, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.770(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to timely incorporate New Source Review Permit No. 48895 into Federal Operating Permit No. O-02325, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.210(a), Federal Operating Permit No. O-02325 Special Terms and Conditions No. 19(B), and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to comply with permitted emissions limits during an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), New Source Review Permit Nos. 18251 and N-011 Special Conditions No. 1, New Source Review Permit Nos. 38336, PSD-TX-910, and N-011 Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to comply with permitted emissions limits during an emissions event, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit Nos. 18251 and N-011 Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of Sixty-Five Thousand Five Hundred Sixty-Four Dollars (\$65,564) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Thirty-Two Thousand Seven Hundred Eighty-Two Dollars (\$32,782) of the administrative penalty. Thirty-Two Thousand Seven Hundred Eighty-Two Dollars (\$32,782) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The the Respondent is assessed an administrative penalty in the amount of Sixty-Five Thousand Five Hundred Sixty-Four Dollars (\$65,564) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ascend Performance Materials, LLC, Docket No. 2009-1997-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 10, Thirty-Two Thousand Seven Hundred Eighty-Two Dollars (\$32,782) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and implement improvements to training, design, operation, or maintenance procedures, in order to address the emissions event that occurred on July 19, 2009 from the Acrylonitrile 7 Unit in order to prevent the reoccurrence of same or similar incidents as Incident No. 126994;
 - ii. Implement procedures designed to ensure semi-annual deviation reports are complete, accurate, and submitted within 30 days after the end of each reporting period; and
 - iii. Develop and implement improvements to training, design, operation, or maintenance procedures, in order to address the emissions event that occurred on February 15, 2010 from the Acrylonitrile 2 Unit in order to prevent the reoccurrence of same or similar incidents as Incident No. 135872;

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a.i. through 3.a.iii. as described in Ordering Provision No. 3.c.; and
- c. Submit required written certifications as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a

written and substantiated showing of good cause. All requests for extensions by the the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the the Respondent if the Executive Director determines that the the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szollosi
For the Executive Director

5/16/2011
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Ascend Performance Materials, LLC. I am authorized to agree to the attached Agreed Order on behalf of Ascend Performance Materials, LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Ascend Performance Materials, LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Paul Cartledge
Signature

5/24/11
Date

PAUL CARTLEDGE
Name (Printed or typed)
Authorized Representative of
Ascend Performance Materials, LLC

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order

Attachment A
Docket Number: 2009-1997-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Ascend Performance Materials, LLC

Penalty Amount: Sixty-Five Thousand Five Hundred Sixty-Four Dollars (\$65,564)

SEP Offset Amount: Thirty-Two Thousand Seven Hundred Eighty-Two Dollars (\$32,782)

Type of SEP: Pre-approved

Third-Party Recipient: Brazoria County – *Brazoria County Vehicle and Equipment Program*

Location of SEP: Brazoria County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be used by **Brazoria County** for the *Brazoria County Vehicle and Equipment Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP Funds to: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. *SEP Funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.*

Retirement of Vehicles. The Third-Party Recipient shall submit proof that any purchase of new vehicles or equipment using SEP Funds meets current EPA low-emission standards. The Third-Party Recipient shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be

destroyed. The Third-Party Recipient shall submit proof of registration, decommissioning, and scrapping by an authorized vehicle dismantler for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, The Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below. The Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

Alternative Fuels: Use of alternative fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

b. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

Ascend Performance Materials, LLC
Agreed Order - Attachment A

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Brazoria County Parks Department
313 W. Mulberry
Angleton, Texas 77155

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

