

Executive Summary – Enforcement Matter – Case No. 42979
Ascend Performance Materials LLC
RN100238682
Docket No. 2011-2133-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, located on Farm-to-Market Road 2917, eight miles south of State Highway 35, Alvin, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-1808-AIR-E and 2011-1185-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 2, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,650

Amount Deferred for Expedited Settlement: \$1,530

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,120

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

**Executive Summary – Enforcement Matter – Case No. 42979
Ascend Performance Materials LLC
RN100238682
Docket No. 2011-2133-AIR-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: August 12, 2011
Date(s) of NOE(s): October 28, 2011

Violation Information

Failed to prevent unauthorized emissions during an event on July 24, 2011 (Incident No. 157167). Specifically, the Respondent released 1,198.19 pounds (“lbs”) of acrylonitrile, 177.56 lbs of hydrogen cyanide, 15.20 lbs of ammonia, and 39 lbs of carbon monoxide from the Acrylonitrile Unit 2 Flare [Emission Point No. (“EPN”) 30Z7], Acrylonitrile Unit 2 Waste Heat Boiler (EPN 30H5), Acrylonitrile Unit 3 Waste Heat Boiler (EPN 31H4), Purification Flush Tank Scubber (EPN 70K314), and Waste Heat Boiler (EPN 70Z401) during the 10 hour 24 minute event. The event occurred due to deteriorated wiring in the Bus Differential of the West Bus Ring. Because the event could have been foreseen and avoided, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit (“NSRP”) No. 18251 and N-011 Special Conditions No. 1, NSRP Nos. 38336, PSD-TX-910, and N-011 Special Conditions No. 1, Federal Operating Permit (“FOP”) No. O-2321 Special Terms and Conditions No. 18, FOP No. O-2324 Special Terms and Conditions No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 11, 2011, the Respondent replaced the West Bus Ring on the 138 kilovolt electrical system wiring and implemented a maintenance inspection program to prevent a reoccurrence of similar emissions events.

Technical Requirements:

N/A

Litigation Information

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

Executive Summary – Enforcement Matter – Case No. 42979
Ascend Performance Materials LLC
RN100238682
Docket No. 2011-2133-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: James Nolan, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-6634; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

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

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	31-Oct-2011	Screening	14-Nov-2011	EPA Due	24-Jul-2012
	PCW	13-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.	42979	No. of Violations	1
Docket No.	2011-2133-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	231.0% Enhancement	Subtotals 2, 3, & 7	\$5,775
---------------------------	--------------------	--------------------------------	---------

Notes: Enhancement for five agreed orders with denial of liability, two agreed orders without denial of liability, seven NOV's with same/similar violations, and 28 NOV's with dissimilar violations. Reduction for four Notices of Intent to conduct audits 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	\$625
--	-------------------	-------

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

Total EB Amounts: \$2
 Approx. Cost of Compliance: \$750
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,650
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$7,650
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,650
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0% Reduction	Adjustment	-\$1,530
-----------------	-----------------	-------------------	----------

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	\$6,120
------------------------	---------

Screening Date 14-Nov-2011

Docket No. 2011-2133-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	28	56%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 231%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five agreed orders with denial of liability, two agreed orders without denial of liability, seven NOVs with same/similar violations, and 28 NOVs with dissimilar violations. Reduction for four Notices of Intent to conduct audits and three Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 231%

Screening Date 14-Nov-2011

Docket No. 2011-2133-AIR-E

PCW

Respondent Ascend Performance Materials LLC

Policy Revision 2 (September 2002)

Case ID No. 42979

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit ("NSRP") No. 18251 and N-011 Special Conditions No. 1, NSRP Nos. 38336, PSD-TX-910, and N-011 Special Conditions No. 1, Federal Operating Permit ("FOP") No. O-2321 Special Terms and Conditions No. 18, FOP No. O-2324 Special Terms and Conditions No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during an event on July 24, 2011 (Incident No. 157167). Specifically, the Respondent released 1,198.19 pounds ("lbs") of acrylonitrile, 177.56 lbs of hydrogen cyanide, 15.20 lbs of ammonia, and 39 lbs of carbon monoxide from the Acrylonitrile Unit 2 Flare [Emission Point No. ("EPN") 30Z7], Acrylonitrile Unit 2 Waste Heat Boiler (EPN 30H5), Acrylonitrile Unit 3 Waste Heat Boiler (EPN 31H4), Purification Flush Tank Scubber (EPN 70K314), and Waste Heat Boiler (EPN 70Z401) during the 10 hour 24 minute event. The event occurred due to deteriorated wiring in the Bus Differential of the West Bus Ring. Because the event could have been foreseen and avoided, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

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 The Respondent completed corrective actions by August 11, 2011, prior to the October 28, 2011 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$7,650

This violation Final Assessed Penalty (adjusted for limits) \$7,650

Economic Benefit Worksheet

Respondent Ascend Performance Materials LLC
Case ID No. 42979
Reg. Ent. Reference No. RN100238682
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$750	24-Jul-2011	11-Aug-2011	0.05	\$2	n/a	\$2

Notes for DELAYED costs

Estimated costs to replace the electrical bus wiring and implement a maintenance inspection program in order to prevent another occurrence of this type of emissions event. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$2

Compliance History

Customer/Respondent/Owner-Operator:	CN603482811 Ascend Performance Materials LLC	Classification: AVERAGE	Rating: 5.30
Regulated Entity:	RN100238682 ASCEND PERFORMANCE MATERIALS CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 7.59

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0038U
	AIR OPERATING PERMITS	PERMIT	1258
	AIR OPERATING PERMITS	PERMIT	2318
	AIR OPERATING PERMITS	PERMIT	2319
	AIR OPERATING PERMITS	PERMIT	2320
	AIR OPERATING PERMITS	PERMIT	2321
	AIR OPERATING PERMITS	PERMIT	2322
	AIR OPERATING PERMITS	PERMIT	2323
	AIR OPERATING PERMITS	PERMIT	2324
	AIR OPERATING PERMITS	PERMIT	2325
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30138
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD001700806
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50189
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	79885
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00445
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
	WASTEWATER	PERMIT	WQ0000001000
	WASTEWATER	EPA ID	TX0003875
	AIR NEW SOURCE PERMITS	REGISTRATION	93420
	AIR NEW SOURCE PERMITS	REGISTRATION	94736
	AIR NEW SOURCE PERMITS	REGISTRATION	92085
	AIR NEW SOURCE PERMITS	REGISTRATION	93222
	AIR NEW SOURCE PERMITS	REGISTRATION	92173
	AIR NEW SOURCE PERMITS	PERMIT	2271
	AIR NEW SOURCE PERMITS	PERMIT	5084
	AIR NEW SOURCE PERMITS	PERMIT	6534
	AIR NEW SOURCE PERMITS	PERMIT	8372
	AIR NEW SOURCE PERMITS	PERMIT	18251
	AIR NEW SOURCE PERMITS	REGISTRATION	28694
	AIR NEW SOURCE PERMITS	PERMIT	32151
	AIR NEW SOURCE PERMITS	REGISTRATION	34029
	AIR NEW SOURCE PERMITS	PERMIT	38336
	AIR NEW SOURCE PERMITS	PERMIT	38998
	AIR NEW SOURCE PERMITS	PERMIT	39171
	AIR NEW SOURCE PERMITS	PERMIT	48895
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0038U
	AIR NEW SOURCE PERMITS	REGISTRATION	76211
	AIR NEW SOURCE PERMITS	AFS NUM	4803900009
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX307A
	AIR NEW SOURCE PERMITS	REGISTRATION	71063
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX910
	AIR NEW SOURCE PERMITS	REGISTRATION	91893
	AIR NEW SOURCE PERMITS	REGISTRATION	72689
	AIR NEW SOURCE PERMITS	REGISTRATION	72545
	AIR NEW SOURCE PERMITS	REGISTRATION	74040
	AIR NEW SOURCE PERMITS	REGISTRATION	73707
	AIR NEW SOURCE PERMITS	REGISTRATION	74788
	AIR NEW SOURCE PERMITS	REGISTRATION	75318
	AIR NEW SOURCE PERMITS	REGISTRATION	77064
	AIR NEW SOURCE PERMITS	REGISTRATION	77079
	AIR NEW SOURCE PERMITS	REGISTRATION	78148
	AIR NEW SOURCE PERMITS	REGISTRATION	78728
	AIR NEW SOURCE PERMITS	REGISTRATION	80379
	AIR NEW SOURCE PERMITS	REGISTRATION	91882
	AIR NEW SOURCE PERMITS	REGISTRATION	80616
	AIR NEW SOURCE PERMITS	REGISTRATION	83875
	AIR NEW SOURCE PERMITS	PERMIT	N011
	AIR NEW SOURCE PERMITS	REGISTRATION	96419

AIR NEW SOURCE PERMITS	REGISTRATION	83109
AIR NEW SOURCE PERMITS	REGISTRATION	96655
AIR NEW SOURCE PERMITS	REGISTRATION	89881
AIR NEW SOURCE PERMITS	REGISTRATION	91873
AIR NEW SOURCE PERMITS	REGISTRATION	93079
RADIOACTIVE WASTE DISPOSAL	LICENSE	RW0219
UNDERGROUND INJECTION CONTROL	PERMIT	WDW013
UNDERGROUND INJECTION CONTROL	PERMIT	WDW224
UNDERGROUND INJECTION CONTROL	PERMIT	WDW318
UNDERGROUND INJECTION CONTROL	PERMIT	WDW326
UNDERGROUND INJECTION CONTROL	PERMIT	WDW359
STORMWATER	PERMIT	TXR05Y499
WATER LICENSING	LICENSE	0200049
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30138
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0038U

Location: On Farm-to-Market Road 2917, eight miles south of its intersection with State Highway 35, Alvin

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 14, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 14, 2006 to November 14, 2011

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator?

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

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

07/07/2010	OWNOPR	Equistar Chemicals, LP
------------	--------	------------------------
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: NSR 2271, GC 8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: NSR 2271, GC 1 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 OP

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 8 OP

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

Classification: Moderate

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

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

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

Effective Date: 01/28/2008

ADMINORDER 2006-1599-AIR-E

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 18251 PA

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Effective Date: 05/18/2009

ADMINORDER 2008-0062-AIR-E

Classification: Moderate

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

Rqmt Prov: O-02319 General Terms and Conditions OP

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: SPECIAL CONDITION 4 OP

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

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

Classification: Major

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

Rqmt Prov: Permit 6534, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: TCEQ Permit 38336 Special Condition 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

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

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

Classification: Moderate

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

Rqmt Prov: 18251/Special Condition No. 4 PERMIT

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

Classification: Minor

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

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

Effective Date: 07/31/2011

ADMINORDER 2009-1997-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(2)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

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

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

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter H 116.770(a)

5C THSC Chapter 382 382.0518(a)
5C THSC Chapter 382 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.210(a)

5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Speical Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: failed to comply with permitted emissions limits during an emissions event on the

Acrylonitrile 2 Unit Product Purification Column pad area.

Effective Date: 08/13/2011

ADMINORDER 2010-1828-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

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

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

Effective Date: 08/27/2011

ADMINORDER 2010-0088-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Speical Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 08/27/2011

ADMINORDER 2011-0222-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	02/16/2007	(512464)
2	12/11/2006	(518235)
3	12/11/2006	(518239)
4	11/29/2006	(531921)
5	12/08/2006	(531936)
6	11/29/2006	(532004)
7	12/07/2006	(532264)
8	01/11/2007	(532283)
9	01/18/2007	(535916)

10	01/18/2007	(536107)
11	01/23/2007	(536763)
12	01/30/2007	(536987)
13	01/30/2007	(536993)
14	02/21/2007	(539360)
15	02/16/2007	(539392)
16	02/16/2007	(539394)
17	02/22/2007	(539395)
18	02/23/2007	(539396)
19	03/12/2007	(539397)
20	03/12/2007	(539398)
21	02/20/2007	(539401)
22	03/12/2007	(539403)
23	04/12/2007	(543359)
24	04/12/2007	(543389)
25	04/12/2007	(543393)
26	04/12/2007	(543396)
27	04/12/2007	(543411)
28	06/08/2007	(543508)
29	11/29/2006	(544350)
30	12/27/2006	(544351)
31	01/22/2007	(544352)
32	06/26/2007	(558363)
33	07/06/2007	(560348)
34	06/13/2007	(563309)
35	07/05/2007	(564044)
36	09/28/2007	(565072)
37	07/05/2007	(565543)
38	10/04/2007	(565781)
39	08/28/2007	(566965)
40	08/28/2007	(566968)
41	08/17/2007	(571113)
42	08/17/2007	(571116)
43	08/17/2007	(571117)
44	08/17/2007	(571120)
45	08/17/2007	(571122)
46	08/30/2007	(571497)
47	08/29/2007	(572199)
48	08/22/2007	(573057)
49	02/22/2007	(575043)
50	03/26/2007	(575044)
51	04/19/2007	(575045)
52	05/23/2007	(575046)
53	06/25/2007	(575047)
54	07/23/2007	(575048)
55	09/27/2007	(593895)
56	10/16/2007	(594030)
57	09/27/2007	(594475)
58	08/28/2008	(595601)
59	01/28/2008	(595602)

60	02/04/2008	(595610)
61	12/03/2007	(595635)
62	11/05/2007	(597652)
63	11/01/2007	(598289)
64	11/01/2007	(598293)
65	12/17/2007	(599351)
66	12/17/2007	(599355)
67	11/06/2007	(599382)
68	10/31/2007	(607507)
69	09/20/2007	(607508)
70	10/19/2007	(607509)
71	01/29/2008	(609295)
72	02/14/2008	(609298)
73	12/14/2007	(609886)
74	12/17/2007	(610670)
75	12/20/2007	(611710)
76	12/20/2007	(611714)
77	04/21/2008	(612070)
78	02/15/2008	(612072)
79	04/03/2008	(615836)
80	03/18/2008	(615838)
81	02/13/2008	(615839)
82	02/13/2008	(615859)
83	03/11/2008	(616438)
84	04/25/2008	(616540)
85	04/03/2008	(617714)
86	02/15/2008	(618125)
87	04/11/2008	(618763)
88	11/15/2007	(619438)
89	12/18/2007	(619439)
90	01/17/2008	(619440)
91	04/29/2008	(639697)
92	04/29/2008	(639703)
93	04/29/2008	(639707)
94	04/29/2008	(639708)
95	04/29/2008	(639711)
96	03/24/2008	(639874)
97	04/22/2008	(640492)
98	06/04/2008	(646671)
99	05/20/2008	(671627)
100	02/14/2008	(671945)
101	03/18/2008	(671946)
102	04/17/2008	(671947)
103	08/26/2008	(680027)
104	11/03/2008	(681757)
105	07/02/2008	(681880)
106	06/06/2008	(682013)
107	07/03/2008	(682028)

108	12/08/2008	(682431)
109	06/20/2008	(683391)
110	07/28/2008	(684301)
111	08/01/2008	(685339)
112	07/30/2008	(687438)
113	08/12/2008	(687925)
114	08/22/2008	(689052)
115	08/29/2008	(689053)
116	05/14/2008	(689865)
117	06/20/2008	(689866)
118	10/14/2008	(702982)
119	10/14/2008	(702989)
120	02/04/2009	(703385)
121	01/28/2009	(703392)
122	02/13/2009	(703393)
123	10/13/2008	(703732)
124	11/17/2008	(705402)
125	11/17/2008	(705404)
126	11/17/2008	(706687)
127	10/30/2008	(706840)
128	11/24/2008	(708102)
129	07/14/2008	(710637)
130	08/15/2008	(710638)
131	09/25/2008	(710639)
132	10/16/2008	(710640)
133	07/14/2008	(710641)
134	01/06/2009	(721518)
135	01/06/2009	(721523)
136	02/20/2009	(723296)
137	02/16/2009	(723984)
138	02/16/2009	(723985)
139	06/29/2009	(724359)
140	03/20/2009	(724849)
141	03/20/2009	(725378)
142	02/24/2009	(726852)
143	02/24/2009	(726862)
144	02/24/2009	(726865)
145	02/24/2009	(726874)
146	02/24/2009	(726880)
147	11/18/2008	(727417)
148	04/06/2009	(736212)
149	02/12/2009	(750164)
150	03/16/2009	(750165)
151	04/16/2009	(750166)
152	04/16/2009	(750167)
153	12/17/2008	(750168)
154	06/23/2009	(759561)
155	08/10/2009	(760734)

156	07/31/2009	(761167)
157	08/11/2009	(762921)
158	08/11/2009	(765164)
159	08/31/2009	(767513)
160	11/06/2009	(767538)
161	12/13/2009	(767543)
162	12/13/2009	(767545)
163	12/13/2009	(767547)
164	12/14/2009	(767550)
165	01/05/2010	(767553)
166	03/03/2010	(767564)
167	04/06/2010	(767606)
168	05/15/2009	(768286)
169	06/10/2009	(768287)
170	11/23/2009	(776989)
171	04/09/2010	(784203)
172	01/07/2010	(784346)
173	12/11/2009	(784537)
174	12/11/2009	(784562)
175	12/11/2009	(784564)
176	01/19/2010	(785856)
177	02/10/2010	(790032)
178	02/10/2010	(790040)
179	05/06/2010	(794067)
180	04/22/2010	(796385)
181	04/22/2010	(796387)
182	05/20/2010	(799533)
183	05/27/2010	(801971)
184	06/21/2010	(803247)
185	02/18/2010	(804427)
186	08/24/2009	(804428)
187	09/22/2009	(804429)
188	10/14/2009	(804430)
189	11/17/2009	(804431)
190	12/17/2009	(804432)
191	01/18/2010	(804433)
192	07/30/2010	(827020)
193	07/09/2010	(829610)
194	07/23/2010	(830086)
195	07/14/2010	(830505)
196	03/15/2010	(830793)
197	04/13/2010	(830794)
198	05/17/2010	(830795)
199	09/09/2010	(841766)
200	08/30/2010	(844061)
201	06/15/2010	(846239)
202	08/30/2010	(849823)
203	10/08/2010	(849826)

204	10/05/2010	(849827)
205	09/30/2010	(850191)
206	09/30/2010	(850194)
207	09/30/2010	(850201)
208	09/30/2010	(850202)
209	09/30/2010	(850203)
210	09/28/2010	(850727)
211	06/22/2011	(858019)
212	10/25/2010	(858020)
213	11/12/2010	(858023)
214	02/28/2011	(858031)
215	02/15/2011	(858035)
216	11/10/2010	(858043)
217	06/17/2011	(858046)
218	11/22/2010	(858048)
219	10/13/2010	(859969)
220	07/13/2010	(860835)
221	09/20/2010	(864461)
222	09/30/2010	(864946)
223	10/26/2010	(865510)
224	01/26/2011	(866639)
225	08/16/2010	(866799)
226	11/10/2010	(873330)
227	09/17/2010	(873871)
228	04/28/2011	(878118)
229	12/01/2010	(880015)
230	12/08/2010	(880841)
231	10/18/2010	(881473)
232	01/13/2011	(884974)
233	01/24/2011	(886439)
234	01/25/2011	(886526)
235	01/21/2011	(887668)
236	11/11/2010	(888004)
237	02/22/2011	(893337)
238	12/13/2010	(896206)
239	03/28/2011	(901932)
240	03/17/2011	(902104)
241	03/17/2011	(902127)
242	01/17/2011	(902277)
243	06/09/2011	(906472)
244	05/03/2011	(907086)
245	04/07/2011	(907947)
246	02/14/2011	(909051)
247	05/12/2011	(913615)
248	05/31/2011	(913957)
249	06/15/2011	(913960)
250	06/10/2011	(913961)
251	06/23/2011	(913963)

252	06/15/2011	(913965)
253	06/27/2011	(913966)
254	07/01/2011	(913967)
255	03/18/2011	(916315)
256	06/27/2011	(923433)
257	04/21/2011	(924756)
258	07/14/2011	(933988)
259	07/14/2011	(933991)
260	07/14/2011	(933994)
261	07/14/2011	(934001)
262	07/14/2011	(934002)
263	08/19/2011	(934126)
264	08/16/2011	(935315)
265	05/19/2011	(937995)
266	08/23/2011	(942845)
267	10/28/2011	(945189)
268	06/20/2011	(945319)
269	10/12/2011	(948957)
270	08/31/2011	(951773)
271	07/20/2011	(952593)
272	09/22/2011	(956739)
273	10/10/2011	(958606)
274	08/10/2011	(959275)
275	09/19/2011	(965307)

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

Date: 11/29/2006 (532004) CN603482811
Self NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 38998, Special Condition 4 PERMIT
Description Failure to prevent unauthorized emissions.
Date: 12/31/2006 (544352) CN603482811
Self YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description Failure to meet the limit for one or more permit parameter
Date: 02/16/2007 (512464) CN603482811
Self YES Classification Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02321, SC 12 OP
FOP O-02321, SC 1A OP
NSR 18251 SC 14E PA
NSR 18251, SC 12E PA
Description Failure to cap 10 open-ended lines in HRVOC and HAP service.
Date: 02/21/2007 (539360) CN603482811
Self NO Classification Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)
PROVISION VII.D. PERMIT
Description Violation of maximum injection flow rate.
Date: 08/31/2007 (607508) CN603482811
Self YES Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 09/27/2007 (594475) CN603482811
 Self 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

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

Description: Failure to maintain flame on process flare 50Z2-C.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 6534 Special Condition 10F PERMIT
 NSR 6534 Special Condition 18F PERMIT
 O-02319 Special Condition 1A OP
 O-02319 Special Condition 20 OP

Description: Failure to monitor delay of repair components on a quarterly frequency.
 Date 04/30/2008 (689865) CN603482811
 Self Report? YES Classification Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Description: Failure to meet the limit for one or more permit parameter
 Date 08/26/2008 (680027) CN603482811
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 New Source Review Permit Num. 5084 SC 5 PERMIT
 Special Term and Condition 4 OP

Description: Failure to maintain the six minute average and a temperature above 1465 degrees Fahrenheit on unit 55H2 (Incinerator) during the annual compliance certification period 4/30/2007 through 4/30/2008.
 Date 08/29/2008 (689053) CN603482811
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 O-02323 General Terms and Conditions OP

Description: Failure to submit the second semi-annual deviation report within the 30 day time frame.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 O-02323 General Terms and Conditions OP

Description: Failure to submit the PCC report for the certification period of December 1, 2007 through May 31, 2008 within the 30 day time frame.
 Date 11/03/2008 (681757) CN603482811
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 38336, Spec. Cond. 11 PERMIT
 Spec. Cond. 18 OP

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

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GT&C OP
 Description: Failure to submit complete and accurate deviation report.
 Date 02/06/2009 (703385) CN603482811
 Self Report? NO Classification Minor

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

Citation: 2271, GC 9 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01258, SC 4 OP
 Description: Failure to collect all dust from the dust collector capture system during loading operation.
 Date 02/13/2009 (703393) CN603482811
 Self Report? NO Classification Moderate

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

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

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report all deviations for each 6-month period.
 Self Report? NO Classification Moderate

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

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 18I PERMIT
 Special Condition 1A OP
 Special Condition 20 OP
 Description: Failure to repair valve 158963 within 15 days of leak discovery.
 Date 07/31/2009 (761167) CN603482811
 Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)
 Provision II.A.7 PERMIT
 Description: Facility did not have land disposal restriction documentation for waste stream 3013212H.
 Date 12/31/2009 (804433) CN603482811
 Self Report? YES Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 01/06/2010 (767553) CN603482811
 Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term and Condition 12A OP
 FOP, Special Term and Condition 1A OP
 NSR Permit, Special Condition 19A PERMIT
 Description: Failure to maintain flare 31Z4 (31Z6 in FOP O-0231, 2007) vent gas heating at the minimum required heating value. Category B19 (g) (1)
 Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term and Condition 12A OP
 FOP, Special Term and Condition 1A OP
 NSR, Special Condition 15E PERMIT
 NSR, Special Condition 3A PERMIT
 NSR, Special Condition 5 PERMIT
 NSR, Special Condition 13E PERMIT
 Description: Failure to prevent an open ended line on a valve at AN23 on January 22, 2009. Category C10
 Date 01/31/2010 (804427) CN603482811
 Self Report? YES Classification Moderate

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

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

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 15C PERMIT
 Special Term and Condition 1A OP
 Description: Failure to maintain flare opacity at less than five minutes in a two-hour period. (category C4 violation)
 Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 Special Condition 9A PERMIT
 Special Term and Condition 18 OP
 Description: Failure to maintain the liquid flow rate of scrubber 320Z322 above 10 gallons per minute. (category C4 violation)

Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9C PERMIT
 Special Term and Condition 18 OP

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

Date 05/28/2010 (801971) CN603482811
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT

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

Date 09/29/2010 (850727) CN603482811
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 5C THSC Chapter 382 382.085(b)

Description: Failed to include speciated air contaminants released during the emissions event in the final report.

Date 11/10/2010 (858043) CN603482811
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 14 PERMIT
 Special Condition 8 OP

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

Date 11/12/2010 (858023) CN603482811
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

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

Date 02/15/2011 (858035) CN603482811
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9A PERMIT
 Special Terms and Condition 19 OP
 Special Terms and Condition 1A OP

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

Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Condition 2F OP

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

Self Report?	NO	Classification	Moderate
Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(l)(2) 5C THSC Chapter 382 382.085(b) Special Condition 4 PERMIT Special Terms and Condition 1A OP		
Description:	Failure to prepare a written plan that requires inspection of the closed vent system of the wastewater treatment unit and failure to conduct an inspection of the closed vent system (EPN 51D6). (Category B3)		
Date	02/28/2011 (916315)	CN603482811	
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/15/2011 (913965)	CN603482811	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 331, SubChapter D 331.63(e) PP VII.F PERMIT		
Description:	Failure to maintain a minimum differential pressure of 100 psig		
Date	06/15/2011 (913960)	CN603482811	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125 V.B.3 PERMIT		
Description:	Failure to store containers on portable secondary containment as described in permit		
Date	06/17/2011 (858046)	CN603482811	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1) 5C THSC Chapter 382 382.085(b) Special Condition 5 PERMIT Special Term and Condition 18 OP Special Term and Condition 1A OP		
Description:	Failure to monitor 17 pumps in AN2 for fugitive emissions in October 2009 [Category C1 violation]		
Date	06/22/2011 (858019)	CN603482811	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2) 5C THSC Chapter 382 382.085(b) Special Condition 9C PERMIT Special Terms & Conditions 16 OP Special Terms & Conditions 17 OP Special Terms & Conditions 1A OP		
Description:	Failure to maintain the scrubber (EPN 320Z322) inlet temperature at below 70 degrees Fahrenheit from January 13, 2010 through January 16, 2010. [Category C4]		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.114(a)(1) 30 TAC Chapter 116, SubChapter B 116.115(c)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2) 5C THSC Chapter 382 382.085(b) Special Condition 12C PERMIT Special Condition 4 PERMIT Special Terms & Conditions 17 OP Special Terms & Conditions 1A OP		
Description:	Failure to conduct the annual secondary seal inspection for the methanol tank (EPN 320T831) internal floating roof during a consecutive 12 months, from February 24, 2009 through February 24, 2010. [Category B1]		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c)		

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13C PERMIT
 Special Terms & Conditions 17 OP
 Special Terms & Conditions 1A OP
 Description: Failure to maintain visible emissions of less than 5 minutes during two consecutive hours on May 28, 2010. [Category C4]

Self Report? NO Classification Minor

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

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

Date 08/24/2011 (942845) CN603482811

Self Report? NO Classification Minor

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

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

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 SC 11A PERMIT
 ST&C 16 OP
 ST&C 1A OP

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

Date 10/14/2011 (948957) CN603482811

Self Report? NO Classification Moderate

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

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

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 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. 2011-2133-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located on Farm-to-Market Road 2917, eight miles south of its intersection with State Highway 35 in Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. 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 November 2, 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 Seven Thousand Six Hundred Fifty Dollars (\$7,650) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand One Hundred Twenty Dollars (\$6,120) of the administrative penalty and One Thousand Five Hundred Thirty Dollars (\$1,530) 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.
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 by August 11, 2011, the Respondent replaced the West Bus Ring on the 138 kilovolt electrical system wiring and implemented a maintenance inspection program to prevent a reoccurrence of similar emissions events.
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 failed to prevent unauthorized emissions during an event on July 24, 2011 (Incident No. 157167), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit ("NSRP") No. 18251 and N-011 Special Conditions No. 1, NSRP Nos. 38336, PSD-TX-910, and N-011 Special Conditions No. 1, Federal Operating Permit ("FOP") No. O-2321 Special Terms and Conditions No. 18, FOP No. O-2324 Special Terms and Conditions No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 12, 2011. Specifically, the Respondent released 1,198.19 pounds ("lbs") of acrylonitrile, 177.56 lbs of hydrogen cyanide, 15.20 lbs of ammonia, and 39 lbs of carbon monoxide from the Acrylonitrile Unit 2 Flare [Emission Point No. ("EPN") 30Z7], Acrylonitrile Unit 2 Waste Heat Boiler (EPN 30H5), Acrylonitrile Unit 3 Waste Heat Boiler (EPN 31H4), Purification Flush Tank Scubber (EPN 70K314), and Waste Heat Boiler (EPN 70Z401) during the 10 hour 24 minute event. The event occurred due to deteriorated wiring in the Bus Differential of the West Bus Ring. Because the event could have been foreseen and avoided, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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. 2011-2133-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 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.
3. 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.
4. 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.
5. 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

3/7/12

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

01/09/2012

Date

PAUL CARTLEDGE

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

Director, Chocolate Bayou

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.