

Executive Summary – Enforcement Matter – Case No. 41142
Ascend Performance Materials LLC
RN100238682
Docket No. 2011-0222-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Ascend Performance Materials Chocolate Bayou Plant, located on Farm-to-Market Road 2917, approximately eight miles south of the intersection of Highway 35, near Alvin, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2010-1828-AIR-E, 2010-1345-AIR-E, 2010-0088-AIR-E, 2009-1997-AIR-E, and 2009-1331-AIR-E.

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 20, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$10,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: Statutory Maximum Limit Adjustment \$13,700

Applicable Penalty Policy: September 2002

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RN100238682
Docket No. 2011-0222-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 26, 2010

Date(s) of NOE(s): January 26, 2011

Violation Information

Failed to prevent unauthorized emissions during Incident No. 145043. Specifically, during the September 19, 2010 emissions event, the following unauthorized emissions were released from the AN3 Waste Heat Boiler over a period of one hour and six minutes when the boiler tripped due to a valve positioner wire being pinched in the door case and shorting: 10,998.91 pounds ("lbs") of acrylonitrile, 1,645.44 lbs of hydrogen cyanide, 207.74 lbs of propylene, and 665.52 lbs of volatile organic compounds. This emissions event was determined to be excessive [New Source Review Permit Nos. 18251 and N-011, Special Conditions No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Comply completely and adequately with the TCEQ letter dated January 26, 2011 requiring submittal of a corrective action plan ("CAP") to address the excessive emissions event that occurred on September 19, 2010 (Incident No. 145043);
- b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by any other deadline specified in writing;
- c. Upon Commission approval, implement the CAP in accordance with the approved schedule; and
- d. Upon completion of CAP implementation, submit written certification demonstrating compliance.

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Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rebecca Johnson, Enforcement Division,
Enforcement Team 5, MC R-14, (361) 825-3420; Laurie Eaves, Enforcement Division,
MC 219, (512) 239-4495
TCEQ SEP Coordinator: N/A
Respondent: Paul Cartlidge, ESSH Lead, Ascend Performance Materials LLC, P.O.
Box 711, Alvin, Texas 77512
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	31-Jan-2011	Screening	9-Feb-2011	EPA Due	23-Oct-2011
	PCW	9-Feb-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Ascend Performance Materials LLC				
Reg. Ent. Ref. No.	RN100238682				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	41142	No. of Violations	1	
Docket No.	2011-0222-AIR-E	Order Type	Findings	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Rebecca Johnson	
		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance **Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 9-Feb-2011

Docket No. 2011-0222-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 41142

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	25	50%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	4	-8%
<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) 137%

>> **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 NOVs for same/similar violations, 25 NOVs for dissimilar violations, and three agreed orders with a denial of liability. Reduction for five Notices of Intended Audits and four Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 137%

Screening Date 9-Feb-2011

Docket No. 2011-0222-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 41142

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s)

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

Violation Description

Failed to prevent unauthorized emissions during Incident No. 145043. Specifically, during the September 19, 2010 emissions event, the following unauthorized emissions were released from the AN3 Waste Heat Boiler over a period of one hour and six minutes when the boiler tripped due to a valve positioner wire being pinched in the door case and shorting: 10,998.91 pounds ("lbs") of acrylonitrile, 1,645.44 lbs of hydrogen cyanide, 207.74 lbs of propylene, and 665.52 lbs of volatile organic compounds. This emissions event was determined to be excessive.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to an excessive amount of pollutants that exceed protective levels as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$10,000

One daily event is recommended based on the September 19, 2010 emissions event.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/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 \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$437

Violation Final Penalty Total \$23,700

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

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 41142
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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$8,000	19-Sep-2010	23-Oct-2011	1.09	\$437	n/a	\$437

Notes for DELAYED costs

Estimated cost to implement maintenance measures designed to ensure that wires are properly insulated and protected to prevent shorts. The date required is the date of the emissions event. The final date is the projected date corrective measures will be completed.

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

\$8,000

TOTAL

\$437

Compliance History

Customer/Respondent/Owner-Operator:	CN603482811	Ascend Performance Materials LLC	Classification: AVERAGE	Rating: 5.22
Regulated Entity:	RN100238682	ASCEND PERFORMANCE MATERIALS CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 7.44

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	
	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
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30138
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD001700806
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50189
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	79885
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00445
	POLLUTION PREVENTION PLANNING	ID NUMBER	P07122
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
	WASTEWATER	PERMIT	WQ0000001000
	WASTEWATER	EPA ID	TX0003875
	AIR NEW SOURCE PERMITS	REGISTRATION	93420
	AIR NEW SOURCE PERMITS	REGISTRATION	94736
	AIR NEW SOURCE PERMITS	REGISTRATION	92085
	AIR NEW SOURCE PERMITS	REGISTRATION	93222
	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	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
AIR NEW SOURCE PERMITS	REGISTRATION	93079
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
STORMWATER	PERMIT	TXR05Y499

WATER LICENSING LICENSE 0200049
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # 30138
(SWR)
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0038U

Location: LOCATED ON FM 2917, EIGHT MILES SOUTH OF THE INTERSECTION OF HIGHWAY 35, NEAR ALVIN,
BRAZORIA COUNTY

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 23, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 22, 2006 to February 22, 2011

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

Name: Rebecca Johnson Phone: (361) 825-3423

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? Yes
3. If Yes, who is the current owner/operator? Ascend Performance Materials, LLC
4. If Yes, who was/were the prior owner(s)/operator(s)? Solutia Inc.
5. When did the change(s) in owner or operator occur? 07/07/2010
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

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

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 imitd during an emisisions 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 ina 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	05/18/2006	(449724)
2	05/18/2006	(451024)
3	04/19/2006	(451614)
4	05/16/2006	(457449)
5	03/03/2006	(457603)
6	05/17/2006	(458668)
7	06/05/2006	(463415)
8	07/10/2006	(464446)
9	05/12/2006	(464820)
10	05/12/2006	(464822)
11	05/12/2006	(464824)
12	05/12/2006	(464827)
13	05/12/2006	(464828)
14	06/29/2006	(466692)
15	05/31/2006	(466924)
16	05/31/2006	(466929)
17	05/31/2006	(466931)
18	05/31/2006	(466932)
19	07/20/2006	(467521)
20	06/21/2006	(467669)
21	04/30/2006	(468247)
22	08/31/2006	(480128)
23	06/21/2006	(480974)

24	06/29/2006	(482575)
25	06/29/2006	(482600)
26	07/25/2006	(485504)
27	08/23/2006	(486778)
28	08/17/2006	(497124)
29	03/20/2006	(498075)
30	04/24/2006	(498076)
31	05/22/2006	(498077)
32	06/23/2006	(498078)
33	09/15/2006	(511153)
34	02/16/2007	(512464)
35	10/27/2006	(516020)
36	10/27/2006	(516053)
37	11/08/2006	(518116)
38	12/11/2006	(518235)
39	12/11/2006	(518239)
40	07/26/2006	(520095)
41	08/21/2006	(520096)
42	09/21/2006	(520097)
43	11/29/2006	(531921)
44	12/08/2006	(531936)
45	11/29/2006	(532004)
46	12/07/2006	(532264)
47	01/11/2007	(532283)
48	01/18/2007	(535916)
49	01/18/2007	(536107)
50	01/23/2007	(536763)
51	01/30/2007	(536987)
52	01/30/2007	(536993)
53	02/21/2007	(539360)
54	02/16/2007	(539392)

55 02/16/2007 (539394)
56 02/22/2007 (539395)
57 02/23/2007 (539396)
58 03/12/2007 (539397)
59 03/12/2007 (539398)
60 02/20/2007 (539401)
61 03/12/2007 (539403)
62 04/12/2007 (543359)
63 04/12/2007 (543389)
64 04/12/2007 (543393)
65 04/12/2007 (543396)
66 04/12/2007 (543411)
67 06/08/2007 (543508)
68 10/23/2006 (544349)
69 11/29/2006 (544350)
70 12/27/2006 (544351)
71 01/22/2007 (544352)
72 06/26/2007 (558363)
73 07/06/2007 (560348)
74 06/13/2007 (563309)
75 07/05/2007 (564044)
76 09/28/2007 (565072)
77 07/05/2007 (565543)

78 10/04/2007 (565781)
79 08/28/2007 (566965)
80 08/28/2007 (566968)
81 08/17/2007 (571113)
82 08/17/2007 (571116)
83 08/17/2007 (571117)
84 08/17/2007 (571120)

85 08/17/2007 (571122)
86 08/30/2007 (571497)
87 08/29/2007 (572199)
88 08/22/2007 (573057)
89 02/22/2007 (575043)
90 03/26/2007 (575044)
91 04/19/2007 (575045)
92 05/23/2007 (575046)
93 06/25/2007 (575047)
94 07/23/2007 (575048)
95 09/27/2007 (593895)
96 10/16/2007 (594030)
97 09/27/2007 (594475)
98 08/28/2008 (595601)
99 01/28/2008 (595602)
100 02/04/2008 (595610)
101 12/03/2007 (595635)
102 11/05/2007 (597652)
103 11/01/2007 (598289)
104 11/01/2007 (598293)
105 12/17/2007 (599351)
106 12/17/2007 (599355)
107 11/06/2007 (599382)
108 10/31/2007 (607507)
109 09/20/2007 (607508)
110 10/19/2007 (607509)
111 01/29/2008 (609295)
112 02/14/2008 (609298)
113 12/14/2007 (609886)
114 12/17/2007 (610670)

115 12/20/2007 (611710)
116 12/20/2007 (611714)
117 04/21/2008 (612070)
118 02/15/2008 (612072)
119 04/03/2008 (615836)
120 03/18/2008 (615838)
121 02/13/2008 (615839)
122 02/13/2008 (615859)
123 03/11/2008 (616438)
124 04/25/2008 (616540)
125 04/03/2008 (617714)

126 02/15/2008 (618125)
127 04/11/2008 (618763)
128 11/15/2007 (619438)
129 12/18/2007 (619439)
130 01/17/2008 (619440)
131 04/29/2008 (639697)
132 04/29/2008 (639703)
133 04/29/2008 (639707)
134 04/29/2008 (639708)
135 04/29/2008 (639711)
136 03/24/2008 (639874)
137 04/22/2008 (640492)
138 06/04/2008 (646671)
139 05/20/2008 (671627)
140 02/14/2008 (671945)
141 03/18/2008 (671946)
142 04/17/2008 (671947)
143 08/26/2008 (680027)
144 11/03/2008 (681757)

145 07/02/2008 (681880)
146 06/06/2008 (682013)
147 07/03/2008 (682028)
148 12/08/2008 (682431)
149 06/20/2008 (683391)
150 07/28/2008 (684301)
151 08/01/2008 (685339)
152 07/30/2008 (687438)
153 08/12/2008 (687925)
154 08/22/2008 (689052)
155 08/29/2008 (689053)
156 05/14/2008 (689865)
157 06/20/2008 (689866)
158 10/14/2008 (702982)
159 10/14/2008 (702989)
160 02/04/2009 (703385)
161 01/28/2009 (703392)
162 02/13/2009 (703393)
163 10/13/2008 (703732)
164 11/17/2008 (705402)
165 11/17/2008 (705404)
166 11/17/2008 (706687)
167 10/30/2008 (706840)
168 11/24/2008 (708102)
169 07/14/2008 (710637)
170 08/15/2008 (710638)
171 09/25/2008 (710639)
172 10/16/2008 (710640)
173 07/14/2008 (710641)
174 01/06/2009 (721518)

175 01/06/2009 (721523)
176 02/20/2009 (723296)
177 02/16/2009 (723984)
178 02/16/2009 (723985)
179 06/29/2009 (724359)
180 03/20/2009 (724849)
181 03/20/2009 (725378)
182 02/24/2009 (726852)
183 02/24/2009 (726862)
184 02/24/2009 (726865)
185 02/24/2009 (726874)
186 02/24/2009 (726880)
187 11/18/2008 (727417)
188 04/06/2009 (736212)
189 02/12/2009 (750164)
190 03/16/2009 (750165)
191 04/16/2009 (750166)
192 04/16/2009 (750167)
193 12/17/2008 (750168)
194 06/23/2009 (759561)
195 08/10/2009 (760734)
196 07/31/2009 (761167)
197 08/11/2009 (762921)
198 08/11/2009 (765164)
199 08/31/2009 (767513)
200 11/06/2009 (767538)
201 12/13/2009 (767543)
202 12/13/2009 (767545)
203 12/13/2009 (767547)
204 12/14/2009 (767550)
205 01/05/2010 (767553)

206 03/03/2010 (767564)
207 04/06/2010 (767606)
208 05/15/2009 (768286)
209 06/10/2009 (768287)
210 11/23/2009 (776989)
211 04/09/2010 (784203)
212 01/07/2010 (784346)
213 12/11/2009 (784537)
214 12/11/2009 (784562)
215 12/11/2009 (784564)
216 01/19/2010 (785856)
217 02/10/2010 (790032)
218 02/10/2010 (790040)
219 05/06/2010 (794067)
220 04/22/2010 (796385)
221 04/22/2010 (796387)
222 05/20/2010 (799533)
223 05/27/2010 (801971)
224 06/21/2010 (803247)
225 02/18/2010 (804427)
226 08/24/2009 (804428)
227 09/22/2009 (804429)
228 10/14/2009 (804430)
229 11/17/2009 (804431)
230 12/17/2009 (804432)
231 01/18/2010 (804433)
232 07/30/2010 (827020)
233 07/09/2010 (829610)
234 07/23/2010 (830086)
235 07/14/2010 (830505)

236 03/15/2010 (830793)
237 04/13/2010 (830794)
238 05/17/2010 (830795)
239 09/09/2010 (841766)
240 08/30/2010 (844061)
241 06/15/2010 (846239)
242 08/30/2010 (849823)
243 10/08/2010 (849826)
244 10/05/2010 (849827)
245 09/30/2010 (850191)
246 09/30/2010 (850194)
247 09/30/2010 (850201)
248 09/30/2010 (850202)
249 09/30/2010 (850203)
250 09/28/2010 (850727)
251 10/25/2010 (858020)
252 11/12/2010 (858023)
253 02/15/2011 (858035)
254 11/10/2010 (858043)
255 11/22/2010 (858048)
256 10/13/2010 (859969)
257 07/13/2010 (860835)
258 09/20/2010 (864461)
259 09/30/2010 (864946)
260 10/26/2010 (865510)
261 01/26/2011 (866639)
262 08/16/2010 (866799)
263 11/10/2010 (873330)
264 09/17/2010 (873871)
265 12/01/2010 (880015)

266 12/08/2010 (880841)
 267 10/18/2010 (881473)
 268 01/13/2011 (884974)
 269 01/24/2011 (886439)
 270 01/25/2011 (886526)
 271 01/21/2011 (887668)
 272 11/11/2010 (888004)
 273 12/13/2010 (896206)

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

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)

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)

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)

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)
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)
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)

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)

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 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)

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)

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)

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)

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)
 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)
 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)
 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)
 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)

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)

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)

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.

Date: 12/31/2009 (804433)

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: 01/06/2010 (767553)

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 (31Z6 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: 01/31/2010 (804427)

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: 04/07/2010 (767606)

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)

Date: 05/06/2010 (794067)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 15C PERMIT
Special Term and Condition 1A OP

Description: Failure to maintain flare opacity at less than five minutes in a two-hour period. (category C4 violation)

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)
Special Condition 9A PERMIT
Special Term and Condition 18 OP

Description: Failure to maintain the liquid flow rate of scrubber 320Z322 above 10 gallons per minute. (category C4 violation)

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)
Special Condition 9C PERMIT
Special Term and Condition 18 OP

Description: Failure to maintain the inlet temperature of scrubber 320Z322 below 60 degrees fahrenheit. (category C4 violation)

Date: 05/28/2010 (801971)

Self Report? NO

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically,

Ascend released 374.52.0 lbs of propylene during in incident (Incident No. 136547) that lasted 30 minutes. Ascend did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions. Ascend failed to prevent the malfunction of the thermocouple.

Date: 09/29/2010 (850727)

Self Report? NO

Classification: Minor

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

Description: Failed to include speciated air contaminants released during the emissions event

in the final report.

Date: 11/10/2010 (858043)

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)
Special Condition 14 PERMIT
Special Condition 8 OP

Description: Failure to maintain scrubber solution pH above permitted limit. (Category B19g1 Violation)

Date: 11/12/2010 (858023)

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 include 3 deviations in the first semi-annual deviation report dated December 18, 2009. [Category C3]

Date: 02/15/2011 (858035)

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 9A PERMIT
Special Terms and Condition 19 OP
Special Terms and Condition 1A OP

Description: Failure to maintain the net heating value of fuel gas at 300 BTU/scf or greater for the main processing flare (EPN 50Z2-C) on September 23, 2009 from 2:14 to 2:43. (Category C4)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 2F OP

Description: Failure to create final records for (2) two non-reportable emissions events within two weeks after the end of the emissions events. (Category C3)

Self Report? NO

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(l)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(l)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 4 PERMIT
Special Terms and Condition 1A OP

Description: Failure to prepare a written plan that requires inspection of the closed vent system of the wastewater treatment unit and failure to conduct an inspection of the closed vent system (EPN 51D6). (Category B3)

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 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.

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 Prov: 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)

Disclosure Date: 08/28/2009

Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)

Description: Failure to calibrate implement annual calibration continuous flow monitors for cooling towers E379CT3, E379CT4, and 70382E6.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to authorize volatile organic compounds (VOCs) from tanks E332S1-1, E332S1-2, E332T1-1, E332T1-2, E336T1-1, E336T1-2, E336T2-1, and E3362-2 and particulate matter emissions from cooling towers E379CT3, E379CT4, and 70382E6 by permits by rule (PBRs).

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)

Description: Failure to accurately report annual nitrogen oxide emissions from EPN E350H1-1 due to calculation errors.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter A 106.4(a)(1)

Description: Failure to ensure wastewater treatment VOC emissions are less than 25 tons per year.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.340(h)

Description: Failure to stack test EPN E334P71 and E334GEN quarterly for nitrogen oxides and carbon monoxide from April 2005 through April 2007.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(a)(9)

Description: Failure to meet emission standards for EPN E334P71 and E334GEN and failure to report in the semiannual engine report.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)(1)

Description: Failure to ensure E334-GEN is accounted for in the mass emission cap and trade (MECT) program.

Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Violations from this audit were not reported in the Title V deviation reports.

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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§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0222-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 Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has 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 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 Respondent.

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

I. FINDINGS OF FACT

- 1. The Respondent owns and operates a chemical manufacturing facility located on Farm-to-Market Road 2917, approximately eight miles south of the intersection of Highway 35 near 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 October 26, 2010, TCEQ staff documented a release of unauthorized emissions during Incident No. 145043. Specifically, during the September 19, 2010 emissions event, the following unauthorized emissions were released from the AN₃ Waste Heat Boiler over a period of one hour and six minutes when the boiler tripped due to a valve positioner wire being pinched in the door case and shorting: 10,998.91 pounds ("lbs") of acrylonitrile, 1,645.44 lbs of hydrogen cyanide, 207.74 lbs of propylene, and 665.52 lbs of volatile organic compounds.
4. The Respondent received notice of the violations on January 31, 2011.

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 during Incident No. 145043, in violation of New Source Review Permit Nos. 18251 and N-011, Special Conditions No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). This emissions event was determined to be excessive.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against 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.
4. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) 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 the Ten Thousand Dollar (\$10,000) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand Dollars (\$10,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and 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. 2011-0222-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 undertake the following technical requirements:
 - a. Comply completely and adequately with the TCEQ letter dated January 26, 2011 requiring submittal of a corrective action plan ("CAP") to address the excessive emissions event that occurred on September 19, 2010 (Incident No. 145043);
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by any other deadline specified in writing;
 - c. Upon Commission approval, implement the CAP in accordance with the approved schedule;
 - d. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. as described in Ordering Provision No. 2.e.; and
 - e. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certifications 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 fine 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

3. 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.
4. 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.
5. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

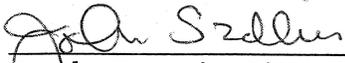
enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. 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.
10. 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



For the Executive Director

Date 6/2/2011

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.



Signature

Date 4/13/11

Paul Cartledge

Name (Printed or typed)
Authorized Representative of
Ascend Performance Materials LLC

Title ES&H Lead

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.