

Executive Summary – Enforcement Matter – Case No. 43884
Ascend Performance Materials LLC
RN100238682
Docket No. 2012-0707-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, Farm-to-Market Road 2917, eight miles south of State Highway 35, Alvin, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 24, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,500

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,750

Total Due to General Revenue: \$0

SEP Conditional Offset: \$12,750

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 Limit Adjustment: \$25,000

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 43884
Ascend Performance Materials LLC
RN100238682
Docket No. 2012-0707-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 8, 2011

Date(s) of NOE(s): March 13, 2012

Violation Information

1. Failed to prevent unauthorized emissions during an excessive emissions event on October 1, 2011 (Incident No. 159929) [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 48895 Special Conditions No. 1, Federal Operating Permit No. O-2325 Special Terms and Conditions No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit an initial notification for Incident No. 159929 not later than 24 hours after the discovery of an emissions event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the site:

- a. On October 2, 2011, heat exchanger 70E201-1 was taken out of service and replaced with heat exchanger H70E201-3; and
- b. By October 7, 2011, heat exchanger 70E201-1 was inspected and repaired to prevent future leaks.

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. Comply completely and adequately with the TCEQ letter dated March 13, 2012 requiring submittal of a corrective action plan (“CAP”) to address the excessive emissions event that occurred on October 1, 2011 (Incident No. 159929);
 - b. Respond completely and adequately 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;

Executive Summary – Enforcement Matter – Case No. 43884
Ascend Performance Materials LLC
RN100238682
Docket No. 2012-0707-AIR-E

- 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 Provisions a. through c.;
- e. Within 30 days, implement improvements to training procedures and the recordkeeping system to ensure that emissions events are reported within 24 hours of discovery; and
- f. Within 45 days, submit written certification demonstrating compliance.

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: James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Paul Cartlidge, Plant Manager, Ascend Performance Materials LLC, P.O. Box 711, Alvin, Texas 77512
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0707-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials LLC
Payable Penalty Amount:	Twenty-Five Thousand Five Hundred Dollars (\$25,500)
SEP Amount:	Twelve Thousand Seven Hundred Fifty Dollars (\$12,750)
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 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

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 Environmental Protection Agency (“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

Ascend Performance Materials LLC
Agreed Order - Attachment A

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

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

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, Respondent must contribute the SEP amount to the Third-Party Recipient. 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, 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. 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

Ascend Performance Materials LLC
Agreed Order - Attachment A

4. Failure to Fully Perform

If 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

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 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	19-Mar-2012	Screening	27-Mar-2012	EPA Due	7-Dec-2012
	PCW	30-Apr-2012				

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.	43884	Order Type	Findings
Docket No.	2012-0707-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	James Nolan
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,250
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$25,250
---------------------------	--------------------	--------------------------------	----------

Notes: Enhancement for five agreed orders with denial of liability, two agreed orders without denial of liability, 13 NOVs with same/similar violations, and 21 NOVs with dissimilar violations. Reduction for four Notices of Intent to conduct audits and one Disclosure of Violations.

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	\$0
--	-------------------	-----

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

Total EB Amounts \$80
 Approx. Cost of Compliance \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$50,500
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$50,500
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,500
-----------------------------------	-------------------------------	----------

DEFERRAL	0.0% Reduction	Adjustment	\$0
-----------------	----------------	-------------------	-----

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$25,500
------------------------	----------

Screening Date 27-Mar-2012

Docket No. 2012-0707-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 3 (September 2011)

Case ID No. 43884

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	13	65%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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	2	50%
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>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 251%

>> 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 five agreed orders with denial of liability, two agreed orders without denial of liability, 13 NOVs with same/similar violations, and 21 NOVs with dissimilar violations. Reduction for four Notices of Intent to conduct audits and one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 251%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 27-Mar-2012

Docket No. 2012-0707-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 3 (September 2011)

Case ID No. 43884

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 48895 Special Conditions No. 1, Federal Operating Permit No. O-2325 Special Terms and Conditions No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during an excessive emissions event on October 1, 2011 (Incident No. 159929). Specifically, the Respondent released 17,683.29 pounds ("lbs") of acrylonitrile, 3,495.90 lbs of hydrogen cyanide, and 1,988.98 lbs of volatile organic compounds, including 851.64 lbs of acetonitrile, 14.59 lbs of acrolein, and 1,122.75 lbs of fumaronitrile, from Cooling Tower No. 6 (Emission Point No. 70382E6) during the 20 hour 8 minute event. The event occurred due to a leaking heat exchanger.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment \$0

\$25,000

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 \$25,000

One daily event is recommended.

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 \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$50,000

This violation Final Assessed Penalty (adjusted for limits) \$25,000

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 43884
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)	\$1,000	1-Oct-2011	2-Oct-2012	1.01	\$50	n/a	\$50

Notes for DELAYED costs

Estimated costs to replace heat exchanger 70E201-1 with heat exchanger H70E201-3 and implement a maintenance inspection program in order to prevent another occurrence of this type of emissions event. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$50

Screening Date 27-Mar-2012

Docket No. 2012-0707-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 3 (September 2011)

Case ID No. 43884

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an initial notification for Incident No. 159929 not later than 24 hours after the discovery of an emissions event. Specifically, the initial notification was due by 5:00 a.m. on October 3, 2011 but was not submitted until 8:54 a.m., over 24 hours after the incident was discovered.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 43884
Rea. 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	\$500	3-Oct-2011	7-Dec-2012	1.18	\$30	n/a	\$30
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for improving the training procedures for the recordkeeping/reporting system for timely submittals of emissions event reports. The Date Required is the date the report was due and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$30

Compliance History Report

Customer/Respondent/Owner-Operator:

CN603482811

Ascend Performance Materials LLC

Classification: AVERAGE

Rating: 5.30

Regulated Entity:

RN100238682

ASCEND PERFORMANCE
MATERIALS CHOCOLATE BAYOU
PLANT

Classification: AVERAGE

Site Rating: 7.59

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0038U
AIR OPERATING PERMITS	PERMIT	1258
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
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	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	96419

AIR NEW SOURCE PERMITS	REGISTRATION	83109
AIR NEW SOURCE PERMITS	REGISTRATION	96655
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: On Farm-to-Market Road 2917, eight miles south of State Highway 35, Alvin, Texas.

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 29, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 27, 2007 to March 27, 2012

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

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

Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? YES
- Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- If YES, who is the current owner/operator? Ascend Performance Materials, LLC, OWNER OPERATOR since 08/01/1994
, OWNER since 07/07/2010
Solutia Inc., OWNER OPERATOR since 01/01/1800
Monsanto Company, OWNER OPERATOR since 01/01/1800
- If YES, who was/were the prior owner(s)/operator(s)? Equistar Chemicals, LP, OWNER OPERATOR, 1/1/1800 to 7/7/2010
- If YES, when did the change(s) in owner or operator occur? 7/7/2010
- Rating Date: 9/1/2011 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 NOvermber 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.

Effective Date: 07/31/2011

ADMINORDER 2009-1997-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from Emission Point Number 70Z40.

Classification: Minor

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

Description: Failed to properly report the July 19, 2009 emissions event,

Classification: Moderate

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)

Rqmt Prov: FOP O-02325, GT&C OP

Description: Failed to submit complete and accurate semi-annual deviation reports for the June 1, 2008 through November 30, 2008 and December 1, 2008 through May 31, 2009 reporting periods.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter H 116.770(a)
5C THSC Chapter 382 382.0518(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to obtain proper authorization to operate a previously grandfathered emissions source.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.210(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02325 STC 19(B) OP

Description: Failed to timely incorporate New Source Review Permit No. 48895 into Federal Operating Permit No. O-02325.

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: Special Condition 1 PERMIT
Speical Condition 1 PERMIT

Description: failed to comply with permitted emissions limits during an emissions event from the Acrylnitrile 7 Unit and Acrylonitrile 2 Unit.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: failed to comply with permitted emissions limits during an emissions event on the Acrylonitrile 2 Unit Product Purification Column pad area.

Effective Date: 08/13/2011

ADMINORDER 2010-1828-AIR-E

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: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 142163.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Terms & Conditions No. 8 OP

Description: Failed to comply with the combined 2.79 tons per year sulfuric acid mist emission rate for incinerator scrubbers 337H1 and 337H2.

Effective Date: 08/27/2011

ADMINORDER 2010-0088-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Speical Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 08/27/2011

ADMINORDER 2011-0222-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 145043. This emissions event was determined to be excessive.

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	04/12/2007	(543359)
2	04/12/2007	(543389)
3	04/12/2007	(543393)
4	04/12/2007	(543396)
5	04/12/2007	(543411)
6	06/08/2007	(543508)
7	06/26/2007	(558363)
8	07/06/2007	(560348)
9	06/13/2007	(563309)
10	07/05/2007	(564044)
11	09/28/2007	(565072)
12	07/05/2007	(565543)

13	10/04/2007	(565781)
14	08/28/2007	(566965)
15	08/28/2007	(566968)
16	08/17/2007	(571113)
17	08/17/2007	(571116)
18	08/17/2007	(571117)
19	08/17/2007	(571120)
20	08/17/2007	(571122)
21	08/30/2007	(571497)
22	08/29/2007	(572199)
23	08/22/2007	(573057)
24	04/19/2007	(575045)
25	05/23/2007	(575046)
26	06/25/2007	(575047)
27	07/23/2007	(575048)
28	09/27/2007	(593895)
29	10/16/2007	(594030)
30	09/27/2007	(594475)
31	08/28/2008	(595601)
32	01/28/2008	(595602)
33	02/04/2008	(595610)
34	12/03/2007	(595635)
35	11/05/2007	(597652)
36	11/01/2007	(598289)
37	11/01/2007	(598293)
38	12/17/2007	(599351)
39	12/17/2007	(599355)
40	11/06/2007	(599382)
41	10/31/2007	(607507)
42	09/20/2007	(607508)
43	10/19/2007	(607509)
44	01/29/2008	(609295)
45	02/14/2008	(609298)
46	12/14/2007	(609886)
47	12/17/2007	(610670)
48	12/20/2007	(611710)
49	12/20/2007	(611714)
50	04/21/2008	(612070)
51	02/15/2008	(612072)
52	04/03/2008	(615836)
53	03/18/2008	(615838)
54	02/13/2008	(615839)
55	02/13/2008	(615859)
56	03/11/2008	(616438)
57	04/25/2008	(616540)
58	04/03/2008	(617714)
59	02/15/2008	(618125)
60	04/11/2008	(618763)

61	11/15/2007	(619438)
62	12/18/2007	(619439)
63	01/17/2008	(619440)
64	04/29/2008	(639697)
65	04/29/2008	(639703)
66	04/29/2008	(639707)
67	04/29/2008	(639708)
68	04/29/2008	(639711)
69	03/24/2008	(639874)
70	04/22/2008	(640492)
71	06/04/2008	(646671)
72	05/20/2008	(671627)
73	02/14/2008	(671945)
74	03/18/2008	(671946)
75	04/17/2008	(671947)
76	08/26/2008	(680027)
77	11/03/2008	(681757)
78	07/02/2008	(681880)
79	06/06/2008	(682013)
80	07/03/2008	(682028)
81	12/08/2008	(682431)
82	06/20/2008	(683391)
83	07/28/2008	(684301)
84	08/01/2008	(685339)
85	07/30/2008	(687438)
86	08/12/2008	(687925)
87	08/22/2008	(689052)
88	08/29/2008	(689053)
89	05/14/2008	(689865)
90	06/20/2008	(689866)
91	10/14/2008	(702982)
92	10/14/2008	(702989)
93	02/04/2009	(703385)
94	01/28/2009	(703392)
95	02/13/2009	(703393)
96	10/13/2008	(703732)
97	11/17/2008	(705402)
98	11/17/2008	(705404)
99	11/17/2008	(706687)
100	10/30/2008	(706840)
101	11/24/2008	(708102)
102	07/14/2008	(710637)
103	08/15/2008	(710638)
104	09/25/2008	(710639)
105	10/16/2008	(710640)
106	07/14/2008	(710641)
107	01/06/2009	(721518)
108	01/06/2009	(721523)

109	02/20/2009	(723296)
110	02/16/2009	(723984)
111	02/16/2009	(723985)
112	06/29/2009	(724359)
113	03/20/2009	(724849)
114	03/20/2009	(725378)
115	02/24/2009	(726852)
116	02/24/2009	(726862)
117	02/24/2009	(726865)
118	02/24/2009	(726874)
119	02/24/2009	(726880)
120	11/18/2008	(727417)
121	04/06/2009	(736212)
122	02/12/2009	(750164)
123	03/16/2009	(750165)
124	04/16/2009	(750166)
125	04/16/2009	(750167)
126	12/17/2008	(750168)
127	06/23/2009	(759561)
128	08/10/2009	(760734)
129	07/31/2009	(761167)
130	08/11/2009	(762921)
131	08/11/2009	(765164)
132	08/31/2009	(767513)
133	11/06/2009	(767538)
134	12/13/2009	(767543)
135	12/13/2009	(767545)
136	12/13/2009	(767547)
137	12/14/2009	(767550)
138	01/05/2010	(767553)
139	03/03/2010	(767564)
140	04/06/2010	(767606)
141	05/15/2009	(768286)
142	06/10/2009	(768287)
143	11/23/2009	(776989)
144	04/09/2010	(784203)
145	01/07/2010	(784346)
146	12/11/2009	(784537)
147	12/11/2009	(784562)
148	12/11/2009	(784564)
149	01/19/2010	(785856)
150	02/10/2010	(790032)
151	02/10/2010	(790040)
152	05/06/2010	(794067)
153	04/22/2010	(796385)
154	04/22/2010	(796387)
155	05/20/2010	(799533)
156	05/27/2010	(801971)

157	06/21/2010	(803247)
158	02/18/2010	(804427)
159	08/24/2009	(804428)
160	09/22/2009	(804429)
161	10/14/2009	(804430)
162	11/17/2009	(804431)
163	12/17/2009	(804432)
164	01/18/2010	(804433)
165	07/30/2010	(827020)
166	07/09/2010	(829610)
167	07/23/2010	(830086)
168	07/14/2010	(830505)
169	03/15/2010	(830793)
170	04/13/2010	(830794)
171	05/17/2010	(830795)
172	09/09/2010	(841766)
173	08/30/2010	(844061)
174	06/15/2010	(846239)
175	08/30/2010	(849823)
176	10/08/2010	(849826)
177	10/05/2010	(849827)
178	09/30/2010	(850191)
179	09/30/2010	(850194)
180	09/30/2010	(850201)
181	09/30/2010	(850202)
182	09/30/2010	(850203)
183	09/28/2010	(850727)
184	06/22/2011	(858019)
185	10/25/2010	(858020)
186	11/12/2010	(858023)
187	02/28/2011	(858031)
188	02/15/2011	(858035)
189	11/10/2010	(858043)
190	06/17/2011	(858046)
191	11/22/2010	(858048)
192	10/13/2010	(859969)
193	07/13/2010	(860835)
194	09/20/2010	(864461)
195	09/30/2010	(864946)
196	10/26/2010	(865510)
197	01/26/2011	(866639)
198	08/16/2010	(866799)
199	11/10/2010	(873330)
200	09/17/2010	(873871)
201	04/28/2011	(878118)
202	12/01/2010	(880015)
203	12/08/2010	(880841)
204	10/18/2010	(881473)

205	01/13/2011	(884974)
206	01/24/2011	(886439)
207	01/25/2011	(886526)
208	01/21/2011	(887668)
209	11/11/2010	(888004)
210	02/22/2011	(893337)
211	12/13/2010	(896206)
212	03/28/2011	(901932)
213	03/17/2011	(902104)
214	03/17/2011	(902127)
215	01/17/2011	(902277)
216	06/09/2011	(906472)
217	05/03/2011	(907086)
218	04/07/2011	(907947)
219	02/14/2011	(909051)
220	05/12/2011	(913615)
221	05/31/2011	(913957)
222	06/15/2011	(913960)
223	06/10/2011	(913961)
224	06/23/2011	(913963)
225	06/15/2011	(913965)
226	06/27/2011	(913966)
227	07/01/2011	(913967)
228	03/18/2011	(916315)
229	06/27/2011	(923433)
230	04/21/2011	(924756)
231	07/14/2011	(933988)
232	07/14/2011	(933991)
233	07/14/2011	(933994)
234	07/14/2011	(934001)
235	07/14/2011	(934002)
236	08/19/2011	(934126)
237	08/16/2011	(935315)
238	05/19/2011	(937995)
239	08/23/2011	(942845)
240	10/28/2011	(945189)
241	06/20/2011	(945319)
242	10/12/2011	(948957)
243	08/31/2011	(951773)
244	12/14/2011	(952190)
245	07/20/2011	(952593)
246	09/22/2011	(956739)
247	11/18/2011	(957476)
248	11/14/2011	(957477)
249	10/10/2011	(958606)
250	08/10/2011	(959275)
251	12/01/2011	(962545)
252	03/12/2012	(963134)

253 09/19/2011 (965307)
 254 12/08/2011 (968932)
 255 12/09/2011 (970199)
 256 12/09/2011 (970206)
 257 12/19/2011 (970291)
 258 03/22/2012 (970611)
 259 10/17/2011 (971347)
 260 12/19/2011 (974384)
 261 11/10/2011 (977507)
 262 01/25/2012 (980939)
 263 02/24/2012 (984020)
 264 12/13/2011 (984273)
 265 02/28/2012 (987443)
 266 02/28/2012 (987466)
 267 02/16/2012 (987709)
 268 01/16/2012 (990575)

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

Date: 08/31/2007 (607508) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/27/2007 (594475) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP No. 2324, Spec. Cond 18 OP
 FOP No. 2324, Spec. Cond. 1A OP
 NSR Permit No. 38336, Spec. Cond. 20E PERMIT
 Description: Failure to seal four (4) open ended lines in VOC service during the compliance period.

Date: 10/31/2007 (619438) CN603482811
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/29/2008 (595602) CN603482811
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 O-01258, General Terms and Conditions OP
 Description: Failure to submit the November 30, 2005 semi-annual deviation report within 30 days after the end of the reporting period.

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

Date: 03/31/2008 (671947) CN603482811
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/11/2008 (618763) CN603482811
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 18E PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP
 Description: Failure to maintain open ended lines.
 Self Report? NO Classification: Minor

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

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 5 PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP
 Description: Failure to maintain heating value of fuel gas.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 9B PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP
 Description: Failure to maintain flame on process flare 50Z2-C.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 10F PERMIT
 NSR 6534 Special Condition 18F PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP
 Description: Failure to monitor delay of repair components on a quarterly frequency.
 Date: 04/30/2008 (689865) CN603482811
 Self Report? YES Classification: Moderate

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

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/26/2008 (680027) CN603482811
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 New Source Review Permit Num. 5084 SC 5 PERMIT
 Special Term and Condition 4 OP
 Description: Failure to maintain the six minute average and a temperature above 1465 degrees

Fahrenheit on unit 55H2 (Incinerator) during the annual compliance certification period 4/30/2007 through 4/30/2008.

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

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

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

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

Date: 02/06/2009 (703385) CN603482811
Self Report? NO Classification: Minor
Citation: 2271, SC 5 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01258, SC 4 OP
Description: Failure to maintain water flow in Dryer Scrubber 55K1 at or above 65 gallons per minute.

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

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

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

50Z2-C.

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 18I PERMIT
Special Condition 1A OP
Special Condition 20 OP

Description: Failure to repair valve 158963 within 15 days of leak discovery.

Date: 07/31/2009 (761167) CN603482811

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) CN603482811

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 01/06/2010 (767553) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP, Special Term and Condition 12A OP
FOP, Special Term and Condition 1A OP
NSR Permit, Special Condition 19A PERMIT

Description: Failure to maintain flare 31Z4 (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) CN603482811

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/07/2010 (767606) CN603482811
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02325 SC 11(A) OP
 NSR 48895 SC 4(B) PERMIT
 Description: Failure to maintain monthly monitoring for three cooling towers, EPN's E379CT3,
 E379CT4, and 70382E6 from April 1, 2009 at 0000 to April 30, 2009 at 2359. (Category
 C1 violation)
 Date: 05/06/2010 (794067) CN603482811
 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) CN603482811
 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) CN603482811
 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) CN603482811
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 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) CN603482811

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(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) CN603482811

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

Date: 02/28/2011 (916315) CN603482811
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/15/2011 (913965) CN603482811
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)
PP VII.F PERMIT
Description: Failure to maintain a minimum differential pressure of 100 psig

Date: 06/15/2011 (913960) CN603482811
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125
V.B.3 PERMIT
Description: Failure to store containers on portable secondary containment as described in permit

Date: 06/17/2011 (858046) CN603482811
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 5 PERMIT
Special Term and Condition 18 OP
Special Term and Condition 1A OP
Description: Failure to monitor 17 pumps in AN2 for fugitive emissions in October 2009 [Category C1 violation]

Date: 06/22/2011 (858019) CN603482811
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 9C PERMIT
Special Terms & Conditions 16 OP
Special Terms & Conditions 17 OP
Special Terms & Conditions 1A OP
Description: Failure to maintain the scrubber (EPN 320Z322) inlet temperature at below 70 degrees Fahrenheit from January 13, 2010 through January 16, 2010. [Category C4]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 12C PERMIT
Special Condition 4 PERMIT
Special Terms & Conditions 17 OP
Special Terms & Conditions 1A OP

Description: Failure to conduct the annual secondary seal inspection for the methanol tank (EPN 320T831) internal floating roof during a consecutive 12 months, from February 24, 2009 through February 24, 2010. [Category B1]

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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 13C PERMIT
Special Terms & Conditions 17 OP
Special Terms & Conditions 1A OP

Description: Failure to maintain visible emissions of less than 5 minutes during two consecutive hours on May 28, 2010. [Category C4]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 1A OP

Description: Failure to monitor 90 components associated with the distribution unit from June 1, 2010 through November 30, 2010. [Category C7]

Date: 08/24/2011 (942845) CN603482811

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor HRVOC components per the required frequency. (Category C1)

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)
SC 11A PERMIT
ST&C 16 OP
ST&C 1A OP

Description: Failure to maintain the flare above 300 BTU/scf. (Category C4)

Date: 10/14/2011 (948957) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
ST&C 6 OP

Description: Failure to prevent unauthorized emissions due to PSV-316 O-ring failure.

Date: 11/18/2011 (957476) CN603482811

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 3(C) OP

Description: APM reported 1 deviation in which quarterly opacity monitoring on eleven stationary diesel engines was not conducted. (Category B1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354
5C THSC Chapter 382 382.085(b)

Description: APM reported 1 deviation in which quarterly LDAR monitoring on components associated with the 336 Tanks was not performed. (Category B1)

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 & Conditions OP

Description: Failure to report all deviations. [Category C3]

Date: 11/30/2011 (962545) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
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)
Special Condition 19A PERMIT
Special Condition 19D PERMIT
Special Condition 5 PERMIT
Special Terms and Conditions 1A OP

Description: Failure to maintain process flare net heating value at 300 BTU/scf. (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
Special Condition 13E PERMIT
Special Condition 15E PERMIT
Special Condition 5 PERMIT
Special Terms & Conditions 12 OP
Special Terms & Conditions 1E OP

Description: Failure to prevent an open-ended line on a bleed valve during the reporting period. (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions 16 OP

Description: Failure to maintain minimum temperature of material being combusted in waste heat boiler (WHB). (Category B3)

Self Report? NO Classification: Moderate

Citation: 2F THSC Chapter 122, SubChapter F 122.001
5C THSC Chapter 382 382.085(b)
Special Terms & Conditions (IV)(1) OP

Description: Failure to do quarterly visible emissions monitoring on AN 2/3 catalyst transfer. (Category B3)

Date: 03/22/2012 (970611) CN603482811

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1D OP

Description: Failure to conduct the annual tank inspection for Tank 320T246-1 at least once every 12-month period (Category B1).

F. Environmental audits.

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.

Notice of Intent Date: 03/16/2011 (914912)

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

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

AGREED ORDER
DOCKET NO. 2012-0707-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 they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the 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 plant on Farm-to-Market Road 2917, eight miles south of State Highway 35 in Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on November 8, 2011, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an excessive emissions event on October 1, 2011 (Incident No. 159929). Specifically, the Respondent released 17,683.29 pounds ("lbs") of acrylonitrile, 3,495.90 lbs of hydrogen cyanide, and 1,988.98 lbs of volatile organic compounds, including 851.64 lbs of acetonitrile, 14.59 lbs of acrolein, and 1,122.75 lbs of fumaronitrile, from Cooling Tower No. 6 (Emission Point No. 70382E6) during the 20 hour 8 minute event. The event occurred due to a leaking heat exchanger.
4. During an investigation on November 8, 2011, TCEQ staff documented that the Respondent failed to submit an initial notification for Incident No. 159929 not later than 24 hours after the discovery of an emissions event. Specifically, the initial notification was due by 5:00 a.m. on October 3, 2011 but was not submitted until 8:54 a.m. on October 3, 2011, over 24 hours after the incident was discovered.
5. The Respondent received notice of the violations on March 14, 2012.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On October 2, 2011, heat exchanger 70E201-1 was taken out of service and replaced with heat exchanger H70E201-3; and
 - b. By October 7, 2011, heat exchanger 70E201-1 was inspected and repaired to prevent future leaks.

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 an excessive emissions event on October 1, 2011 (Incident No. 159929), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 48895 Special Conditions No. 1, Federal Operating Permit No. O-2325 Special Terms and Conditions No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit an initial notification for Incident No. 159929 not later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. 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.
5. An administrative penalty in the amount of Twenty-Five Thousand Five Hundred Dollars (\$25,500) 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 Twelve Thousand Seven Hundred Fifty Dollars (\$12,750) of the administrative penalty. Twelve Thousand Seven Hundred Fifty Dollars (\$12,750) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Five Thousand Five Hundred Dollars (\$25,500) as set forth in Section II, Paragraph 5 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. 2012-0707-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Twelve Thousand Seven Hundred Fifty Dollars (\$12,750) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The Respondent shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, comply completely and adequately with the TCEQ letter dated March 13, 2012 requiring submittal of a corrective action plan ("CAP") to address the excessive emissions event that occurred on October 1, 2011 (Incident No. 159929);
 - 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. 3.a. through 3.c. as described in Ordering Provision No. 3.g.;
 - e. Within 30 days after the effective date of this Agreed Order, implement improvements to training procedures and the recordkeeping system to ensure that emissions events are reported within 24 hours of discovery;
 - f. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.e. as described in Ordering Provision No. 3.g.; and
 - g. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.d. and 3.f. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the 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.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature

affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Paul Devine Jr.
For the Executive Director

9/21/12
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Ascend Performance Materials LLC. I am authorized to agree to the attached Agreed Order on behalf of Ascend Performance Materials LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Ascend Performance Materials LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

Paul Carlidge
Signature

6/28/12
Date

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

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-0707-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Ascend Performance Materials LLC

Payable Penalty Amount: Twenty-Five Thousand Five Hundred Dollars (\$25,500)

SEP Amount: Twelve Thousand Seven Hundred Fifty Dollars (\$12,750)

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 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

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 Environmental Protection Agency ("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

Ascend Performance Materials LLC
Agreed Order - Attachment A

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

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

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, Respondent must contribute the SEP amount to the Third-Party Recipient. 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, 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. 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

Ascend Performance Materials LLC
Agreed Order - Attachment A

4. Failure to Fully Perform

If 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

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 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.