

**Executive Summary – Enforcement Matter – Case No. 40689
Ascend Performance Materials LLC
RN100238682
Docket No. 2010-1828-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Chemical manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-0222-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 13, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$33,200

Amount Deferred for Expedited Settlement: \$6,640

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$13,280

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$13,280

Name of SEP: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Maximum Limit Adjustment: \$2,350

Applicable Penalty Policy: September 2002

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Ascend Performance Materials LLC
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Docket No. 2010-1828-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 22, 2010 and September 23, 2010

Date(s) of NOE(s): October 26, 2010 and November 10, 2010

Violation Information

1. Failed to prevent unauthorized emissions during Incident No. 142163. Specifically, during the July 8, 2010 emissions event, the following unauthorized emissions were released from the AN7 Waste Heat Boiler over a period of two hours and one minute when an animal entered the main electrical substation through a removed portion of the animal intrusion protection and caused a power outage: 14,617 pounds ("lbs") of carbon monoxide, 6,078.26 lbs of propane, and 3,398.1 lbs of propylene which is a highly reactive volatile organic compound. Since the emissions event could have been avoided through better maintenance practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [New Source Review Permit ("NSRP") Nos. 38336, PSDTX910, and N011, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the combined 2.79 tons per year sulfuric acid mist emission rate for incinerator scrubbers 337H1 and 337H2. Specifically, during the September 22, 2010 investigation, it was documented that in 2009 the combined sulfuric acid mist emission rate for the incinerator scrubbers was 6.29 tons per year, which resulted in 3.50 tons of unauthorized sulfuric acid mist emissions [Federal Operating Permit No. O2320, Special Terms and Conditions No. 8, NSRP Nos. 8372 and PSD-TX-307A, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

a. On August 29, 2010, achieved compliance with the combined sulfuric acid mist emissions rate after additional oversight measures were implemented regarding operation of incinerator scrubbers 337H1 and 337H2; and

b. On November 8, 2010, updated the weekly substation inspection sheet to include an inspection of the animal intrusion protection, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 142163.

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Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

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: Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732
Respondent: Pramod Bengani, Acting Plant Manager, Ascend Performance Materials LLC, P.O. Box 711, Alvin, Texas 77512
Paul Cartlidge, Plant Manager, Ascend Performance Materials LLC, P.O. Box 711, Alvin, Texas 77512
Respondent's Attorney: N/A

Attachment A
Docket Number: 2010-1828-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials LLC
Payable Penalty Amount:	Twenty-Six Thousand Five Hundred Sixty Dollars (\$26,560)
SEP Amount:	Thirteen Thousand Two Hundred Eighty Dollars (\$13,280)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

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 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 to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration’s (“FHWA”) Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx

Ascend Performance Materials LLC
Agreed Order - Attachment A

reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
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 payment of the SEP 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 amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

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 identified in this Agreed Order has not been, and shall not be, included as an 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	15-Nov-2010	Screening	29-Nov-2010	EPA Due	23-Jul-2011
	PCW	2-Mar-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		No. of Violations	2
Enf./Case ID No.	40689	Order Type	1660
Docket No.	2010-1828-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Rebecca Johnson
Multi-Media		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** **\$15,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **157.0%** Enhancement **Subtotals 2, 3, & 7** **\$23,550**

Notes: Enhancement for seven NOVs for same/similar violations, 27 NOVs for dissimilar violations, and four agreed orders with a denial of liability. Reduction for six Notices of Intended Audits and three Disclosures of Violations submitted.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$3,000**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$416**
 Approx. Cost of Compliance **\$5,100**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$35,550**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$35,550**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$33,200**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$6,640**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$26,560**

Screening Date 29-Nov-2010

Docket No. 2010-1828-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 40689

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>)	7	35%
	Other written NOVs	27	54%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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>)	6	-6%
	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>)	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) 157%

>> **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 seven NOVs for same/similar violations, 27 NOVs for dissimilar violations, and four agreed orders with a denial of liability. Reduction for six Notices of Intended Audits and three Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 157%

Screening Date 29-Nov-2010

Docket No. 2010-1828-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 40689

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 ("NSRP") Nos. 38336, PSDTX910, and N011, Special Conditions No. 1, 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during Incident No. 142163. Specifically, during the July 8, 2010 emissions event, the following unauthorized emissions were released from the AN7 Waste Heat Boiler over a period of two hours and one minute when an animal entered the main electrical substation through a removed portion of the animal intrusion protection and caused a power outage: 14,617 pounds ("lbs") of carbon monoxide, 6,078.26 lbs of propane, and 3,398.1 lbs of propylene which is a highly reactive volatile organic compound. Since the emissions event could have been avoided through better maintenance practices, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (50%). An 'X' is marked in the Actual/Moderate cell.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants that did not exceed protective levels as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 1

Table for event frequency: daily, weekly, monthly (marked with X), quarterly, semiannual, annual, single event.

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$500

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with X), N/A.

Notes The Respondent completed corrective measures on November 8, 2010, which was after the October 26, 2010 NOE, but before the initial settlement offer.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$12,350

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

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 40689
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)	\$100	8-Jul-2010	8-Nov-2010	0.34	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to revise the weekly substation inspection sheet to include an inspection of the animal intrusion protection. The date required is the date of the emissions event. The final date is the date corrective measures were 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 \$100

TOTAL \$2

Screening Date 29-Nov-2010

Docket No. 2010-1828-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 40689

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s) Federal Operating Permit No. O2320, Special Terms and Conditions No. 8, NSRP Nos. 8372 and PSD-TX-307A, Special Conditions No. 1, 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the combined 2.79 tons per year sulfuric acid mist emission rate for incinerator scrubbers 337H1 and 337H2. Specifically, during the September 22, 2010 investigation, it was documented that in 2009 the combined sulfuric acid mist emission rate for the incinerator scrubbers was 6.29 tons per year which resulted in 3.50 tons of unauthorized sulfuric acid mist emissions.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 365

Table for event frequency: daily, weekly, monthly, quarterly (marked with x), semiannual, annual, single event.

Violation Base Penalty \$10,000

Four quarterly events are recommended based on the annual emission rate exceedance of sulfuric acid in 2009.

Good Faith Efforts to Comply

25.0% Reduction \$2,500

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with x), N/A.

Notes The Respondent completed corrective measures on August 29, 2010, which was before the November 10, 2010 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$414 Violation Final Penalty Total \$23,200

This violation Final Assessed Penalty (adjusted for limits) \$23,200

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 40689
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				0.00	\$0	n/a	\$0
Training/Sampling	\$5,000	1-Jan-2009	29-Aug-2010	1.66	\$414	n/a	\$414
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 to increase oversight to ensure that the incinerator scrubbers are operated in compliance with the combined allowable emission rate for sulfuric acid mist. The date required is the earliest date of the violation. The final date is the date corrective measures were 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

\$5,000

TOTAL

\$414

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):				BL0038U

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
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
WASTEWATER	PERMIT	WQ0000001000
WASTEWATER	EPA ID	TX0003875
AIR NEW SOURCE PERMITS	REGISTRATION	93420
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

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

BL0038U

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
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
WASTEWATER	PERMIT	WQ0000001000
WASTEWATER	EPA ID	TX0003875
AIR NEW SOURCE PERMITS	REGISTRATION	93420
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
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AIR NEW SOURCE PERMITS	PERMIT	32151
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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 # (SWR)	30138
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0038U

Location:

LOCATED ON FM 2917 EIGHT MILES SOUTH OF THE INTERSECTION OF HWY 35
REGION 12 - HOUSTON

TCEQ Region:

Date Compliance History Prepared:

November 29, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 29, 2005 to November 29, 2010

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

Name: Rebecca Johnson Phone: (361) 825-3420

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: 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 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 02/16/2006 (405519)
2 12/30/2005 (434386)
3 02/21/2006 (438633)
4 01/30/2006 (438969)
5 01/09/2006 (439878)
6 05/18/2006 (449724)
7 05/18/2006 (451024)
8 04/19/2006 (451614)
9 05/16/2006 (457449)
10 03/03/2006 (457603)
11 05/17/2006 (458668)
12 06/05/2006 (463415)
13 07/10/2006 (464446)
14 05/12/2006 (464820)
15 05/12/2006 (464822)
16 05/12/2006 (464824)
17 05/12/2006 (464827)
18 05/12/2006 (464828)
19 06/29/2006 (466692)
20 05/31/2006 (466924)
21 05/31/2006 (466929)
22 05/31/2006 (466931)
23 05/31/2006 (466932)
24 07/20/2006 (467521)
25 06/21/2006 (467669)
26 04/30/2006 (468247)
27 12/20/2005 (468250)
28 01/23/2006 (468251)
29 08/31/2006 (480128)
30 06/21/2006 (480974)
31 06/29/2006 (482575)

32	06/29/2006	(482600)
33	07/25/2006	(485504)
34	08/23/2006	(486778)
35	08/17/2006	(497124)
36	03/20/2006	(498075)
37	04/24/2006	(498076)
38	05/22/2006	(498077)
39	06/23/2006	(498078)
40	09/15/2006	(511153)
41	02/16/2007	(512464)
42	10/27/2006	(516020)
43	10/27/2006	(516053)
44	11/08/2006	(518116)
45	12/11/2006	(518235)
46	12/11/2006	(518239)
47	07/26/2006	(520095)
48	08/21/2006	(520096)
49	09/21/2006	(520097)
50	11/29/2006	(531921)
51	12/08/2006	(531936)
52	11/29/2006	(532004)
53	12/07/2006	(532264)
54	01/11/2007	(532283)
55	01/18/2007	(535916)
56	01/18/2007	(536107)
57	01/23/2007	(536763)
58	01/30/2007	(536987)
59	01/30/2007	(536993)
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61	02/16/2007	(539392)

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140 04/29/2008 (639707)
141 04/29/2008 (639708)
142 04/29/2008 (639711)
143 03/24/2008 (639874)
144 04/22/2008 (640492)
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148 03/18/2008 (671946)
149 04/17/2008 (671947)
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151 11/03/2008 (681757)
152 07/02/2008 (681880)
153 06/06/2008 (682013)

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155 12/08/2008 (682431)
156 06/20/2008 (683391)
157 07/28/2008 (684301)
158 08/01/2008 (685339)
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161 08/22/2008 (689052)
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188 03/20/2009 (725378)
189 02/24/2009 (726852)
190 02/24/2009 (726862)
191 02/24/2009 (726865)
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202 08/10/2009 (760734)
203 07/31/2009 (761167)
204 08/11/2009 (762921)
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225 02/10/2010 (790040)
226 05/06/2010 (794067)
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230 05/27/2010 (801971)
231 06/21/2010 (803247)
232 02/18/2010 (804427)
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234 09/22/2009 (804429)
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240 07/09/2010 (829610)
241 07/23/2010 (830086)
242 07/14/2010 (830505)
243 03/15/2010 (830793)
244 04/13/2010 (830794)

245 05/17/2010 (830795)

246 09/09/2010 (841766)

247 08/30/2010 (844061)

248 06/15/2010 (846239)

249 08/30/2010 (849823)

250 10/08/2010 (849826)

251 10/05/2010 (849827)

252 09/30/2010 (850191)

253 09/30/2010 (850194)

254 09/30/2010 (850201)

255 09/30/2010 (850202)

256 09/30/2010 (850203)

257 09/28/2010 (850727)

258 10/25/2010 (858020)

259 11/12/2010 (858023)

260 11/10/2010 (858043)

261 11/22/2010 (858048)

262 10/13/2010 (859969)

263 07/13/2010 (860835)

264 09/20/2010 (864461)

265 09/30/2010 (864946)

266 10/26/2010 (865510)

267 08/16/2010 (866799)

268 11/10/2010 (873330)

269 09/17/2010 (873871)

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

Date: 02/16/2006 (405519)

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 equip Unit IDs:P-10 and P-13, with a Close-Vent system.

Date: 02/17/2006 (405519)

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)

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)

Description: O-02323 General Terms and Conditions OP
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)

Description: Special Condition 1 PERMIT
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]

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)

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. 2010-1828-AIR-E**

I. JURISDICTION AND STIPULATIONS

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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing facility on Farm-to-Market Road 2917, 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. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about November 2, 2010 and November 15, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirty-Three Thousand Two Hundred Dollars (\$33,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirteen Thousand Two Hundred Eighty Dollars (\$13,280) of the administrative penalty and Six Thousand Six Hundred Forty Dollars (\$6,640) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirteen Thousand Two Hundred Eighty Dollars (\$13,280) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On August 29, 2010, achieved compliance with the combined sulfuric acid mist emissions rate after additional oversight measures were implemented regarding operation of incinerator scrubbers 337H1 and 337H2; and
 - b. On November 8, 2010, updated the weekly substation inspection sheet to include an inspection of the animal intrusion protection, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 142163.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions during Incident No. 142163, in violation of New Source Review Permit ("NSRP") Nos. 38336, PSDTX910, and N011, Special

Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 23, 2010. Specifically, during the July 8, 2010 emissions event, the following unauthorized emissions were released from the AN7 Waste Heat Boiler over a period of two hours and one minute when an animal entered the main electrical substation through a removed portion of the animal intrusion protection and caused a power outage: 14,617 pounds ("lbs") of carbon monoxide, 6,078.26 lbs of propane, and 3,398.1 lbs of propylene which is a highly reactive volatile organic compound. Since the emissions event could have been avoided through better maintenance practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

2. Failed to comply with the combined 2.79 tons per year sulfuric acid mist emission rate for incinerator scrubbers 337H1 and 337H2, in violation of Federal Operating Permit No. O2320, Special Terms and Conditions No. 8, NSRP Nos. 8372 and PSD-TX-307A, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 22, 2010. Specifically, during the September 22, 2010 investigation, it was documented that in 2009 the combined sulfuric acid mist emission rate for the incinerator scrubbers was 6.29 tons per year, which resulted in 3.50 tons of unauthorized sulfuric acid mist emissions.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ascend Performance Materials LLC, Docket No. 2010-1828-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 I, Paragraph 6 above, Thirteen Thousand Two Hundred Eighty Dollars (\$13,280) 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 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. 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John J. J. J. J.
For the Executive Director

6/24/2011
Date

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

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

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

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

Prasad Bengani
Signature

04/06/2011
Date

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

Acting 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 IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2010-1828-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials LLC
Payable Penalty Amount:	Twenty-Six Thousand Five Hundred Sixty Dollars (\$26,560)
SEP Amount:	Thirteen Thousand Two Hundred Eighty Dollars (\$13,280)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

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 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 to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration’s (“FHWA”) Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx

Ascend Performance Materials LLC
Agreed Order - Attachment A

reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
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 payment of the SEP 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 amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

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