

Executive Summary – Enforcement Matter – Case No. 42063
Ascend Performance Materials LLC
RN100238682
Docket No. 2011-1185-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Ascend Performance Materials Chocolate Bayou Plant, at Farm-to-Market (“FM”) Road 2917, eight miles south of the intersection of State Highway 35 and FM 2917, Alvin, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-1808-AIR-E and 2011-2133-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 16, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$113,629

Amount Deferred for Expedited Settlement: \$22,725

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$45,452

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$45,452

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: N/A

Applicable Penalty Policy: September 2002

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Docket No. 2011-1185-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 17 through 29, 2010

Date(s) of NOE(s): June 17, 2011

Violation Information

1. Failed to submit the Hazardous Waste Combustor Maximum Achievable Control Technology (“MACT”) reports within 30 days of the end of each semiannual period. Specifically, the reports for the periods of January 1, 2009 through June 30, 2009 and July 1, 2009 through December 31, 2009 were submitted under one cover letter on August 6, 2010 [30 TEX. ADMIN. CODE §§ 113.620 and 122.143(4), 40 CODE OF FEDERAL REGULATIONS (“CFR”) §§ 63.10(d)(5)(i) and 63.1211(a), Federal Operating Permit (“FOP”) No. O-02321 Special Terms and Conditions (“STC”) 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to record all quarterly visible emissions observations for Heaters 30H1, 31H1-1, and 31H1-2. Specifically, the Respondent conducted the quarterly visible emissions observations, but during the investigation, the Respondent did not have quarterly emission records for Heater 30H1 for the last two quarters of 2009 and the first three quarters of 2010, Heater 31H1-1 for the third quarter of 2009 and the first and third quarters of 2010, Heater 31H1-2 for the third quarter of 2009 and first and third quarters of 2010. Between the three heaters, a total of 11 observations were not recorded [30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-02321 General Terms and Conditions (“GTC”) and STC 3.B.(iv)(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to operate the flare flow meter for the Acrylonitrile (“AN”) 2 flare, Emission Point Numbers (“EPNs”) 30Z7, at least 95% of the total hours of operation in 2009. The flow meter was obstructed from June 28, 2009 through November 11, 2009, resulting in a total downtime of 3,556 hours for the year, which is 59.4% of the hours of operation in 2009 [30 TEX. ADMIN. CODE §§ 115.725(d)(3), 116.115(c), and 122.143(4); New Source Review Permit (“NSRP”) Nos. 18251 and N-011 Special Conditions No. 19.E., FOP No. O-02321 STC 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to maintain the net heating value of two flares (EPNs 30Z7 and 31Z4) above 300 British thermal units per standard cubic foot (“Btu/scf”) for a total of nine hours between October 7, 2009 and April 27, 2010 (see table below) [30 TEX. ADMIN. CODE §§ 115.126(1)(B), 116.115(c), and 122.143(4); 40 CFR §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii); NSRP Nos. 18251 and N-011 Special Conditions Nos. 3 and 5; FOP No. O-02321 STC 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to report all deviations in the semiannual deviation reports. A total of nine open-ended lines were discovered from January 12 through 15, 2009. These open-

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ended lines should have been reported in the deviation report due by June 30, 2009; however, they were never reported. Additionally, the Respondent failed to report the late submittal of Hazardous Waste Combustor MACT semiannual reports in the above-referenced report and in the reports due by December 30, 2009 and June 30, 2010 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O-02321 GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to plug or cap an open-ended line which was discovered on October 15, 2010. The open-ended line was in hazardous air pollutant service and in highly-reactive volatile organic compound (“HRVOC”) service. The Respondent capped the open-ended line on the day they were discovered [30 TEX. ADMIN. CODE §§ 115.352(4), 115.783(5), 116.115(c), and 122.143(4); 40 CFR §§ 60.482-6(a)(2) and 63.167(a)(2); NSRP Nos. 18251 and N-011 Special Conditions Nos. 3.A., 5, 13.E., and 15.E.; FOP No. O-02321 STC 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to conduct a stack test of the second start-up heater (EPN 31H1-2) for the AN3 unit, in violation [30 TEX. ADMIN. CODE §§ 117.335(e), 117.9020(2)(C)(i), 122.143(4); FOP No. O-02321 STC 1.A. and 21; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to quarterly monitor caps, plugs, and blind flanges in HRVOC service. The AN2 and AN3 units have a combined 414 potential open ends (caps, plugs, and blind flanges) in HRVOC service. These components were listed in the Plant’s database as exempt from monitoring in error, and were not monitored from the second quarter of 2009 until the fourth quarter of 2010 [30 TEX. ADMIN. CODE §§ 115.781(b)(3) and 122.143(4), FOP No. O-02321 STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Plant:

- a. By August 6, 2010, updated the electronic tracking system to notify appropriate personnel when the Hazardous Waste Combustor MACT report is due;
- b. By December 2, 2010, updated the electronic tracking system to inform compliance personnel when the acrylonitrile units are down, and that a visible emissions observation is required to be recorded upon startup of the reactors;
- c. On November 11, 2009, repaired the AN2 flare flow meter;
- d. On April 27, 2010, implemented measures to ensure that timely net heating value data for the two flares, EPNs 30Z7 and 31Z4, reaches appropriate personnel so that corrective action can be taken before the net heating value falls below 300 British thermal units per standard cubic foot (“Btu/scf”);

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- e. By January 31, 2011, updated Title V recordkeeping and reporting procedures along with Leak Detection and Repair (“LDAR”) monthly recordkeeping procedures to ensure deviations are properly reported;
- f. By October 15, 2010, capped or plugged the open-ended lines; and
- g. By December 8, 2010, updated the LDAR database to correctly identify the caps, plugs, and blind flanges in the AN2 and AN3 units that had been incorrectly entered as “exempt” from monitoring and monitored the components.

Technical Requirements:

- 1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)
- 2. The Order will also require the Respondent to:
 - a. Within 30 days, perform the required stack test on the the second start-up heater (EPN 31H1-2) for the AN3 unit;
 - b. Within 45 days, submit written certification of compliance with Ordering Provision a.;
 - c. Within 60 days, submit the compliance stack test report for the the second start-up heater (EPN 31H1-2); and
 - d. Within 75 days, submit written certification demonstrating compliance with Ordering Provision c.

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: Miriam Hall, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-1044; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

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TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Paul Cartlidge, Director - Chocolate Bayou & Operations Excellence,
Ascend Performance Materials LLC, P.O. Box 711, Alvin, Texas 77512

Respondent's Attorney: John J. Vay, 710 West 14th Street, Suite A, Austin, Texas
78701



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Jun-2011	Screening	11-Jul-2011	EPA Due	13-Mar-2012
	PCW	1-Dec-2011				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	42063	No. of Violations	8
Docket No.	2011-1185-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$46,300**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **169.0%** Enhancement **Subtotals 2, 3, & 7** **\$78,247**

Notes: Enhancement for 15 NOVs with the same/similar violations, 22 NOVs with dissimilar violations, and three agreed orders with denial of liability. Reduction for four Notices of Intent to conduct an audit and three Disclosures 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** **\$11,325**

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

Total EB Amounts	\$1,478	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$11,294	

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$113,222**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.4%** **Adjustment** **\$407**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the the avoided costs associated with Violation No. 8.

Final Penalty Amount **\$113,629**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$113,629**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$22,725**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$90,904**

Screening Date 11-Jul-2011

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PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42063

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Miriam Hall

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>)	15	75%
	Other written NOVs	22	44%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	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>)	3	-6%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 169%

>> **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 15 NOVs with the same/similar violations, 22 NOVs with dissimilar violations, and three agreed orders with denial of liability. Reduction for four Notices of Intent to conduct an audit and three Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 169%

Screening Date 11-Jul-2011

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PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42063

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 113.620 and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 63.10(d)(5)(i) and 63.1211(a), Federal Operating Permit ("FOP") No. O-02321 Special Terms and Conditions ("STC") 1.A., and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit the Hazardous Waste Combustor Maximum Achievable Control Technology ("MACT") reports within 30 days of the end of each semiannual period. Specifically, the reports for the periods of January 1, 2009 through June 30, 2009 and July 1, 2009 through December 31, 2009 were submitted under one cover letter on August 6, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirement.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

372 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$5,000

Two single events are recommended - one event per each late report.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent came into compliance on August 6, 2010, and the NOE was issued on June 17, 2011.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$76

Violation Final Penalty Total \$12,244

This violation Final Assessed Penalty (adjusted for limits) \$12,244

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC

Case ID No. 42063

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	\$1,500	30-Jul-2009	6-Aug-2010	1.02	\$76	n/a	\$76
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of preparing the reports and identifying the Hazardous Waste MACT report as a task in the electronic tracking system which notifies appropriate personnel when the report is due. The Date Required is the due date of the first report and the Final Date is the compliance date.

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

\$1,500

TOTAL

\$76

Screening Date 11-Jul-2011

Docket No. 2011-1185-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42063

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), FOP No. O-02321 General Terms and Conditions ("GTC") and STC 3.B.(iv)(3), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to record all quarterly visible emissions observations for Heaters 30H1, 31H1-1, and 31H1-2. Specifically, the Respondent conducted the quarterly visible emissions observations, but during the investigation, the Respondent did not have quarterly emission records for Heater 30H1 for the last two quarters of 2009 and the first three quarters of 2010, Heater 31H1-1 for the third quarter of 2009 and the first and third quarters of 2010, Heater 31H1-2 for the third quarter 2009 and first and third quarters of 2010. Between the three heaters, a total of 11 observations were not recorded.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirement.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 Number of violation days 3

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$7,500

Three single events are recommended for not maintaining a record of the quarterly visible emissions observations, one event for each of the three heaters.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$1,875

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes Corrective actions were completed on December 2, 2010, and the NOE was issued on June 17, 2011.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$36

Violation Final Penalty Total \$18,366

This violation Final Assessed Penalty (adjusted for limits) \$18,366

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 42063
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	\$500	30-Jun-2009	2-Dec-2010	1.42	\$36	n/a	\$36
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of instituting an electronic notification system that informs compliance personnel when the acrylonitrile units are down. This communication prompts that a visible emissions observation is required to be recorded upon the startup of the reactors. The heaters are only used during unit startups. The Date Required is the due date of the first visible emissions observation and the Final Date is the compliance date.

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

\$36

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PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42063

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 115.725(d)(3), 116.115(c), and 122.143(4); New Source Review Permit ("NSRP") Nos. 18251 and N-011 Special Conditions No. 19.E., FOP No. O-02321 STC 1.A. and 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the flare flow meter for the Acrylonitrile ("AN") 2 flare, Emission Point Number ("EPN") 3027, at least 95% of the total hours of operation in 2009. The flow meter was obstructed from June 28, 2009 through November 11, 2009, resulting in a total downtime of 3,556 hours for the year, which is 59.4% of the hours of operation in 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to significant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

136 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

Two quarterly events are recommended for June 28, 2009 through November 11, 2009.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes

The Respondent came into compliance on November 11, 2009, and the NOE was issued on June 17, 2011.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$12,244

This violation Final Assessed Penalty (adjusted for limits) \$12,244

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 42063
Rea. Ent. Reference No. RN100238682
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	28-Jun-2009	11-Nov-2009	0.37	\$9	n/a	\$9

Notes for DELAYED costs

The estimated cost of repairing the flow meter from the first day of the violation to compliance date. The repair could not be made until the unit was shut down.

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

\$9

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PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42063

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 115.126(1)(B), 116.115(c), and 122.143(4); 40 CFR §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii); NSRP Nos. 18251 and N-011 Special Conditions Nos. 3 and 5; FOP No. O-02321 STC 1.A. and 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the net heating value of two flares (EPNs 30Z7 and 31Z4) above 300 British thermal units per standard cubic foot ("Btu/scf") for a total of nine hours between October 7, 2009 and April 27, 2010. See attachment.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The Respondent did not exceed any maximum permitted emission limits.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

7 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended, two for each of the flares for the seven days when the minimum net heating value was not maintained.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes The Respondent came into compliance on April 27, 2010, and the NOE was issued on June 17, 2011.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$24,488

This violation Final Assessed Penalty (adjusted for limits) \$24,488

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 42063
Req. Ent. Reference No. RN100238682
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	7-Oct-2009	27-Apr-2010	0.55	\$14	n/a	\$14
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of implementing measures to get BTU data to the appropriate personnel on a more timely basis so that corrective action can be taken promptly from the date of the first violation to the compliance date.

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

\$14

Screening Date 11-Jul-2011

Docket No. 2011-1185-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42063

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O-02321 GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all deviations in the semiannual deviation reports. A total of nine open-ended lines were discovered from January 12 through 15, 2009. These open-ended lines should have been reported in the deviation report due by June 30, 2009; however, they were never reported. Additionally, the Respondent failed to report the late submittal of Hazardous Waste Combustor MACT semiannual reports in the above-referenced report and in the reports due by December 30, 2009 and June 30, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent met more than 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3

580 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
Single event	x

Violation Base Penalty \$300

Three single events are recommended - one for each incomplete report.

Good Faith Efforts to Comply

25.0% Reduction

\$75

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

Corrective actions were completed by January 31, 2011, and the NOE was issued on June 17, 2011.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$119

Violation Final Penalty Total \$735

This violation Final Assessed Penalty (adjusted for limits) \$735

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 42063
Reg. Ent. Reference No. RN100238682
Media Air
Violation No. 5

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	\$1,500	30-Jun-2009	31-Jan-2011	1.59	\$119	n/a	\$119
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of updating Title V recordkeeping and reporting procedures along with Leak Detection and Repair monthly recordkeeping procedures to ensure deviations are properly reported from the date of the first violation until corrective measures were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$119

Screening Date 11-Jul-2011

Docket No. 2011-1185-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42063

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 115.352(4), 115.783(5), 116.115(c), and 122.143(4); 40 CFR §§ 60.482-6(a)(2) and 63.167(a)(2); NSRP Nos. 18251 and N-011 Special Conditions Nos. 3.A., 5, 13.E., and 15.E.; FOP No. O-02321 STC 1.A. and 18; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to plug or cap an open-ended line which was discovered on October 15, 2010. The open-ended line was in hazardous air pollutant service and highly-reactive volatile organic compound ("HRVOC") service. The Respondent capped the open-ended line on the day it was discovered.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

		Harm		
		Major	Moderate	Minor
Release	Actual			X
	Potential			

Percent 25%

>> Programmatic Matrix

		Major	Moderate	Minor
Falsification				

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$2,500

One quarterly event is recommended for October 15, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes On October 15, 2010, the open-ended line was capped or plugged, prior to the NOE issued on June 17, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,122

This violation Final Assessed Penalty (adjusted for limits) \$6,122

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 42063
Req. Ent. Reference No. RN100238682
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	15-Oct-2010	15-Oct-2010	0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of capping or plugging the line from the date of the violation to the final compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$0

Screening Date 11-Jul-2011

Docket No. 2011-1185-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42063

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 117.335(e), 117.9020(2)(C)(i), and 122.143(4); FOP No. O 02321 STC 1.A. and 21; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct a stack test of the second start-up heater (EPN 31H1-2) for the AN3 unit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential				X	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Human health or the environment could have been exposed to an insignificant amount of emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

1 770 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Reduction	
	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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$708

Violation Final Penalty Total \$2,700

This violation Final Assessed Penalty (adjusted for limits) \$2,700

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 42063
Reg. Ent. Reference No. RN100238682
Media Air
Violation No. 7

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)	\$5,000	1-Jun-2009	31-Mar-2012	2.83	\$708	n/a	\$708

Notes for DELAYED costs

The estimated cost of conducting a stack test from the date the Respondent purchased the Plant to the estimated compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$708

Screening Date 11-Jul-2011

Docket No. 2011-1185-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42063

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 115.781(b)(3) and 122.143(4), FOP No. O-02321 STC 1.A., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to quarterly monitor caps, plugs, and blind flanges in HRVOC service. The AN2 and AN3 units have a combined 414 potential open ends (caps, plugs, and blind flanges) in HRVOC service. These components were listed in the Plant's database as exempt from monitoring in error, and were not monitored from the second quarter of 2009 until the fourth quarter of 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Only one component was found to be leaking when the components were monitored in the fourth quarter of 2010.

Adjustment \$7,500

\$2,500

Violation Events

6

526 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Six quarterly events are recommended from June 1, 2009 to December 8, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$3,750

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

Notes

The Respondent came into compliance on December 8, 2010, and the NOE was issued on June 17, 2011.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$515

Violation Final Penalty Total \$36,732

This violation Final Assessed Penalty (adjusted for limits) \$36,732

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC

Case ID No. 42063

Req. Ent. Reference No. RN100238682

Media Air

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	30-Jun-2009	8-Dec-2010	1.44	\$108	n/a	\$108

Notes for DELAYED costs

The estimated cost of additional oversight to make sure that the components were entered into the database correctly and monitored from the date the violation was first documented to compliance date.

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	\$269	30-Jun-2009	8-Dec-2010	1.44	\$19	\$388	\$407
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

The estimated cost for monitoring 414 components at \$0.65 per component per year from the monitoring due date to the compliance date.

Approx. Cost of Compliance

\$1,769

TOTAL

\$515

Attachment to PCW

Ascend Performance Materials LLC, RN100238682

Case No. 42063, Docket No. 2011-1185-AIR-E

Violation No. 4

Flare	Date	Time (Hour)	Heat Value (Btu)
EPN 30Z7	January 15, 2010	11:00	292.06
	April 22, 2010	17:00	240.39
		18:00	292.84
	April 23, 2010	8:00	289.97
	April 27, 2010	9:00	292.39
EPN 31Z4	October 7, 2009	23:00	295.45
	October 8, 2009	0:00	294.68
		2:00	284.71
	January 26, 2010	11:00	298.17

Compliance History

Customer/Respondent/Owner-Operator: CN603482811 Ascend Performance Materials LLC Classification: AVERAGE Rating: 5.22

Regulated Entity: RN100238682 ASCEND PERFORMANCE MATERIALS CHOCOLATE BAYOU PLANT Classification: AVERAGE Site Rating: 7.44

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	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
POLLUTION PREVENTION PLANNING	ID NUMBER	P07122
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
WASTEWATER	PERMIT	WQ0000001000
WASTEWATER	EPA ID	TX0003875
AIR NEW SOURCE PERMITS	REGISTRATION	93420
AIR NEW SOURCE PERMITS	REGISTRATION	94736
AIR NEW SOURCE PERMITS	REGISTRATION	92085
AIR NEW SOURCE PERMITS	REGISTRATION	93222
AIR NEW SOURCE PERMITS	REGISTRATION	92173
AIR NEW SOURCE PERMITS	PERMIT	2271
AIR NEW SOURCE PERMITS	PERMIT	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: LOCATED ON FM 2917 ~ 8 MI S OF INTX OF HWY 35 & FM 2917, ALVIN, BRAZORIA COUNTY

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 11, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 11, 2006 to July 11, 2011

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

Name: Miriam Hall Phone: (512) 239-1044

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?

OWNOPR	Ascend Performance Materials, LLC
OWNOPR	Solutia Inc.
OWNOPR	Monsanto Company
- If Yes, who was/were the prior owner(s)/operator(s)?

OWNOPR	Equistar Chemicals, LP
--------	------------------------
- When did the change(s) in owner or operator occur?

07/07/2010	OWNOPR Equistar Chemicals, LP
------------	-------------------------------
- Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 11/19/2007 ADMINORDER 2005-0166-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: NSR 2271, GC 8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: NSR 2271, GC 1 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 OP

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 8 OP

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

Classification: Moderate

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

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

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

Effective Date: 01/28/2008

ADMINORDER 2006-1599-AIR-E

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 18251 PA

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Effective Date: 05/18/2009

ADMINORDER 2008-0062-AIR-E

Classification: Moderate

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

Rqmt Prov: O-02319 General Terms and Conditions OP

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: SPECIAL CONDITION 4 OP

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

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

Classification: Major

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

Rqmt Prov: Permit 6534, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: TCEQ Permit 38336 Special Condition 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No.4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emission event occurred on February 29, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for one hour and 43

minutes and resulted in the release of 15.20 lbs of hydrogen cyanide ("HCN") and 526.80 lbs of propylene. The emission limits for this EPN are 1.26 lbs/hr for HCN and 4.01 lbs/hr for VOC.

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

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

Classification: Minor

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	07/20/2006	(467521)
2	08/31/2006	(480128)
3	07/25/2006	(485504)
4	08/23/2006	(486778)
5	08/17/2006	(497124)
6	09/15/2006	(511153)
7	02/16/2007	(512464)
8	10/27/2006	(516020)
9	10/27/2006	(516053)
10	11/08/2006	(518116)
11	12/11/2006	(518235)
12	12/11/2006	(518239)
13	07/26/2006	(520095)
14	08/21/2006	(520096)
15	09/21/2006	(520097)
16	11/29/2006	(531921)
17	12/08/2006	(531936)
18	11/29/2006	(532004)
19	12/07/2006	(532264)
20	01/11/2007	(532283)
21	01/18/2007	(535916)
22	01/18/2007	(536107)
23	01/23/2007	(536763)
24	01/30/2007	(536987)
25	01/30/2007	(536993)
26	02/21/2007	(539360)
27	02/16/2007	(539392)
28	02/16/2007	(539394)
29	02/22/2007	(539395)

30	02/23/2007	(539396)
31	03/12/2007	(539397)
32	03/12/2007	(539398)
33	02/20/2007	(539401)
34	03/12/2007	(539403)
35	04/12/2007	(543359)
36	04/12/2007	(543389)
37	04/12/2007	(543393)
38	04/12/2007	(543396)
39	04/12/2007	(543411)
40	06/08/2007	(543508)
41	10/23/2006	(544349)
42	11/29/2006	(544350)
43	12/27/2006	(544351)
44	01/22/2007	(544352)
45	06/26/2007	(558363)
46	07/06/2007	(560348)
47	06/13/2007	(563309)
48	07/05/2007	(564044)
49	09/28/2007	(565072)
50	07/05/2007	(565543)
51	10/04/2007	(565781)
52	08/28/2007	(566965)
53	08/28/2007	(566968)
54	08/17/2007	(571113)
55	08/17/2007	(571116)
56	08/17/2007	(571117)
57	08/17/2007	(571120)
58	08/17/2007	(571122)
59	08/30/2007	(571497)
60	08/29/2007	(572199)
61	08/22/2007	(573057)
62	02/22/2007	(575043)
63	03/26/2007	(575044)
64	04/19/2007	(575045)
65	05/23/2007	(575046)
66	06/25/2007	(575047)
67	07/23/2007	(575048)
68	09/27/2007	(593895)
69	10/16/2007	(594030)
70	09/27/2007	(594475)
71	08/28/2008	(595601)
72	01/28/2008	(595602)
73	02/04/2008	(595610)
74	12/03/2007	(595635)
75	11/05/2007	(597652)
76	11/01/2007	(598289)
77	11/01/2007	(598293)

78	12/17/2007	(599351)
79	12/17/2007	(599355)
80	11/06/2007	(599382)
81	10/31/2007	(607507)
82	09/20/2007	(607508)
83	10/19/2007	(607509)
84	01/29/2008	(609295)
85	02/14/2008	(609298)
86	12/14/2007	(609886)
87	12/17/2007	(610670)
88	12/20/2007	(611710)
89	12/20/2007	(611714)
90	04/21/2008	(612070)
91	02/15/2008	(612072)
92	04/03/2008	(615836)
93	03/18/2008	(615838)
94	02/13/2008	(615839)
95	02/13/2008	(615859)
96	03/11/2008	(616438)
97	04/25/2008	(616540)
98	04/03/2008	(617714)
99	02/15/2008	(618125)
100	04/11/2008	(618763)
101	11/15/2007	(619438)
102	12/18/2007	(619439)
103	01/17/2008	(619440)
104	04/29/2008	(639697)
105	04/29/2008	(639703)
106	04/29/2008	(639707)
107	04/29/2008	(639708)
108	04/29/2008	(639711)
109	03/24/2008	(639874)
110	04/22/2008	(640492)
111	06/04/2008	(646671)
112	05/20/2008	(671627)
113	02/14/2008	(671945)
114	03/18/2008	(671946)
115	04/17/2008	(671947)
116	08/26/2008	(680027)
117	11/03/2008	(681757)
118	07/02/2008	(681880)
119	06/06/2008	(682013)
120	07/03/2008	(682028)
121	12/08/2008	(682431)
122	06/20/2008	(683391)
123	07/28/2008	(684301)
124	08/01/2008	(685339)
125	07/30/2008	(687438)

126	08/12/2008	(687925)
127	08/22/2008	(689052)
128	08/29/2008	(689053)
129	05/14/2008	(689865)
130	06/20/2008	(689866)
131	10/14/2008	(702982)
132	10/14/2008	(702989)
133	02/04/2009	(703385)
134	01/28/2009	(703392)
135	02/13/2009	(703393)
136	10/13/2008	(703732)
137	11/17/2008	(705402)
138	11/17/2008	(705404)
139	11/17/2008	(706687)
140	10/30/2008	(706840)
141	11/24/2008	(708102)
142	07/14/2008	(710637)
143	08/15/2008	(710638)
144	09/25/2008	(710639)
145	10/16/2008	(710640)
146	07/14/2008	(710641)
147	01/06/2009	(721518)
148	01/06/2009	(721523)
149	02/20/2009	(723296)
150	02/16/2009	(723984)
151	02/16/2009	(723985)
152	06/29/2009	(724359)
153	03/20/2009	(724849)
154	03/20/2009	(725378)
155	02/24/2009	(726852)
156	02/24/2009	(726862)
157	02/24/2009	(726865)
158	02/24/2009	(726874)
159	02/24/2009	(726880)
160	11/18/2008	(727417)
161	04/06/2009	(736212)
162	02/12/2009	(750164)
163	03/16/2009	(750165)
164	04/16/2009	(750166)
165	04/16/2009	(750167)
166	12/17/2008	(750168)
167	06/23/2009	(759561)
168	08/10/2009	(760734)
169	07/31/2009	(761167)
170	08/11/2009	(762921)
171	08/11/2009	(765164)
172	08/31/2009	(767513)
173	11/06/2009	(767538)

174	12/13/2009	(767543)
175	12/13/2009	(767545)
176	12/13/2009	(767547)
177	12/14/2009	(767550)
178	01/05/2010	(767553)
179	03/03/2010	(767564)
180	04/06/2010	(767606)
181	05/15/2009	(768286)
182	06/10/2009	(768287)
183	11/23/2009	(776989)
184	04/09/2010	(784203)
185	01/07/2010	(784346)
186	12/11/2009	(784537)
187	12/11/2009	(784562)
188	12/11/2009	(784564)
189	01/19/2010	(785856)
190	02/10/2010	(790032)
191	02/10/2010	(790040)
192	05/06/2010	(794067)
193	04/22/2010	(796385)
194	04/22/2010	(796387)
195	05/20/2010	(799533)
196	05/27/2010	(801971)
197	06/21/2010	(803247)
198	02/18/2010	(804427)
199	08/24/2009	(804428)
200	09/22/2009	(804429)
201	10/14/2009	(804430)
202	11/17/2009	(804431)
203	12/17/2009	(804432)
204	01/18/2010	(804433)
205	07/30/2010	(827020)
206	07/09/2010	(829610)
207	07/23/2010	(830086)
208	07/14/2010	(830505)
209	03/15/2010	(830793)
210	04/13/2010	(830794)
211	05/17/2010	(830795)
212	09/09/2010	(841766)
213	08/30/2010	(844061)
214	06/15/2010	(846239)
215	08/30/2010	(849823)
216	10/08/2010	(849826)
217	10/05/2010	(849827)
218	09/30/2010	(850191)
219	09/30/2010	(850194)
220	09/30/2010	(850201)
221	09/30/2010	(850202)

222	09/30/2010	(850203)
223	09/28/2010	(850727)
224	06/22/2011	(858019)
225	10/25/2010	(858020)
226	11/12/2010	(858023)
227	02/28/2011	(858031)
228	02/15/2011	(858035)
229	11/10/2010	(858043)
230	06/17/2011	(858046)
231	11/22/2010	(858048)
232	10/13/2010	(859969)
233	07/13/2010	(860835)
234	09/20/2010	(864461)
235	09/30/2010	(864946)
236	10/26/2010	(865510)
237	01/26/2011	(866639)
238	08/16/2010	(866799)
239	11/10/2010	(873330)
240	09/17/2010	(873871)
241	04/28/2011	(878118)
242	12/01/2010	(880015)
243	12/08/2010	(880841)
244	10/18/2010	(881473)
245	01/13/2011	(884974)
246	01/24/2011	(886439)
247	01/25/2011	(886526)
248	01/21/2011	(887668)
249	11/11/2010	(888004)
250	02/22/2011	(893337)
251	12/13/2010	(896206)
252	03/28/2011	(901932)
253	03/17/2011	(902104)
254	03/17/2011	(902127)
255	01/17/2011	(902277)
256	06/09/2011	(906472)
257	05/03/2011	(907086)
258	04/07/2011	(907947)
259	02/14/2011	(909051)
260	05/12/2011	(913615)
261	05/31/2011	(913957)
262	06/15/2011	(913960)
263	06/10/2011	(913961)
264	06/23/2011	(913963)
265	06/15/2011	(913965)
266	06/27/2011	(913966)
267	07/01/2011	(913967)
268	03/18/2011	(916315)
269	06/27/2011	(923433)

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

Date: 07/25/2006 (485504) CN603482811
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 18251, Special Condition 4 PERMIT
 Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
 Description: Failure to maintain the AN2 Flare in good working order during facility operations.

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

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

Date: 08/31/2006 (480128) CN603482811
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to maintain the tank throughputs for the acetic tank and water circulating tank as represented in the permit application dated February 29, 2000 for the TCEQ Permit no. 38336.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 38336, Special Condition 23.E PERMIT
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02324, Special Condition 18 OP
 O-02324, Special Condition 1A OP
 Description: Failure to install caps/plugs/flanges on eight open-ended lines in unit 70ANFUG.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02324, Special Condition 1A OP
 Description: Failure to conduct a first attempt at repair on 1 valve within five calendar days after a leak was detected in the AN 7 Unit.

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 38336, Special Condition 4 PERMIT
 38336, Special Condition 8A PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02324, Special Condition 18 OP
 Description: Failure to maintain the NOx emissions from the boiler 70Z401 within the permit limit in the AN7 Unit.

Date: 11/29/2006 (532004) CN603482811
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 38998, Special Condition 4 PERMIT
 Description: Failure to prevent unauthorized emissions.
 Date: 12/31/2006 (544352) CN603482811
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/16/2007 (512464) CN603482811
 Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02321, SC 12 OP
 FOP O-02321, SC 1A OP
 NSR 18251 SC 14E PA
 NSR 18251, SC 12E PA
 Description: Failure to cap 10 open-ended lines in HRVOC and HAP service.
 Date: 02/21/2007 (539360) CN603482811
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)
 PROVISION VII.D. PERMIT
 Description: Violation of maximum injection flow rate.
 Date: 08/31/2007 (607508) CN603482811
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/27/2007 (594475) CN603482811
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP No. 2324, Spec. Cond 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

Description: Special Condition 20 OP
 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 181 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]

F. Environmental audits.

Notice of Intent Date: 04/07/2006 (462917)
Disclosure Date: 11/14/2006

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)(3)
30 TAC Chapter 122, SubChapter B 122.142
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116

30 TAC Chapter 122, SubChapter B 122.142

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

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

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

Disclosure Date: 11/14/2006

Viol. Classification: Minor

Rqmt Prov: PERMIT 32151, SC 8A

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

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

No DOV Associated

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

No DOV Associated

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

Disclosure Date: 08/28/2009

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(a)(1)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(h)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(a)(9)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)(1)

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

Viol. Classification: Minor

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

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

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. 2011-1185-AIR-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ascend Performance Materials LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by John J. Vay, attorney, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at Farm-to-Market Road ("FM") 2917, eight miles south of the intersection of State Highway 35 and FM 2917 in Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 22, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Hundred Thirteen Thousand Six Hundred Twenty-Nine Dollars (\$113,629) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Forty-Five Thousand Four Hundred Fifty-Two Dollars (\$45,452) of the administrative penalty and Twenty-Two Thousand Seven Hundred Twenty-Five Dollars (\$22,725) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Forty-Five Thousand Four Hundred Fifty-Two Dollars (\$45,452) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By August 6, 2010, updated the electronic tracking system to notify appropriate personnel when the Hazardous Waste Combustor Maximum Achievable Control Technology ("MACT") report is due;
 - b. By December 2, 2010, updated the electronic tracking system to inform compliance personnel when the acrylonitrile ("AN") units are down, and that a visible emissions observation is required to be recorded upon startup of the reactors;
 - c. On November 11, 2009, repaired the AN2 flare flow meter;
 - d. On April 27, 2010, implemented measures to ensure that timely net heating value data for the two flares, Emission Point Numbers ("EPNs") 30Z7 and 31Z4, reaches appropriate personnel so that corrective action can be taken before the net heating value falls below 300 British thermal units per standard cubic foot ("Btu/scf");
 - e. By January 31, 2011, updated Title V recordkeeping and reporting procedures along with Leak Detection and Repair ("LDAR") monthly recordkeeping procedures to ensure deviations are properly reported;
 - f. By October 15, 2010, capped or plugged the open-ended lines; and
 - g. By December 8, 2010, updated the LDAR database to correctly identify the caps, plugs, and blind flanges in the AN2 and AN3 units that had been incorrectly entered as "exempt" from monitoring and monitored the components.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to submit the Hazardous Waste Combustor MACT reports within 30 days of the end of each semiannual period, in violation of 30 TEX. ADMIN. CODE §§ 113.620 and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.10(d)(5)(i) and 63.1211(a), Federal Operating Permit ("FOP") No. O-02321 Special Terms and Conditions ("STC") 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 17 through 29, 2010. Specifically, the reports for the periods of January 1, 2009 through June 30, 2009 and July 1, 2009 through December 31, 2009 were submitted under one cover letter on August 6, 2010.
2. Failed to record all quarterly visible emissions observations for Heaters 30H1, 31H1-1, and 31H1-2, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-02321 General Terms and Conditions ("GTC") and STC 3.B.(iv)(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 17 through 29, 2010. Specifically, the Respondent conducted the quarterly visible emissions observations, but during the investigation, the Respondent did not have quarterly emission records for Heater 30H1 for the last two quarters of 2009 and the first three quarters of 2010, Heater 31H1-1 for the third quarter of 2009 and the first and third quarters of 2010, Heater 31H1-2 for the third quarter of 2009 and first and third quarters of 2010. Between the three heaters, a total of 11 observations were not recorded.
3. Failed to operate the flare flow meter for the AN2 flare, EPN 30Z7, at least 95% of the total hours of operation in 2009, in violation of 30 TEX. ADMIN. CODE §§ 115.725(d)(3), 116.115(c), and 122.143(4); New Source Review Permit ("NSRP") Nos. 18251 and N-011 Special Conditions No. 19.E., FOP No. O-02321 STC 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 17 through 29, 2010. The flow meter was obstructed from June 28, 2009 through November 11, 2009, resulting in a total downtime of 3,556 hours for the year, which is 59.4% of the hours of operation in 2009.
4. Failed to maintain the net heating value of two flares (EPNs 30Z7 and 31Z4) above 300 Btu/scf for a total of nine hours between October 7, 2009 and April 27, 2010 (see table below), in violation of 30 TEX. ADMIN. CODE §§ 115.126(1)(B), 116.115(c), and 122.143(4); 40 CFR §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii); NSRP Nos. 18251 and N-011 Special

Conditions Nos. 3 and 5; FOP No. O-02321 STC 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 17 through 29, 2010.

Flare	Date	Time (Hour)	Heat Value (Btu)
EPN 30Z7	January 15, 2010	11:00	292.06
	April 22, 2010	17:00	240.39
		18:00	292.84
	April 23, 2010	8:00	289.97
	April 27, 2010	9:00	292.39
EPN 31Z4	October 7, 2009	23:00	295.45
	October 8, 2009	0:00	294.68
		2:00	284.71
	January 26, 2010	11:00	298.17

5. Failed to report all deviations in the semiannual deviation reports, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O-02321 GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 17 through 29, 2010. A total of nine open-ended lines were discovered from January 12 through 15, 2009. These open-ended lines should have been reported in the deviation report due by June 30, 2009; however, they were never reported. Additionally, the Respondent failed to report the late submittal of Hazardous Waste Combustor MACT semiannual reports in the above-referenced report and in the reports due by December 30, 2009 and June 30, 2010.
6. Failed to plug or cap an open-ended line which was discovered on October 15, 2010, in violation of 30 TEX. ADMIN. CODE §§ 115.352(4), 115.783(5), 116.115(c), and 122.143(4); 40 CFR §§ 60.482-6(a)(2) and 63.167(a)(2); NSRP Nos. 18251 and N-011 Special Conditions Nos. 3.A., 5, 13.E., and 15.E.; FOP No. O-02321 STC 1.A. and 18; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 17 through 29, 2010. The open-ended line was in hazardous air pollutant service and in highly-reactive volatile organic compound ("HRVOC") service. The Respondent capped the open-ended line on the day they were discovered.
7. Failed to conduct a stack test of the second start-up heater (EPN 31H1-2) for the AN3 unit, in violation of 30 TEX. ADMIN. CODE §§ 117.335(e), 117.9020(2)(C)(i), 122.143(4); FOP No. O-02321 STC 1.A. and 21; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 17 through 29, 2010.
8. Failed to quarterly monitor caps, plugs, and blind flanges in HRVOC service, in violation of 30 TEX. ADMIN. CODE §§ 115.781(b)(3) and 122.143(4), FOP No. O-02321 STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 17 through 29, 2010. The AN2 and AN3 units have a combined 414 potential open ends (caps, plugs, and blind flanges) in HRVOC service. These

components were listed in the Plant's database as exempt from monitoring in error, and were not monitored from the second quarter of 2009 until the fourth quarter of 2010.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ascend Performance Materials LLC, Docket No. 2011-1185-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Forty-Five Thousand Four Hundred Fifty-Two Dollars (\$45,452) 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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, perform the required stack test on the the second start-up heater (EPN 31H1-2) for the AN3 unit;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a., as described in Ordering Provision No. 3.e.;
 - c. Within 60 days after the the effective date of this Agreed Order, submit the compliance stack test report for the the second start-up heater (EPN 31H1-2) to:

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

- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.c., as described in Ordering Provision No. 3.e.; and
- e. Written certifications required by Ordering Provisions Nos. 3.b. and 3.d. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.c. 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

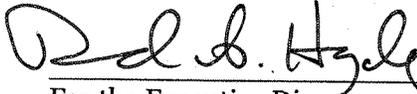
aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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. 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/29/12
Date

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

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

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

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



Signature

1/19/2012
Date

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

Director Chocolate Banquet
Title Operations Excellence.

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

Attachment A
Docket Number: 2011-1185-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Ascend Performance Materials LLC

Payable Penalty Amount: Ninety Thousand Nine Hundred Four Dollars (\$90,904)

SEP Amount: Forty-Five Thousand Four Hundred Fifty-Two Dollars (\$45,452)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Location of SEP: Texas Air Quality Control Region 216 – Houston-Galveston

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration’s (“FHWA”) Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the 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 EPA or the California Air Resources Board.

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Ascend Performance Materials LLC
Agreed Order - Attachment A

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Attachment A
Docket Number: 2011-1185-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials LLC
Payable Penalty Amount:	Ninety Thousand Nine Hundred Four Dollars (\$90,904)
SEP Amount:	Forty-Five Thousand Four Hundred Fifty-Two Dollars (\$45,452)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration’s (“FHWA”) Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the 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 EPA or the California Air Resources Board.

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Ascend Performance Materials LLC
Agreed Order - Attachment A

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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