

**Executive Summary – Enforcement Matter – Case Nos. 38164; 39013; 40192**  
**ASCEND PERFORMANCE MATERIALS, LLC**  
**RN100238682**  
**Docket No. 2010-0088-AIR-E**

**Order Type:**

Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Farm-to-Market Road 2917, eight miles south of Interstate Highway 35, Alvin, Brazoria County

**Type of Operation:**

chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: 2009-1997-AIR-E (pending July 20, 2011 agenda)  
2010-1828-AIR-E (Agreed Order published May 13, 2011)  
2011-0222-AIR-E (Agreed Order published May 20, 2011)

Past-Due Penalties: None  
Past-Due Fees: None  
Other: This case is a consolidation of three enforcement actions.  
Interested Third-Parties: None

**Texas Register Publication Date:** April 29, 2011

**Comments Received:** None

***Penalty Information***

**Total Penalty Assessed:** \$22,175

**Amount Deferred for Expedited Settlement:** N/A

**Amount Deferred for Financial Inability to Pay:** N/A

**Total Paid to General Revenue:** \$11,088

**Total Due to General Revenue:** \$0

**SEP Conditional Offset:** \$11,087

Name of SEP: *Brazoria County Vehicle and Equipment Program*

**Compliance History Classifications (all 3):**

Person/CN – Average

Site/RN – Average

**Major Source:** Yes (all 3)

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

***Investigation Information***

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** January 20, 2009; November 13, 2009; June 14, 2010  
**Date(s) of NOV(s):** See Compliance Histories  
**Date(s) of NOE(s):** June 29, 2009; January 7, 2010; July 24, 2010

***Violation Information***

1. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE § 116.115(c); TEX. HEALTH & SAFETY CODE § 382.085(b); and Air Permit No. 18251, Special Condition (“SC”) No. 1].
2. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE § 116.115(c); TEX. HEALTH & SAFETY CODE § 382.085(b); and Air Permit Nos. 38336, PSD-TX-910, and N-011, SC No. 1].
3. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE § 116.115(c); TEX. HEALTH & SAFETY CODE § 382.085(b); and Air Permit Nos. 18251 and 38336, SC No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

1. On January 29, 2009, implemented a train-the-trainer guideline for personnel to verify the accuracy of work steps at the Plant.
2. On July 30, 2010, replaced the old differential relay with a modern differential relay designed and set specifically to operate on a transformer located in close proximity to a generator, in order to prevent future trips to T-1 transformer.

**Technical Requirements:**

1. Within 30 days, implement measures designed to prevent the recurrence of emissions events due improper valve alignment between the two reactor absorber columns.
2. Within 45 days, submit written certification to demonstrate compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** March 29, 2011

***Contact Information***

**TCEQ Attorneys:** Jeffrey Huhn, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
**TCEQ SEP Coordinator:** Sharon Blue, Litigation Division, (512) 239-2223  
**TCEQ Enforcement Coordinator:** Roshondra Lowe, Air Enforcement Section, (713) 676-3500  
**TCEQ Regional Contact:** Manuel Bautista, Houston Regional Office, (713) 676-3500  
**Respondent:** Paul Cartlidge, Plant Manager, Chocolate Bayou Plant, Ascend Performance Materials, LLC, P.O. Box 711, Alvin, Texas 77512-0711  
**Respondent's Attorney:** John J. Vay, The Law Office of John J. Vay, 710 W. 14<sup>th</sup> Street, Suite A, Austin, Texas 78701

**Attachment A**  
Docket Number: 2010-0088-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

Respondent: ASCEND PERFORMANCE MATERIALS, LLC

Penalty Amount: Twenty-Two Thousand One Hundred Seventy-Five Dollars (\$22,175)

SEP Offset Amount: Eleven Thousand Eighty-Seven Dollars (\$11,087)

Type of SEP: Pre-approved

Third-Party Recipient: Brazoria County

Project Name: Brazoria County Vehicle and Equipment Program

Location of SEP: Brazoria County

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 Offset 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 used by Brazoria County for the *Brazoria County Vehicle and Equipment Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP Funds to: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. *SEP Funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.*

**Retirement of Vehicles.** The Third-Party Recipient shall submit proof that any purchase of new vehicles or equipment using SEP Funds meets current EPA low-emission standards. The Third-Party Recipient shall ensure that equipment and vehicles being retired are operational before retirement and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be destroyed. The Third-Party Recipient shall submit proof of registration,

decommissioning, and scrappage by an authorized vehicle dismantler for all retired vehicles and equipment.

**Retrofits and Conversions.** The Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, The Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below. The Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

**Alternative Fuels:** Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

**b. Environmental Benefit**

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

**c. Minimum Expenditure**

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Brazoria County Parks Department  
Attention: Lydia Garcia  
313 W. Mulberry  
Angleton, Texas 77155

### **3. Records and Reporting**

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	10-Aug-2009	<b>Screening</b>	17-Aug-2009	<b>EPA Due</b>	
	<b>PCW</b>	25-Aug-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Ascend Performance Materials, LLC		
<b>Reg. Ent. Ref. No.</b>	RN100238682		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	38164	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-0088-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Roshondra Lowe
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	116.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$5,800
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**Notes**  
Penalty enhanced due to 11 NOVs for same or similar violations, 18 NOVs for unrelated violations, and two agreed orders containing a denial of liability. Penalty reduction due to seven notice of audits and four disclosures submitted.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes**  
The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$1,250
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$86  
Approx. Cost of Compliance \$4,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,550
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$9,550
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,550
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**  
Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$9,550
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<b>Screening Date</b> 17-Aug-2009	<b>Docket No.</b> 2010-0088-AIR-E	<b>PCW</b>
<b>Respondent</b> Ascend Performance Materials, LLC		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 38164		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN100238682		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Roshondra Lowe		

### Compliance History Worksheet

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

Component	Number of...	<i>Enter Number Here</i>	<b>Adjust.</b>
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	11	55%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	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>	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	4	-8%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 116%

**>> Repeat Violator (Subtotal 3)**

<span style="border: 1px solid black; padding: 2px;">No</span>	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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**>> Compliance History Person Classification (Subtotal 7)**

<span style="border: 1px solid black; padding: 2px;">Average Performer</span>	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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**>> Compliance History Summary**

<b>Compliance History Notes</b>	Penalty enhanced due to 11 NOVs for same or similar violations, 18 NOVs for unrelated violations, and two agreed orders containing a denial of liability. Penalty reduction due to seven notice of audits and four disclosures submitted.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 116%



<b>Screening Date</b>	17-Aug-2009	<b>Docket No.</b>	2010-0088-AIR-E	<b>PCW</b>	
<b>Respondent</b>	Ascend Performance Materials, LLC		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	38164	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b>	RN100238682				
<b>Media [Statute]</b>	Air				
<b>Enf. Coordinator</b>	Roshondra Lowe				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382 085(b), and Air Permit No. 18251, Special Condition No. 1				
<b>Violation Description</b>	<p>Failed to prevent unau horized emissions. Specifically, 5,989 pounds of acrylonitrile, a hazardous air pollutant, were released into the atmosphere through various atmospheric vents due to the failure to close the decon product cooler and the process outlet valve. The emissions event occurred on August 25, 2008 and lasted 18 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 .</p>				
<b>Base Penalty</b>				\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>			<b>Percent</b>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	x			
	Potential				
<b>&gt;&gt;Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
<b>Matrix Notes</b>	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
<b>Adjustment</b>				\$5,000	
				\$5,000	
<b>Violation Events</b>					
	Number of Violation Events	1	Number of violation days	1	
<i>mark only one with an x</i>	daily		weekly		
	monthly	x	quarterly		
	semiannual		annual		
	single event		<b>Violation Base Penalty</b> <span style="border: 1px solid black; text-align: right;">\$5,000</span>		
One monthly event is recommended based upon he emissions event that occurred on August 25, 2008					
<b>Good Faith Efforts to Comply</b>		25.0%	Reduction	\$1,250	
		Before NOV	NOV to EDCRP/Settlement		
	Extraordinary				
	Ordinary	x			
	N/A		(mark with x)		
	Notes	Correc ive actions were completed on January 29, 2009.			
<b>Violation Subtotal</b>				\$3,750	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
	<b>Estimated EB Amount</b>	\$86	<b>Violation Final Penalty Total</b>	\$9,550	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$9,550	

## Economic Benefit Worksheet

**Respondent** Ascend Performance Materials, LLC  
**Case ID No.** 38164  
**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	\$4,000	25-Aug-2008	29-Jan-2009	0.43	\$86	n/a	\$86
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement training designed to ensure the closing of the decon product cooler and process outlet valve. The date required is the date of the violation. The final date is based on the date corrective actions 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

\$4,000

**TOTAL**

\$86



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	11-Jan-2010			
	<b>PCW</b>	20-Jan-2010	<b>Screening</b>	20-Jan-2010	<b>EPA Due</b> 4-Oct-2010

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Ascend Performance Material, LLC				
<b>Reg. Ent. Ref. No.</b>	RN100238682				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	39013	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-0088-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	159.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$3,975
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Notes: Penalty enhancement due to nine NOV's for same or similar violations, 24 NOV's for unrelated violations, and four agreed orders with a denial of liability. Penalty reduction due to six Notices of Intended Audits and four Disclosures of Violations submitted.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$256  
 Approx. Cost of Compliance \$5,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,475
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$6,475
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,475
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction)

Notes:

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,475
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**Screening Date** 20-Jan-2010

**Docket No.** 2010-0088-AIR-E

**PCW**

**Respondent** Ascend Performance Material, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 39013

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100238682

**Media [Statute]** Air

**Enf. Coordinator** Rebecca Johnson

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	4	-8%

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)** 159%

>> **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**

Penalty enhancement due to nine NOVs for same or similar violations, 24 NOVs for unrelated violations, and four agreed orders with a denial of liability. Penalty reduction due to six Notices of Intended Audits and four Disclosures of Violations submitted.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 159%

<b>Screening Date</b>	20-Jan-2010	<b>Docket No.</b>	2010-0088-AIR-E	<b>PCW</b>
<b>Respondent</b>	Ascend Performance Material, LLC			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	39013			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN100238682			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Rebecca Johnson			

**Violation Number**

**Rule Cite(s)** Air Permit No. 38336, PSD-TX-910, and N-011, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to prevent unauthorized emissions during Incident No. 129931. Specifically, during the September 25, 2009 emissions event unauthorized emissions of 687 pounds ("lbs") of hydrogen cyanide and 644 lbs of acrylonitrile were released over a period of nine hours and 30 minutes from Waste Heat Boiler 70Z401 when an improper valve alignment during start-up resulted in emissions being vented to the atmosphere. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="25%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes**  
 Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended based on the September 25, 2009 emissions event.

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	mark with x)

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

**Estimated EB Amount**       **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Ascend Performance Material, LLC  
**Case ID No.** 39013  
**Req. 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	\$5,000	25-Sep-2009	4-Oct-2010	1.02	\$256	n/a	\$256
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure proper valve alignment between the two reactor absorber columns. The date required is the date of the emissions event. The final date is the projected date corrective measures will be completed.

### Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$256



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	2-Aug-2010	<b>Screening</b>	11-Aug-2010	<b>EPA Due</b>	26-Apr-2010
	<b>PCW</b>	18-Aug-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Ascend Performance Materials, LLC
<b>Reg. Ent. Ref. No.</b>	RN100238682
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	40192	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-0088-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Roshondra Lowe
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
<b>Compliance History</b>	156.0% Enhancement <b>Subtotals 2, 3, &amp; 7</b> \$3,900

Notes: Enhancement for five NOV's for same/similar violations, 30 NOV's for dissimilar violations, and four orders with denial. Reduction due to five notice of audits and two disclosures submitted.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
Notes	The Respondent does not meet the culpability criteria.			

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$250
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$47	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$3,500		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,150
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes:

**Final Penalty Amount** \$6,150

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,150
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction)				

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,150
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Screening Date 11-Aug-2010

Docket No. 2010-0088-AIR-E

PCW

Respondent Ascend Performance Materials, LLC

Policy Revision 2 (September 2002)

Case ID No. 40192

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

## Compliance History Worksheet

## &gt;&gt; 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> )	5	25%
	Other written NOVs	30	60%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 156%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for five NOVs for same/similar violations, 30 NOVs for dissimilar violations, and four orders with denial. Reduction due to five notice of audits and two disclosures submitted.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 156%



**Screening Date** 11-Aug-2010 **Docket No.** 2010-0088-AIR-E **PCW**  
**Respondent** Ascend Performance Materials, LLC *Policy Revision 2 (September 2002)*  
**Case ID No.** 40192 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100238682  
**Media [Statute]** Air  
**Enf. Coordinator** Roshondra Lowe

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), Air Permit Nos. 18251 and 38336, Special Condition No. 1

**Violation Description** Failed to prevent unauthorized emissions. Specifically, 671.73 pounds ("lbs") of acrylonitrile, 148.32 lbs of hydrogen cyanide and 1,272.15 lbs of propylene were released into the atmosphere during Incident No. 138801 due to the off-line tripping of the T-1 transformer, which caused a power interruption to the Acrylonitrile ("AN") 7 and AN 2 Units resulting in the diversion of absorber off-gas to the atmosphere. The emissions event occurred on April 22, 2010 and lasted two hours and 11 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

**Matrix Notes** Human health or the environment in the Houston-Galveston-Brazoria nonattainment area 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 this violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text" value="(mark w th x)"/>	

**Notes** Corrective actions were completed on July 30, 2010, after the July 29, 2010 NOE.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Ascend Performance Materials, LLC  
**Case ID No.** 40192  
**Req. Ent. Reference No.** RN100238682  
**Media Violation No.** Air  
 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)	\$3,500	22-Apr-2010	30-Jul-2010	0.27	\$47	n/a	\$47

**Notes for DELAYED costs** Estimated cost to prevent future trips to the T-1 transformer. The date required is the violation date. The final date is the date corrective actions 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**

<b>Approx. Cost of Compliance</b>	\$3,500	<b>TOTAL</b>	\$47
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# Compliance History Report

Customer/Respondent/Owner-Operator:  
Regulated Entity:

CN603482811 Ascend Performance Materials LLC  
RN100238682 ASCEND PERFORMANCE  
MATERIALS CHOCOLATE BAYOU  
PLANT

Classification: AVERAGE  
Classification: AVERAGE

Rating: 2.86  
Site Rating: 2.71

ID Number(s):

Activity	Account Number	ID Number(s)
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0038U
AIR OPERATING PERMITS	PERMIT	1258
AIR OPERATING PERMITS	PERMIT	2317
AIR OPERATING PERMITS	PERMIT	2318
AIR OPERATING PERMITS	PERMIT	2319
AIR OPERATING PERMITS	PERMIT	2320
AIR OPERATING PERMITS	PERMIT	2321
AIR OPERATING PERMITS	PERMIT	2322
AIR OPERATING PERMITS	PERMIT	2323
AIR OPERATING PERMITS	PERMIT	2324
AIR OPERATING PERMITS	PERMIT	2325
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
WASTEWATER	PERMIT	WQ000001000
WASTEWATER	PERMIT	TPDES0003875
WASTEWATER	PERMIT	TX0003875
AIR NEW SOURCE PERMITS	PERMIT	2271
AIR NEW SOURCE PERMITS	PERMIT	3046
AIR NEW SOURCE PERMITS	PERMIT	5065
AIR NEW SOURCE PERMITS	PERMIT	5084
AIR NEW SOURCE PERMITS	PERMIT	5336
AIR NEW SOURCE PERMITS	PERMIT	6534
AIR NEW SOURCE PERMITS	PERMIT	8372
AIR NEW SOURCE PERMITS	PERMIT	18130
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	<b>38336</b>
AIR NEW SOURCE PERMITS	PERMIT	38998
AIR NEW SOURCE PERMITS	PERMIT	39171
AIR NEW SOURCE PERMITS	REGISTRATION	39643
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	<b>PSDTX910</b>
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	80616
AIR NEW SOURCE PERMITS	REGISTRATION	83875
AIR NEW SOURCE PERMITS	PERMIT	<b>N011</b>
AIR NEW SOURCE PERMITS	REGISTRATION	83109
AIR NEW SOURCE PERMITS	REGISTRATION	89881
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
UNDERGROUND INJECTION CONTROL	PERMIT	WDW002
UNDERGROUND INJECTION CONTROL	PERMIT	WDW001
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	EPA ID	TXD001700806
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION GENERATION	30138	
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD001700806
STORMWATER	PERMIT	TXR05Y499
WATER LICENSING	LICENSE	0200049
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50189
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION (SWR)		30138
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50189
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50189
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50189
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0038U

Location: LOCATED ON FM 2917 ~ 8 MI S OF HWY 35

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 11, 2009

Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: August 11, 2004 to August 11, 2009

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

Name: Roshondra Lowe Phone: 767-3553

### 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? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 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.

- 1660-1**      **Effective Date: 02/20/2006**      **ADMINORDER 2005-0555-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: TCEQ Air Permit #39171, SC#4 PA  
 Description: Failed to close the automatic inlet valve to the incinerator.
- 1660-2**      **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. The incident started and ended on Aug. 5, 2007, but the initial notification was not submitted until Aug. 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. 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	08/19/2004	(351913)	14	11/04/2004	(351917)
2	09/01/2004	(270694)	15	11/05/2004	(337520)
3	09/01/2004	(271988)	16	11/05/2004	(338995)
4	09/01/2004	(272089)	17	11/16/2004	(334879)
5	09/20/2004	(351914)	18	11/16/2004	(339730)
6	09/23/2004	(334052)	19	12/09/2004	(343311)
7	09/23/2004	(334055)	20	12/09/2004	(343333)
8	10/13/2004	(337038)	21	12/10/2004	(260541)
9	10/13/2004	(337045)	22	12/10/2004	(263070)
10	10/22/2004	(351915)	23	12/10/2004	(263071)
11	10/22/2004	(351918)	24	12/13/2004	(262649)
12	11/03/2004	(333511)	25	12/14/2004	(343284)
13	11/03/2004	(333514)	26	12/14/2004	(343317)

27	12/15/2004	(351916)	103	05/17/2006	(458668)
28	12/16/2004	(336194)	104	05/18/2006	(449724)
29	12/20/2004	(335252)	105	05/22/2006	(498077)
30	12/20/2004	(338265)	106	05/31/2006	(466924)
31	12/20/2004	(338296)	107	05/31/2006	(466929)
32	12/22/2004	(381756)	108	05/31/2006	(466931)
33	12/23/2004	(336768)	109	05/31/2006	(466932)
34	12/28/2004	(344974)	110	06/05/2006	(463415)
35	12/30/2004	(343622)	111	06/21/2006	(467669)
36	12/30/2004	(345394)	112	06/21/2006	(480974)
37	01/03/2005	(343620)	113	06/23/2006	(498078)
38	01/03/2005	(343624)	114	06/29/2006	(466692)
39	01/14/2005	(345345)	115	07/10/2006	(464446)
40	02/14/2005	(348976)	116	07/20/2006	(467521)
41	02/14/2005	(349294)	117	07/25/2006	(485504)
42	02/21/2005	(349363)	118	07/26/2006	(520095)
43	02/22/2005	(381755)	119	08/17/2006	(497124)
44	02/24/2005	(349397)	120	08/21/2006	(520096)
45	02/28/2005	(347701)	121	08/31/2006	(480128)
46	03/24/2005	(419586)	122	09/15/2006	(511153)
47	04/04/2005	(349690)	123	09/21/2006	(520097)
48	04/06/2005	(376386)	124	10/23/2006	(544349)
49	04/06/2005	(376392)	125	10/27/2006	(516020)
50	04/06/2005	(376398)	126	10/27/2006	(516053)
51	04/06/2005	(376403)	127	11/08/2006	(518116)
52	04/06/2005	(376425)	128	11/29/2006	(532004)
53	04/06/2005	(376432)	129	11/29/2006	(544350)
54	04/08/2005	(376952)	130	12/07/2006	(532264)
55	04/18/2005	(419587)	131	12/11/2006	(518235)
56	04/19/2005	(376908)	132	12/11/2006	(518239)
57	04/25/2005	(377968)	133	12/27/2006	(544351)
58	05/11/2005	(348724)	134	01/11/2007	(532283)
59	05/16/2005	(380841)	135	01/18/2007	(535916)
60	05/23/2005	(419588)	136	01/18/2007	(536107)
61	05/31/2005	(374702)	137	01/22/2007	(544352)
62	05/31/2005	(379380)	138	01/23/2007	(536763)
63	05/31/2005	(379386)	139	01/30/2007	(536987)
64	06/08/2005	(348652)	140	01/30/2007	(536993)
65	06/13/2005	(345346)	141	02/16/2007	(512464)
66	06/23/2005	(419589)	142	02/16/2007	(539392)
67	06/29/2005	(394959)	143	02/16/2007	(539394)
68	07/19/2005	(440731)	144	02/20/2007	(539401)
69	08/16/2005	(440732)	145	02/21/2007	(539360)
70	08/19/2005	(404318)	146	02/22/2007	(539395)
71	08/24/2005	(349399)	147	02/22/2007	(575043)
72	08/24/2005	(377022)	148	02/23/2007	(539396)
73	08/24/2005	(405509)	149	03/12/2007	(539397)
74	08/24/2005	(405513)	150	03/12/2007	(539398)
75	09/19/2005	(440733)	151	03/12/2007	(539403)
76	10/04/2005	(379884)	152	03/26/2007	(575044)
77	10/21/2005	(433182)	153	04/12/2007	(543359)
78	10/21/2005	(433183)	154	04/12/2007	(543389)
79	10/24/2005	(468248)	155	04/12/2007	(543393)
80	11/28/2005	(468249)	156	04/12/2007	(543396)
81	12/20/2005	(435369)	157	04/12/2007	(543411)
82	12/20/2005	(439435)	158	04/19/2007	(575045)
83	12/20/2005	(468250)	159	05/23/2007	(575046)
84	12/30/2005	(434386)	160	06/08/2007	(543508)
85	01/23/2006	(468251)	161	06/13/2007	(563309)
86	01/24/2006	(440219)	162	06/25/2007	(575047)
87	01/24/2006	(440227)	163	06/26/2007	(558363)
88	01/30/2006	(438969)	164	07/05/2007	(564044)
89	02/14/2006	(453392)	165	07/05/2007	(565543)
90	02/14/2006	(453399)	166	07/06/2007	(560348)
91	03/03/2006	(457603)	167	07/23/2007	(575048)
92	03/20/2006	(498075)	168	08/22/2007	(573057)
93	04/17/2006	(460779)	169	08/28/2007	(566965)
94	04/19/2006	(451614)	170	08/30/2007	(571497)
95	04/24/2006	(498076)	171	09/20/2007	(607508)
96	04/30/2006	(468247)	172	09/27/2007	(593895)
97	05/12/2006	(464820)	173	09/27/2007	(594475)
98	05/12/2006	(464822)	174	09/28/2007	(565072)
99	05/12/2006	(464824)	175	10/19/2007	(607509)
100	05/12/2006	(464827)	176	10/31/2007	(607507)
101	05/12/2006	(464828)	177	11/01/2007	(598289)
102	05/16/2006	(457449)	178	11/01/2007	(598293)



179	11/06/2007	(599382)	215	08/01/2008	(685339)
180	11/15/2007	(619438)	216	08/12/2008	(687925)
181	12/03/2007	(595635)	217	08/15/2008	(710638)
182	12/17/2007	(599351)	218	08/29/2008	(689053)
183	12/17/2007	(599355)	219	09/25/2008	(710639)
184	12/17/2007	(610670)	220	10/13/2008	(703732)
185	12/18/2007	(619439)	221	10/14/2008	(702982)
186	12/20/2007	(611710)	222	10/14/2008	(702989)
187	12/20/2007	(611714)	223	10/16/2008	(710640)
188	01/17/2008	(619440)	224	10/30/2008	(706840)
189	02/13/2008	(615839)	225	11/03/2008	(681757)
190	02/13/2008	(615859)	226	11/17/2008	(705402)
191	02/14/2008	(671945)	227	11/17/2008	(705404)
192	02/15/2008	(618125)	228	11/17/2008	(706687)
193	03/18/2008	(671946)	229	11/18/2008	(727417)
194	03/24/2008	(639874)	230	12/08/2008	(682431)
195	04/03/2008	(615836)	231	12/17/2008	(750168)
196	04/03/2008	(617714)	232	01/06/2009	(721518)
197	04/17/2008	(671947)	233	01/06/2009	(721523)
198	04/22/2008	(640492)	234	02/12/2009	(750164)
199	04/25/2008	(616540)	235	02/13/2009	(709611)
200	04/29/2008	(639697)	236	02/16/2009	(723984)
201	04/29/2008	(639703)	237	02/16/2009	(723985)
202	04/29/2008	(639707)	238	02/24/2009	(726852)
203	04/29/2008	(639708)	239	02/24/2009	(726862)
204	04/29/2008	(639711)	240	02/24/2009	(726865)
205	05/14/2008	(689865)	241	02/24/2009	(726874)
206	06/04/2008	(646671)	242	02/24/2009	(726880)
207	06/06/2008	(682013)	243	03/16/2009	(750165)
208	06/20/2008	(689866)	244	04/16/2009	(750166)
209	07/02/2008	(681880)	245	04/16/2009	(750167)
210	07/03/2008	(682028)	246	06/23/2009	(759561)
211	07/14/2008	(710637)	247	07/31/2009	(761167)
212	07/14/2008	(710641)	248	08/10/2009	(760734)
213	07/28/2008	(684301)	249	08/11/2009	(762921)
214	07/30/2008	(687438)	250	08/11/2009	(765164)

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

<b>SIM-1</b>	Date:	11/16/2004 (339730)	Classification:	Moderate
	Self Report?	NO		
	Citation:	18251 and N-011, S.C No. 4 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Description:	Failure to operate the flare within MAERT limits		
<b>SIM-2</b>	Date:	12/13/2004 (262649)	Classification:	Moderate
	Self Report?	NO		
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ Air Permit No. 18251, SC #4 PA		
	Description:	Solutia failed to prevent moisture from entering the igniter unit on the flare.		
<b>SIM-3</b>	Date:	12/20/2004 (335252)	Classification:	Moderate
	Self Report?	YES		
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ Air Permit #18251, SC #1 PA		
	Description:	Sterling Chemicals failed to prevent external corrosion on a pipeline.		
<b>N/SAME-1</b>	Date:	12/31/2004 (351918) CN600132856	Classification:	Moderate
	Self Report?	YES		
	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		
<b>SIM-4</b>	Date:	01/03/2005 (343620)	Classification:	Moderate
	Self Report?	NO		
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ Air Permit No. 38336, SC #4 PA		
	Description:	Solutia inadvertently sent steam through the drain line to the process sewer increasing the pressure in the process sewer tank.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)		
<b>SIM-5</b>	Date:	02/14/2005 (348976)	Classification:	Moderate
	Self Report?	NO		
	Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Description:	Failure to report an emissions event (Incident #45511) that occurred at the AN7 Unit in a timely manner.		

	Description:	Solutia failed to prevent a fire suppression discharge which resulted in a release of 145 pounds (lbs) of Halon 1301 (bromotrifluoromethane).	
<b>SIM-6</b>	Date:	04/04/2005 (349690)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)	
	Description:	The regulated entity failed to prevent a shutdown of the AN2 waste heat boiler due to the malfunction of the valve positioner.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)	
	Description:	Solutia, Inc., - Chocolate Bayou Plant failed to identify on the emissions event report the permit number authorization.	
<b>SIM-7</b>	Date:	08/24/2005 (377022)	
	Self Report?	NO	Classification: Moderate
	Citation:	18251 SC 4 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)	
	Description:	Solutia failed to properly tighten a valve.	
<b>SIM-8</b>	Date:	08/24/2005 (349399)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ Air Permit No. 38998, SC#4 PA	
	Description:	The regulated entity failed to prevent a leak in a propylene pump.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)	
	Description:	failed to identify the permit number representing the propylene pump in the emissions event report.	
<b>N/SAME-2</b>	Date:	09/30/2005 (468248)	CN600132856
	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	
<b>N/SAME-3</b>	Date:	10/31/2005 (468249)	CN600132856
	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	
<b>N/SAME-4</b>	Date:	03/02/2006 (457603)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(c)(1)(ii) 5C THC Chapter 382, SubChapter A 382.085(b) SC 2 PERMIT	
	Description:	Failure to have a monitoring plan that indicates the monitoring parameter levels that constitute a leak from the heat exchangers into the water of cooling towers E379CT3, E379CT4, and 70382EG.	
	Self Report?	NO	Classification: Major
	Citation:	2A TWC Chapter 7, SubChapter A 7.101 Ordering Provision 3.a. ORDER	
	Description:	Failure to comply with ordering provisions of the Commission Order Docket No. 2002-0174-AIR-E.	
<b>SIM-9</b>	Date:	07/25/2006 (485504)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) No. 18251, Special Condition 4 PERMIT	
	Description:	Failure to prevent unauthorized emissions.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter F 101.221(a)	
	Description:	Failure to maintain the AN2 Flare in good working order during facility operations.	
<b>N/SAME-5</b>	Date:	07/31/2006 (520096)	CN600132856
	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	
<b>N/SAME-6</b>	Date:	08/31/2006 (520097)	CN600132856
	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	
<b>SIM-10</b>	Date:	08/31/2006 (480128)	CN600132856
	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.

**SIM-11** Date: 11/29/2006 (532004) Classification: Moderate

Self Report? NO

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.

**N/SAME-7** Date: 12/31/2006 (544352) CN600132856

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

**N/SAME-8** Date: 02/16/2007 (512464) CN600132856

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.

**N/SAME-9** Date: 02/21/2007 (539360)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)  
 PROVISION VII.D. PERMIT

Description: Violation of maximum injection flow rate.

**N/SAME-10** Date: 08/31/2007 (607508) CN600132856

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

**N/SAME-11** Date: 09/27/2007 (594475) CN600132856  
 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.

**N/SAME-12** Date: 10/31/2007 (619438) CN600132856  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 Description: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Failure to meet the limit for one or more permit parameter

**N/SAME-13** Date: 03/31/2008 (671947) CN600132856  
 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

**N/SAME-14** Date: 04/30/2008 (689865) CN600132856  
 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

**N/SAME-15** Date: 05/31/2008 (689866) CN600132856  
 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

**N/SAME-16** Date: 08/29/2008 (689053) CN600132856  
 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.

**N/SAME-17** Date: 11/03/2008 (681757) CN600132856  
 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.

**N/SAME-18** Date: 07/31/2009 (761167) CN600132856  
 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.

- F. Environmental audits.
- NOI-1**  
**DOV-1**
- Notice of Intent Date: 09/23/2004 (347742)
- Disclosure Date: 11/18/2004
- Viol. Classification: Major
- Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)  
30 TAC Chapter 116, SubChapter B 116.116(b)
- Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr))
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
- Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter C 115.212
- Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)
- Viol. Classification: Minor
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352  
30 TAC Chapter 115, SubChapter H 115.780  
30 TAC Chapter 116, SubChapter B 116.116(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160
- Rqmt Prov: PERMIT 18251  
PERMIT 38336
- Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter F 101.211  
30 TAC Chapter 101, SubChapter F 101.222(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)
- Rqmt Prov: PERMIT NSR Permit No. 38336
- Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)
- Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.213
- Rqmt Prov: PERMIT 18251
- Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.213
- Rqmt Prov: PERMIT 18251
- Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.
- Viol. Classification: Major
- Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
- Rqmt Prov: PERMIT 38336
- Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 01/07/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)  
 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
 30 TAC Chapter 101, SubChapter F 101.201  
 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)  
 30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.352  
 30 TAC Chapter 115, SubChapter H 115.780  
 30 TAC Chapter 116, SubChapter B 116.116(b)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251

PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211  
 30 TAC Chapter 101, SubChapter F 101.222(c)  
 30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 01/21/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)

30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter H 115.780

30 TAC Chapter 116, SubChapter B 116.116(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110



40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251  
 PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211  
 30 TAC Chapter 101, SubChapter F 101.222(c)  
 30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 01/28/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)  
 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
 30 TAC Chapter 101, SubChapter F 101.201  
 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

- Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201
- Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.  
 Viol. Classification: Major  
 Citation:  
 30 TAC Chapter 115, SubChapter C 115.212(a)(2)  
 30 TAC Chapter 116, SubChapter B 116.116(b)
- Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions,( ~450 lb/yr)  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
- Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter C 115.212
- Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.352  
 30 TAC Chapter 115, SubChapter H 115.780  
 30 TAC Chapter 116, SubChapter B 116.116(b)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160  
 Rqmt Prov: PERMIT 18251  
 PERMIT 38336
- Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.211  
 30 TAC Chapter 101, SubChapter F 101.222(c)  
 30 TAC Chapter 116, SubChapter B 116.116(b)  
 Rqmt Prov: PERMIT NSR Permit No. 38336
- Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)
- Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.213  
 Rqmt Prov: PERMIT 18251
- Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.213  
 Rqmt Prov: PERMIT 18251
- Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.  
 Viol. Classification: Major  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 Rqmt Prov: PERMIT 38336
- Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 06/30/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)  
 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
 30 TAC Chapter 101, SubChapter F 101.201  
 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)  
 30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (-450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.352  
 30 TAC Chapter 115, SubChapter H 115.780  
 30 TAC Chapter 116, SubChapter B 116.116(b)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251  
 PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211  
 30 TAC Chapter 101, SubChapter F 101.222(c)  
 30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.



Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

Disclosure Date: 07/28/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)

30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352

- 30 TAC Chapter 115, SubChapter H 115.780
- 30 TAC Chapter 116, SubChapter B 116.116(b)
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240
- 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019
- 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110
- 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100
- 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160
- Rqmt Prov: PERMIT 18251
- PERMIT 38336
- Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter F 101.211
- 30 TAC Chapter 101, SubChapter F 101.222(c)
- 30 TAC Chapter 116, SubChapter B 116.116(b)
- Rqmt Prov: PERMIT NSR Permit No. 38336
- Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)
- Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.213
- Rqmt Prov: PERMIT 18251
- Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.213
- Rqmt Prov: PERMIT 18251
- Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.
- Viol. Classification: Major
- Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
- Rqmt Prov: PERMIT 38336
- Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356
- 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357
- Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.
- Disclosure Date: 12/19/2005
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)
- 30 TAC Chapter 116, SubChapter B 116.115
- Rqmt Prov: PERMIT SC 14
- Description: exceeded the RQ for propylene
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20
- 30 TAC Chapter 101, SubChapter F 101.201
- 30 TAC Chapter 116, SubChapter B 116.115
- Rqmt Prov: PERMIT SC 4
- Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)  
30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (~450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352  
30 TAC Chapter 115, SubChapter H 115.780  
30 TAC Chapter 116, SubChapter B 116.116(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251  
PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211  
30 TAC Chapter 101, SubChapter F 101.222(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been identified and managed by the Benzene Waste NESHAP.

**NOI-2**  
**DOV-2**

Notice of Intent Date: 01/03/2006 (453378)

Disclosure Date: 03/30/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722

Description: Failure to meet BTU and HRVOC calibration requirements for AN2/3 process flares.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.401

Description: Failure to submit ECT-3H, and highly-reactive volatile organic compound emissions cap and trade level of activity certification form to TCEQ by 4/30/05.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(4)(iii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

Description: Failure to report Absorber Off Gas vents & Fugitives in HON units in HON NOCS.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11

Description: Failure to have HON stack performance test demonstrations for AN2/3 process flares 30Z7 (currently known and permitted as 30Z8) and 31Z4 (currently known as permitted as 31Z6).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(b)

Description: Failure to add group 2 to TRE determinations to HON NOCS.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)  
 30 TAC Chapter 115, SubChapter B 115.126(4)

Description: Failure to provide exemption documentation to demonstrate option 1 or 2 for industrial waste water rules for 30D1, 30D4, 30D8, 31D1, 31D4. Failure to maintain Regulation V vent gas exemption documentation on for 30 HIC, 31 HIC, 30D2, and 31D2.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Description: Failure to complete to make repairs for fugitive first attempts and open ended lines.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119

Description: Failure to have tank controls for tanks 30T15, 30T14, and 31T7.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

Description: Failure to maintain records of HON SSM, group 1 sources, maintenance wastewater and process wastewater in AN2/3 unit prior to 2006.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Description: Failure to conduct NOx RACT stack tests for Air Startup Heaters.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116

Rqmt Prov: PERMIT 18251

Description: Failure to maintain accurate permit representations for miscellaneous process impurities.

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to update Title V permit to include sources and rules, HW MACT, HON Tank Vents, Regulation V tanks and vent gas rules.

Disclosure Date: 06/28/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722

Description: Failure to meet BTU and HRVOC calibration requirements for AN2/3 process flares.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.401

Description: Failure to submit ECT-3H, and highly-reactive volatile organic compound emissions cap and trade level of activity certification form to TCEQ by 4/30/05.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(4)(iii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

Description: Failure to report Absorber Off Gas vents & Fugitives in HON units in HON NOCS.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11

Description: Failure to have HON stack performance test demonstrations for AN2/3 process flares 30Z7 (currently known and permitted as 30Z8) and 31Z4 (currently known as permitted as 31Z6).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(b)  
 Description: Failure to add group 2 to TRE determinations to HON NOCS.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)  
 30 TAC Chapter 115, SubChapter B 115.126(4)  
 Description: Failure to provide exemption documentation to demonstrate option 1 or 2 for industrial waste water rules for 30D1, 30D4, 30D8, 31D1, 31D4. Failure to maintain Regulation V vent gas exemption documentation on for 30 HIC, 31 HIC, 30D2, and 31D2.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
 Description: Failure to complete to make repairs for fugitive first attempts and open ended lines.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119  
 Description: Failure to have tank controls for tanks 30T15, 30T14, and 31T7.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)  
 Description: Failure to maintain records of HON SSM, group 1 sources, maintenance wastewater and process wastewater in AN2/3 unit prior to 2006.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.213  
 Description: Failure to conduct NOx RACT stack tests for Air Startup Heaters.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.116  
 Rqmt Prov: PERMIT 18251  
 Description: Failure to maintain accurate permit representations for miscellaneous process impurities.  
 Viol. Classification: Major  
 Citation: 30 TAC Chapter 122, SubChapter B 122.121  
 Description: Failure to update Title V permit to include sources and rules, HW MACT, HON Tank Vents, Regulation V tanks and vent gas rules.  
 Notice of Intent Date: 04/07/2006 (462917)  
 Disclosure Date: 11/14/2006  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)(3)  
 30 TAC Chapter 122, SubChapter B 122.142  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)  
 Description: Failure to submit written notification to the regional office or local pollution control office for 57T5 wastewater streams subject to 115 rules. Failure to include 57T5 tank and applicable requirements in NOCS and accurately represent in the Title V permit.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)(1)  
 Description: Failure to consider all unit 57T5 VOC's in streams as HAP's.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.142  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)  
 Description: Failure to represent ch. 115, Subchapter B, Division 2 Vent Gas Controls that applies to 57T5 in the NOCS or Title V Permit , and amend the Title V permit to reflect that Tanks 57T5, 57T6, and 57T10 are surge control storage vessels that are exempt from permit requirements due to capacity.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.116  
 30 TAC Chapter 122, SubChapter B 122.142  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(3)  
 Description: Failure to include or accurately represent Tank Nos. 57T3, 57T6, 57T5, 57T10, 57T1, 57T11, 57T35, 57T32, 57R1-1 and 57R1-2 in the NOCS and the Title V and NSR permits.

**NOI-3  
DOV-3**

**NOI-4  
DOV-4**

**NOI-5**

**NOI-6**

**NOI-7**

- 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

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# Compliance History Report

Customer/Respondent/Owner-Operator: CN603482811 Ascend Performance Materials LLC Classification: AVERAGE Rating: 4.05  
 Regulated Entity: RN100238682 ASCEND PERFORMANCE Classification: AVERAGE Site Rating: 4.05  
 MATERIALS CHOCOLATE BAYOU PLANT

ID Number(s):	ACCOUNT NUMBER	BL0038U
AIR OPERATING PERMITS	PERMIT	1258
AIR OPERATING PERMITS	PERMIT	2317
AIR OPERATING PERMITS	PERMIT	2318
AIR OPERATING PERMITS	PERMIT	2319
AIR OPERATING PERMITS	PERMIT	2320
AIR OPERATING PERMITS	PERMIT	2321
AIR OPERATING PERMITS	PERMIT	2322
AIR OPERATING PERMITS	PERMIT	2323
AIR OPERATING PERMITS	PERMIT	2324
AIR OPERATING PERMITS	PERMIT	2325
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
WASTEWATER	PERMIT	WQ0000001000
WASTEWATER	PERMIT	TPDES0003875
WASTEWATER	PERMIT	TX0003875
AIR NEW SOURCE PERMITS	PERMIT	2271
AIR NEW SOURCE PERMITS	PERMIT	3046
AIR NEW SOURCE PERMITS	PERMIT	5084
AIR NEW SOURCE PERMITS	PERMIT	6534
AIR NEW SOURCE PERMITS	PERMIT	8372
AIR NEW SOURCE PERMITS	PERMIT	18251
AIR NEW SOURCE PERMITS	REGISTRATION	28694
AIR NEW SOURCE PERMITS	PERMIT	32151
AIR NEW SOURCE PERMITS	REGISTRATION	34029
AIR NEW SOURCE PERMITS	PERMIT	<b>38336</b>
AIR NEW SOURCE PERMITS	PERMIT	38998
AIR NEW SOURCE PERMITS	PERMIT	39171
AIR NEW SOURCE PERMITS	REGISTRATION	39643
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	<b>PSDTX910</b>
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	80616
AIR NEW SOURCE PERMITS	REGISTRATION	83875
AIR NEW SOURCE PERMITS	PERMIT	<b>N011</b>
AIR NEW SOURCE PERMITS	REGISTRATION	83109
AIR NEW SOURCE PERMITS	REGISTRATION	89881
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
UNDERGROUND INJECTION CONTROL	PERMIT	WDW002
UNDERGROUND INJECTION CONTROL	PERMIT	WDW001
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	EPA ID	TXD001700806
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION GENERATION		30138
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD001700806
STORMWATER	PERMIT	TXR05Y499
WATER LICENSING	LICENSE	0200049
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50189
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION (SWR)		30138
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50189
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50189
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50189
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0038U

Location: LOCATED ON FM 2917 ~ 8 MI S OF INTX OF HWY 35 & FM 2917, Brazoria County  
 TCEQ Region: REGION 12 - HOUSTON  
 Date Compliance History Prepared: January 13, 2010

Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: January 13, 2005 to January 13, 2010

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

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

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 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.

- 1660-1 Effective Date: 02/20/2006 ADMINORDER 2005-0555-AIR-E**  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: TCEQ Air Permit #39171, SC#4 PA  
 Description: Failed to close the automatic inlet valve to the incinerator.
- 1660-2 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 limits 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.

1660-3

**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.

1660-4

**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. The incident started and ended on Aug. 5, 2007, but the initial notification was not submitted until Aug. 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. An emissions event occurred on March 27, 2008 due to a loss of air flow from operator error at EPN 30H5, which lasted for one hour and 51 minutes and resulted in the release of 4,057 lbs of VOC, 4,714 lbs of CO and 61 lbs of hydrogen cyanide ("HCN"). The emission limits for this EPN are 3.57 lbs/hr for VOC, 31 lbs/hr for CO and 1.28 lbs/hr for HCN.

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	02/14/2005	(348976)	66	06/29/2006	(482575)
2	02/14/2005	(349294)	67	06/29/2006	(482600)
3	02/21/2005	(349363)	68	07/10/2006	(464446)
4	02/22/2005	(381755)	69	07/20/2006	(467521)
5	02/24/2005	(349397)	70	07/25/2006	(485504)
6	02/28/2005	(347701)	71	07/26/2006	(520095)
7	03/24/2005	(419586)	72	08/17/2006	(497124)
8	04/04/2005	(349690)	73	08/21/2006	(520096)
9	04/08/2005	(376952)	74	08/23/2006	(486778)
10	04/18/2005	(419587)	75	08/31/2006	(480128)
11	04/19/2005	(376908)	76	09/15/2006	(511153)
12	05/11/2005	(348724)	77	09/21/2006	(520097)
13	05/16/2005	(380841)	78	10/23/2006	(544349)
14	05/23/2005	(419588)	79	10/27/2006	(516020)
15	05/31/2005	(374702)	80	10/27/2006	(516053)
16	05/31/2005	(379380)	81	11/08/2006	(518116)
17	05/31/2005	(379386)	82	11/29/2006	(531921)
18	06/08/2005	(348652)	83	11/29/2006	(532004)
19	06/23/2005	(419589)	84	11/29/2006	(544350)
20	07/19/2005	(440731)	85	12/07/2006	(532264)
21	07/21/2005	(398102)	86	12/08/2006	(531936)
22	08/16/2005	(440732)	87	12/11/2006	(518235)
23	08/19/2005	(404318)	88	12/11/2006	(518239)
24	08/24/2005	(349399)	89	12/27/2006	(544351)
25	08/24/2005	(377022)	90	01/11/2007	(532283)
26	08/25/2005	(401920)	91	01/18/2007	(535916)
27	08/29/2005	(401919)	92	01/18/2007	(536107)
28	08/30/2005	(401906)	93	01/22/2007	(544352)
29	09/01/2005	(401916)	94	01/23/2007	(536763)
30	09/19/2005	(440733)	95	01/30/2007	(536987)
31	10/04/2005	(379884)	96	01/30/2007	(536993)
32	10/11/2005	(399217)	97	02/16/2007	(512464)
33	10/24/2005	(468248)	98	02/16/2007	(539392)
34	11/28/2005	(468249)	99	02/16/2007	(539394)
35	12/20/2005	(468250)	100	02/20/2007	(539401)
36	12/30/2005	(434386)	101	02/21/2007	(539360)
37	01/09/2006	(439878)	102	02/22/2007	(539395)
38	01/23/2006	(468251)	103	02/22/2007	(575043)
39	01/30/2006	(438969)	104	02/23/2007	(539396)
40	02/16/2006	(405519)	105	03/12/2007	(539397)
41	02/21/2006	(438633)	106	03/12/2007	(539398)
42	03/03/2006	(457603)	107	03/12/2007	(539403)
43	03/20/2006	(498075)	108	03/26/2007	(575044)
44	04/19/2006	(451614)	109	04/12/2007	(543359)
45	04/24/2006	(498076)	110	04/12/2007	(543389)
46	04/30/2006	(468247)	111	04/12/2007	(543393)
47	05/12/2006	(464820)	112	04/12/2007	(543396)
48	05/12/2006	(464822)	113	04/12/2007	(543411)
49	05/12/2006	(464824)	114	04/19/2007	(575045)
50	05/12/2006	(464827)	115	05/23/2007	(575046)
51	05/12/2006	(464828)	116	06/08/2007	(543508)
52	05/16/2006	(457449)	117	06/13/2007	(563309)
53	05/17/2006	(458668)	118	06/25/2007	(575047)
54	05/18/2006	(449724)	119	06/26/2007	(558363)
55	05/18/2006	(451024)	120	07/05/2007	(564044)
56	05/22/2006	(498077)	121	07/05/2007	(565543)
57	05/31/2006	(466924)	122	07/06/2007	(560348)
58	05/31/2006	(466929)	123	07/23/2007	(575048)
59	05/31/2006	(466931)	124	08/17/2007	(571113)
60	05/31/2006	(466932)	125	08/17/2007	(571116)
61	06/05/2006	(463415)	126	08/17/2007	(571117)
62	06/21/2006	(467669)	127	08/17/2007	(571120)
63	06/21/2006	(480974)	128	08/17/2007	(571122)
64	06/23/2006	(498078)	129	08/22/2007	(573057)
65	06/29/2006	(466692)	130	08/28/2007	(566965)

131	08/28/2007	(566968)	193	08/01/2008	(685339)
132	08/29/2007	(572199)	194	08/12/2008	(687925)
133	08/30/2007	(571497)	195	08/15/2008	(710638)
134	09/20/2007	(607508)	196	08/22/2008	(689052)
135	09/27/2007	(593895)	197	08/26/2008	(680027)
136	09/27/2007	(594475)	198	08/28/2008	(595601)
137	09/28/2007	(565072)	199	08/29/2008	(689053)
138	10/04/2007	(565781)	200	09/25/2008	(710639)
139	10/16/2007	(594030)	201	10/13/2008	(703732)
140	10/19/2007	(607509)	202	10/14/2008	(702982)
141	10/31/2007	(607507)	203	10/14/2008	(702989)
142	11/01/2007	(598289)	204	10/16/2008	(710640)
143	11/01/2007	(598293)	205	10/30/2008	(706840)
144	11/05/2007	(597652)	206	11/03/2008	(681757)
145	11/06/2007	(599382)	207	11/17/2008	(705402)
146	11/15/2007	(619438)	208	11/17/2008	(705404)
147	12/03/2007	(595635)	209	11/17/2008	(706687)
148	12/14/2007	(609886)	210	11/18/2008	(727417)
149	12/17/2007	(599351)	211	11/24/2008	(708102)
150	12/17/2007	(599355)	212	12/08/2008	(682431)
151	12/17/2007	(610670)	213	12/17/2008	(750168)
152	12/18/2007	(619439)	214	01/06/2009	(721518)
153	12/20/2007	(611710)	215	01/06/2009	(721523)
154	12/20/2007	(611714)	216	01/28/2009	(703392)
155	01/17/2008	(619440)	217	02/04/2009	(703385)
156	01/28/2008	(595602)	218	02/12/2009	(750164)
157	01/29/2008	(609295)	219	02/13/2009	(703393)
158	02/04/2008	(595610)	220	02/13/2009	(709611)
159	02/13/2008	(615839)	221	02/16/2009	(723984)
160	02/13/2008	(615859)	222	02/16/2009	(723985)
161	02/14/2008	(609298)	223	02/20/2009	(723296)
162	02/14/2008	(671945)	224	02/24/2009	(726852)
163	02/15/2008	(612072)	225	02/24/2009	(726862)
164	02/15/2008	(618125)	226	02/24/2009	(726865)
165	03/11/2008	(616438)	227	02/24/2009	(726874)
166	03/18/2008	(615838)	228	02/24/2009	(726880)
167	03/18/2008	(671946)	229	03/16/2009	(750165)
168	03/24/2008	(639874)	230	03/20/2009	(724849)
169	04/03/2008	(615836)	231	03/20/2009	(725378)
170	04/03/2008	(617714)	232	04/06/2009	(736212)
171	04/11/2008	(618763)	233	04/16/2009	(750166)
172	04/17/2008	(671947)	234	04/16/2009	(750167)
173	04/21/2008	(612070)	235	05/15/2009	(768286)
174	04/22/2008	(640492)	236	06/10/2009	(768287)
175	04/25/2008	(616540)	237	06/23/2009	(759561)
176	04/29/2008	(639697)	238	06/29/2009	(724359)
177	04/29/2008	(639703)	239	07/31/2009	(761167)
178	04/29/2008	(639707)	240	08/10/2009	(760734)
179	04/29/2008	(639708)	241	08/11/2009	(762921)
180	04/29/2008	(639711)	242	08/11/2009	(765164)
181	05/14/2008	(689865)	243	08/31/2009	(767513)
182	05/20/2008	(671627)	244	11/06/2009	(767538)
183	06/04/2008	(646671)	245	11/23/2009	(776989)
184	06/06/2008	(682013)	246	12/11/2009	(784537)
185	06/20/2008	(683391)	247	12/11/2009	(784562)
186	06/20/2008	(689866)	248	12/11/2009	(784564)
187	07/02/2008	(681880)	249	12/13/2009	(767543)
188	07/03/2008	(682028)	250	12/13/2009	(767545)
189	07/14/2008	(710637)	251	12/13/2009	(767547)
190	07/14/2008	(710641)	252	12/14/2009	(767550)
191	07/28/2008	(684301)	253	01/05/2010	(767553)
192	07/30/2008	(687438)	254	01/07/2010	(784346)

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

<b>SOS-1</b>	<b>Date:</b> 02/14/2005 (348976)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)	
	Description: Solutia failed to prevent a fire suppression discharge which resulted in a release of 145 pounds (lbs) of Halon 1301 (bromotrifluoromethane).	
<b>SOS-2</b>	<b>Date:</b> 04/04/2005 (349690)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)	
	Description: The regulated entity failed to prevent a shutdown of the AN2 waste heat boiler due to the malfunction of the valve positioned.	

	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)	
	Description: Solutia, Inc., - Chocolate Bayou Plant failed to identify on the emissions event report the permit number authorization. *VERIFIED THIS IS AN EE	
<b>SOS-3</b>	<b>Date: 07/21/2005 (398102)</b>	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ Permit #18251, SC #4 PERMIT SC 4 OF THIS PERMIT IS THE MAERT	
	Description: Solutia failed to include the facility's authorization limit and number on the final report.	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)	
	Description: Solutia failed to include the facility's authorization limit and number on the final report.	
<b>SOS-4</b>	<b>Date: 08/24/2005 (377022)</b>	
	Self Report? NO	Classification: Moderate
	Citation: 18251 SC 4 PERMIT SC 4 OF THIS PERMIT IS THE MAERT 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)	
	Description: Solutia failed to properly tighten a valve.	
<b>SOS-5</b>	<b>Date: 08/24/2005 (349399)</b>	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ Air Permit No. 38998, SC#4 PA	
	Description: The regulated entity failed to prevent a leak in a propylene pump.	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)	
	Description: failed to identify the permit number representing the propylene pump in the emissions event report.	
<b>UR-1</b>	<b>Date: 09/30/2005 (468248)</b>	
	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	
<b>UR-2</b>	<b>Date: 10/31/2005 (468249)</b>	
	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	
<b>UR-3</b>	<b>Date: 02/16/2006 (405519)</b>	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)	
	Description: Failure to record quarterly opacity observation on Unit ID: 350H1-1	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)(E)	
	Description: Solutia, Inc., failed to equip Unit IDs:P-10 and P-13, with a Close-Vent system.	
<b>UR-4</b>	<b>Date: 02/17/2006 (405519)</b>	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1) O-02325 PERMIT	
	Description: Failure to comply with the requirements of 30 TEX. ADMIN. CODE Chapter 106.472(9).	
<b>UR-5</b>	<b>Date: 03/02/2006 (457603)</b>	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(c)(1)(ii) 5C THC Chapter 382, SubChapter A 382.085(b) SC 2 PERMIT	
	Description: Failure to have a monitoring plan that indicates the monitoring parameter levels that constitute a leak from the heat exchangers into the water of cooling towers E379CT3, E379CT4, and 70382EG.	
	Self Report? NO	Classification: Major
	Citation: 2A TWC Chapter 7, SubChapter A 7.101 Ordering Provision 3.a. ORDER	
	Description: Failure to comply with ordering provisions of the Commission Order Docket No. 2002-0174-AIR-E.	
<b>SOS-6</b>	<b>Date: 07/25/2006 (485504)</b>	
	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.	



<b>UR-6</b>	<p><b>Date:</b> 07/31/2006 (520096)</p> <p>Self Report? YES      Classification: Moderate</p> <p>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
<b>UR-7</b>	<p><b>Date:</b> 08/31/2006 (520097)</p> <p>Self Report? YES      Classification: Moderate</p> <p>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
<b>SOS-7</b>	<p><b>Date:</b> 08/31/2006 (480128)</p> <p>Self Report? NO      Classification: Moderate</p> <p>Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)</p> <p>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.</p> <p>Self Report? NO      Classification: Minor</p> <p>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</p> <p>Description: Failure to install caps/plugs/flanges on eight open-ended lines in unit 70ANFUG.</p> <p>Self Report? NO      Classification: Minor</p> <p>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</p> <p>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.</p> <p>Self Report? NO      Classification: Minor</p> <p>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</p> <p>Description: Failure to maintain three pilots on the flare 70Z522.</p> <p>Self Report? NO      Classification: Moderate</p> <p>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</p> <p>Description: Failure to maintain the NOx emissions from the boiler 70Z401 within the permit limit in the AN7 Unit.</p>
<b>SOS-8</b>	<p><b>Date:</b> 11/29/2006 (532004)</p> <p>Self Report? NO      Classification: Moderate</p> <p>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</p> <p>Description: Failure to prevent unauthorized emissions.</p>
<b>UR-8</b>	<p><b>Date:</b> 12/31/2006 (544352)</p> <p>Self Report? YES      Classification: Moderate</p> <p>Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
<b>UR-9</b>	<p><b>Date:</b> 02/16/2007 (512464)</p> <p>Self Report? YES      Classification: Minor</p> <p>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</p> <p>Description: Failure to cap 10 open-ended lines in HRVOC and HAP service.</p>

<b>UR-10</b>	<b>Date:</b> 02/21/2007 (539360) Self Report? NO Citation: 30 TAC Chapter 331, SubChapter D 331.63(e) PROVISION VII.D. PERMIT Description: Violation of maximum injection flow rate.	Classification: Moderate
<b>UR-11</b>	<b>Date:</b> 08/31/2007 (607508) Self Report? YES 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	Classification: Moderate
<b>UR-12</b>	<b>Date:</b> 09/27/2007 (594475) Self Report? NO 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 THSC 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.	Classification: Minor
<b>UR-13</b>	<b>Date:</b> 10/31/2007 (619438) Self Report? YES 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	Classification: Moderate
<b>UR-14</b>	<b>Date:</b> 01/29/2008 (595602) Self Report? NO 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.	Classification: Minor
	Self Report? NO 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.	Classification: Minor
<b>UR-15</b>	<b>Date:</b> 03/31/2008 (671947) Self Report? YES 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	Classification: Moderate
<b>UR-16</b>	<b>Date:</b> 04/11/2008 (618763) Self Report? NO 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.	Classification: Minor
	Self Report? NO 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.	Classification: Minor
	Self Report? NO 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.	Classification: Minor



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

**UR-17**

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

**UR-18**

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

**UR-19**

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

**UR-20**

Description: Failure to maintain the six minute average and a temperature above 1465 degrees Fahrenheit on unit 55H2 (Incinerator) during the annual compliance certification period 4/30/2007 through 4/30/2008.  
**Date: 08/29/2008 (689053)**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
 5C THSC Chapter 382 382.085(b)  
 O-02323 General Terms and Conditions OP  
 Description: Failure to submit the second semi-annual deviation report within the 30 day time frame.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THSC Chapter 382 382.085(b)  
 O-02323 General Terms and Conditions OP  
 Description: Failure to submit the PCC report for the certification period of December 1, 2007 through May 31, 2008 within the 30 day time frame.

**UR-21**

**Date: 11/03/2008 (681757)**  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 NSR 38336, Spec. Cond. 11 PERMIT  
 Spec. Cond. 18 OP  
 Description: Failure to maintain reactor rate hours on 70Z404 below permitted levels.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 GT&C OP

**UR-22**

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

	Citation:	2271, GC 9 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(b)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01258, SC 4 OP	
	Description:	Failure to collect all dust from the dust collector capture system during loading operation.	
<b>SOS-9</b>	<b>Date:</b>	<b>02/13/2009 (703393)</b>	
	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.	
<b>UR-23</b>	<b>Date:</b>	<b>07/31/2009 (761167)</b>	
	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.	
<b>UR-24</b>	<b>Date:</b>	<b>01/06/2010 (767553)</b>	
	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.	
	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

F. Environmental audits.

- DOV-1 Disclosure Date: 01/21/2005 \*NOI is outside of date range so it did not appear.**
- Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)  
30 TAC Chapter 116, SubChapter B 116.115  
Rqmt Prov: PERMIT SC 14  
Description: exceeded the RQ for propylene  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 101, SubChapter F 101.201  
30 TAC Chapter 116, SubChapter B 116.115  
Rqmt Prov: PERMIT SC 4  
Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201  
Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201  
Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.  
Viol. Classification: Major  
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)  
30 TAC Chapter 116, SubChapter B 116.116(b)  
Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (-450 lb/yr)  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter C 115.212  
Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352  
30 TAC Chapter 115, SubChapter H 115.780  
30 TAC Chapter 116, SubChapter B 116.116(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160  
Rqmt Prov: PERMIT 18251  
PERMIT 38336  
Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.211  
30 TAC Chapter 101, SubChapter F 101.222(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)  
Rqmt Prov: PERMIT NSR Permit No. 38336  
Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)  
Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.213  
Rqmt Prov: PERMIT 18251  
Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.213  
Rqmt Prov: PERMIT 18251  
Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

**Disclosure Date: 01/28/2005 \*Only one DOV counted per audit so this one was not counted.**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)  
 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
 30 TAC Chapter 101, SubChapter F 101.201  
 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)  
 30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (-450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.352  
 30 TAC Chapter 115, SubChapter H 115.780  
 30 TAC Chapter 116, SubChapter B 116.116(b)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251  
 PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211  
30 TAC Chapter 101, SubChapter F 101.222(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

**Disclosure Date: 06/30/2005 \*Only one DOV counted per audit so this one was not counted.**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)  
30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 101, SubChapter F 101.201  
30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)  
30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (-450 lb/yr)



Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter H 115.780

30 TAC Chapter 116, SubChapter B 116.116(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251

PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211

30 TAC Chapter 101, SubChapter F 101.222(c)

30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

**Disclosure Date:** 07/28/2005 \*Only one DOV counted per audit so this one was not counted.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)  
30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 101, SubChapter F 101.201  
30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)  
30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (-450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352  
30 TAC Chapter 115, SubChapter H 115.780  
30 TAC Chapter 116, SubChapter B 116.116(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251  
PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211  
30 TAC Chapter 101, SubChapter F 101.222(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.



Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

**Disclosure Date: 12/19/2005 \*Only one DOV counted per audit so this one was not counted.**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1(83)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 14

Description: exceeded the RQ for propylene

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 4

Description: Failed to report two upset events of HCN - January 2, 2004 and October 19, 2004 (that resulted in a release of RQ of hydrogen cyanide)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report upset event on April 5, 2004 (propylene). Failure to report ten propylene pump seal maintenance activities exceeding a RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to report maintenance activities where reportable quantities of propylene were released; failed to report ten propylene pump seal maintenance activities exceeding an RQ.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)

30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failed to represent rail car steaming and degassing operations in permit 6534 (generate minor VOC emissions, (-450 lb/yr)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Tank No. 51T1, in the LAB Unit, missed its 10-year inspection

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter C 115.212

Description: Railcars are heated in advance of unloading, with the railcars open to atmosphere (formalin unit)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter H 115.780

30 TAC Chapter 116, SubChapter B 116.116(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.240

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

Rqmt Prov: PERMIT 18251

PERMIT 38336

Description: Fugitive emission components not currently identified and included in one or more LDAR programs; failure to include VOC or HAP components in monitoring program, and failure to adjust allowables in permits based on component counts.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211  
30 TAC Chapter 101, SubChapter F 101.222(c)  
30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT NSR Permit No. 38336

Description: Start-up and shutdown emissions from AN7 Unit may exceed applicable reportable quantities for various organics, including acrolein; these emissions were not accounted for in the NSR permit representations for Permit No. 38336; and the emission events have not been reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)

Description: Failed to submit semiannual report of all HRVOC LDAR components awaiting shutdown repair (01/2004 to 06/2004 and 07/2004 to 12/2004); failed to follow some of the appropriate protocols for placing leaking components on the shutdown list.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: AN2/3 Start-up Heaters 30 H1, 31H1-1 and 31H1-2, three start-up heaters on AN2/3 Unit do not have totalizing fuel flow meters. These heaters operated more hours than permitted, 275 hours per calendar year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Rqmt Prov: PERMIT 18251

Description: The feed rate for hydrogen cyanide (HCN) has been exceeding the feed rate represented in Permit 18251 for AN3 Waste Heat Boiler 31H4. More liquid HCN is being fed to the waste heat boiler than represented in the permit application.

Viol. Classification: Major

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

Rqmt Prov: PERMIT 38336

Description: A number of tanks and other sources in the AN2, AN3 and AN7 manufacturing units have not been included in a permit or in a PBR rolled into the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.350  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.352  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.353  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: There are additional points of waste generation that had not been previously identified and managed by the Benzene Waste NESHAP.

**NOI-1**  
**DOV-2**

**Notice of Intent Date: 01/03/2006 (453378)**

**Disclosure Date: 03/30/2006**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722

Description: Failure to meet BTU and HRVOC calibration requirements for AN2/3 process flares.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.401

Description: Failure to submit ECT-3H, and highly-reactive volatile organic compound emissions cap and trade level of activity certification form to TCEQ by 4/30/05.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(4)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

Description: Failure to report Absorber Off Gas vents & Fugitives in HON units in HON NOCS.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11

Description: Failure to have HON stack performance test demonstrations for AN2/3 process flares 30Z7 (currently known and permitted as 30Z8) and 31Z4 (currently known as permitted as 31Z6).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(b)

Description: Failure to add group 2 to TRE determinations to HON NOCS.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)  
30 TAC Chapter 115, SubChapter B 115.126(4)

Description: Failure to provide exemption documentation to demonstrate option 1 or 2 for industrial waste water rules for 30D1, 30D4, 30D8, 31D1, 31D4. Failure to maintain Regulation V vent gas exemption documentation on for 30 HIC, 31 HIC, 30D2, and 31D2.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Description: Failure to complete to make repairs for fugitive first attempts and open ended lines.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119

Description: Failure to have tank controls for tanks 30T15, 30T14, and 31T7.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

Description: Failure to maintain records of HON SSM, group 1 sources, maintenance wastewater and process wastewater in AN2/3 unit prior to 2006.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Description: Failure to conduct NOx RACT stack tests for Air Startup Heaters.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116

Rqmt Prov: PERMIT 18251

Description: Failure to maintain accurate permit representations for miscellaneous process impurities.

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to update Title V permit to include various sources and rules, HW MACT, HON Tank Vents, Regulation V tanks and vent gas rules.

**Disclosure Date: 06/28/2006 \*Only one DOV counted per audit so this one was not counted.**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722

Description: Failure to meet BTU and HRVOC calibration requirements for AN2/3 process flares.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.401

Description: Failure to submit ECT-3H, and highly-reactive volatile organic compound emissions cap and trade level of activity certification form to TCEQ by 4/30/05.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(4)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

Description: Failure to report Absorber Off Gas vents & Fugitives in HON units in HON NOCS.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11

Description: Failure to have HON stack performance test demonstrations for AN2/3 process flares 30Z7 (currently known and permitted as 30Z8) and 31Z4 (currently known as permitted as 31Z6).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(b)

Description: Failure to add group 2 to TRE determinations to HON NOCS.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)  
30 TAC Chapter 115, SubChapter B 115.126(4)

Description: Failure to provide exemption documentation to demonstrate option 1 or 2 for industrial waste water rules for 30D1, 30D4, 30D8, 31D1, 31D4. Failure to maintain Regulation V vent gas exemption documentation on for 30 HIC, 31 HIC, 30D2, and 31D2.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Description: Failure to complete to make repairs for fugitive first attempts and open ended lines.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119

Description: Failure to have tank controls for tanks 30T15, 30T14, and 31T7.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

Description: Failure to maintain records of HON SSM, group 1 sources, maintenance wastewater and process wastewater in AN2/3 unit prior to 2006.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213

Description: Failure to conduct NOx RACT stack tests for Air Startup Heaters.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116

Rqmt Prov: PERMIT 18251

Description: Failure to maintain accurate permit representations for miscellaneous process impurities.

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to update Title V permit to include various sources and rules, HW MACT, HON Tank Vents, Regulation V tanks and vent gas rules.

**NOI-2 Notice of Intent Date: 04/07/2006 (462917)**

**DOV-3 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.

**NOI-3 Notice of Intent Date: 05/25/2006 (481532)**

**DOV-4 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.

**NOI-4 Notice of Intent Date: 04/23/2007 (559025)**

No DOV Associated

**NOI-5 Notice of Intent Date: 01/31/2008 (641816)**

No DOV Associated

**NOI-6 Notice of Intent Date: 07/07/2009 (762800)**

No DOV Associated

G. Type of environmental management systems (EMSs).  
 N/A

H. Voluntary on-site compliance assessment dates.  
 N/A

I. Participation in a voluntary pollution reduction program.  
 N/A

J. Early compliance.  
 N/A

Sites Outside of Texas  
 N/A

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603482811 Ascend Performance Materials, LLC Classification: AVERAGE Rating: 4.94  
 Regulated Entity: RN100238682 ASCEND PERFORMANCE Classification: AVERAGE Site Rating: 4.94  
 MATERIALS CHOCOLATE BAYOU PLANT

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0038U
	AIR OPERATING PERMITS	PERMIT	1258
	AIR OPERATING PERMITS	PERMIT	2317
	AIR OPERATING PERMITS	PERMIT	2318
	AIR OPERATING PERMITS	PERMIT	2319
	AIR OPERATING PERMITS	PERMIT	2320
	AIR OPERATING PERMITS	PERMIT	2321
	AIR OPERATING PERMITS	PERMIT	2322
	AIR OPERATING PERMITS	PERMIT	2323
	AIR OPERATING PERMITS	PERMIT	2324
	AIR OPERATING PERMITS	PERMIT	2325
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30138
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD001700806
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50189
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200049
	WASTEWATER	PERMIT	WQ0000001000
	WASTEWATER	EPA ID	TX0003875
	AIR NEW SOURCE PERMITS	REGISTRATION	92085
	AIR NEW SOURCE PERMITS	REGISTRATION	92173
	AIR NEW SOURCE PERMITS	PERMIT	2271
	AIR NEW SOURCE PERMITS	PERMIT	3046
	AIR NEW SOURCE PERMITS	PERMIT	5084
	AIR NEW SOURCE PERMITS	PERMIT	6534
	AIR NEW SOURCE PERMITS	PERMIT	8372
	AIR NEW SOURCE PERMITS	PERMIT	18251
	AIR NEW SOURCE PERMITS	REGISTRATION	28694
	AIR NEW SOURCE PERMITS	PERMIT	32151
	AIR NEW SOURCE PERMITS	REGISTRATION	34029
	AIR NEW SOURCE PERMITS	PERMIT	<b>38336</b>
	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	<b>PSDTX910</b>
	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	<b>N011</b>
	AIR NEW SOURCE PERMITS	REGISTRATION	83109
	AIR NEW SOURCE PERMITS	REGISTRATION	89881
	AIR NEW SOURCE PERMITS	REGISTRATION	91873
	AIR NEW SOURCE PERMITS	REGISTRATION	93079
	RADIOACTIVE WASTE DISPOSAL	LICENSE	RW0219
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW013
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW224
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW318
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW326
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW359
	STORMWATER	PERMIT	TXR05Y499
	WATER LICENSING	LICENSE	0200049
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #(SWR)	30138
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0038U

Location: LOCATED ON FM 2917 ~ 8 MI S OF INTX OF HWY 35 & FM 2917, Brazoria County  
 TCEQ Region: REGION 12 - HOUSTON  
 Date Compliance History Prepared: August 04, 2010



Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: August 04, 2005 to August 04, 2010  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:

Name: Roshondra Lowe Phone: (713) 767-3553

### 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
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: 9/1/2009 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.

- 1660-1** Effective Date: 02/20/2006 ADMINORDER 2005-0555-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: TCEQ Air Permit #39171, SC#4 PA  
 Description: Equistar failed to close the automatic inlet valve to the incinerator.
- 1660-2** 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 limits 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.

1660-3

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.

1660-4

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. 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	08/16/2005	(440732)	72	01/22/2007	(544352)	143	02/15/2008	(618125)
2	08/19/2005	(404318)	73	01/23/2007	(536763)	144	03/11/2008	(616438)
3	08/24/2005	(349399)	74	01/30/2007	(536987)	145	03/18/2008	(615838)
4	08/24/2005	(377022)	75	01/30/2007	(536993)	146	03/18/2008	(671946)
5	08/25/2005	(401920)	76	02/16/2007	(512464)	147	03/24/2008	(639874)
6	08/29/2005	(401919)	77	02/16/2007	(539392)	148	04/03/2008	(615836)
7	08/30/2005	(401906)	78	02/16/2007	(539394)	149	04/03/2008	(617714)
8	09/01/2005	(401916)	79	02/20/2007	(539401)	150	04/11/2008	(618763)
9	09/19/2005	(440733)	80	02/21/2007	(539360)	151	04/17/2008	(671947)
10	10/04/2005	(379884)	81	02/22/2007	(539395)	152	04/21/2008	(612070)
11	10/11/2005	(399217)	82	02/22/2007	(575043)	153	04/22/2008	(640492)
12	10/24/2005	(468248)	83	02/23/2007	(539396)	154	04/25/2008	(616540)
13	11/28/2005	(468249)	84	03/12/2007	(539397)	155	04/29/2008	(639697)
14	12/20/2005	(468250)	85	03/12/2007	(539398)	156	04/29/2008	(639703)
15	12/30/2005	(434386)	86	03/12/2007	(539403)	157	04/29/2008	(639707)
16	01/09/2006	(439878)	87	03/26/2007	(575044)	158	04/29/2008	(639708)
17	01/23/2006	(468251)	88	04/12/2007	(543359)	159	04/29/2008	(639711)
18	01/30/2006	(438969)	89	04/12/2007	(543389)	160	05/14/2008	(689865)
19	02/16/2006	(405519)	90	04/12/2007	(543393)	161	05/20/2008	(671627)
20	02/21/2006	(438633)	91	04/12/2007	(543396)	162	06/04/2008	(646671)
21	03/03/2006	(457603)	92	04/12/2007	(543411)	163	06/06/2008	(682013)
22	03/20/2006	(498075)	93	04/19/2007	(575045)	164	06/20/2008	(683391)
23	04/19/2006	(451614)	94	05/23/2007	(575046)	165	06/20/2008	(689866)
24	04/24/2006	(498076)	95	06/08/2007	(543508)	166	07/02/2008	(681880)
25	04/30/2006	(468247)	96	06/13/2007	(563309)	167	07/03/2008	(682028)
26	05/12/2006	(464820)	97	06/25/2007	(575047)	168	07/14/2008	(710637)
27	05/12/2006	(464822)	98	06/26/2007	(558363)	169	07/14/2008	(710641)
28	05/12/2006	(464824)	99	07/05/2007	(564044)	170	07/28/2008	(684301)
29	05/12/2006	(464827)	100	07/05/2007	(565543)	171	07/30/2008	(687438)
30	05/12/2006	(464828)	101	07/06/2007	(560348)	172	08/01/2008	(685339)
31	05/16/2006	(457449)	102	07/23/2007	(575048)	173	08/12/2008	(687925)
32	05/17/2006	(458668)	103	08/17/2007	(571113)	174	08/15/2008	(710638)
33	05/18/2006	(449724)	104	08/17/2007	(571116)	175	08/22/2008	(689052)
34	05/18/2006	(451024)	105	08/17/2007	(571117)	176	08/26/2008	(680027)
35	05/22/2006	(498077)	106	08/17/2007	(571120)	177	08/28/2008	(595601)
36	05/31/2006	(466924)	107	08/17/2007	(571122)	178	08/29/2008	(689053)
37	05/31/2006	(466929)	108	08/22/2007	(573057)	179	09/25/2008	(710639)
38	05/31/2006	(466931)	109	08/28/2007	(566965)	180	10/13/2008	(703732)
39	05/31/2006	(466932)	110	08/28/2007	(566968)	181	10/14/2008	(702982)
40	06/05/2006	(463415)	111	08/29/2007	(572199)	182	10/14/2008	(702989)
41	06/21/2006	(467669)	112	08/30/2007	(571497)	183	10/16/2008	(710640)
42	06/21/2006	(480974)	113	09/20/2007	(607508)	184	10/30/2008	(706840)
43	06/23/2006	(498078)	114	09/27/2007	(593895)	185	11/03/2008	(681757)
44	06/29/2006	(466692)	115	09/27/2007	(594475)	186	11/17/2008	(705402)
45	06/29/2006	(482575)	116	09/28/2007	(565072)	187	11/17/2008	(705404)
46	06/29/2006	(482600)	117	10/04/2007	(565781)	188	11/17/2008	(706687)
47	07/10/2006	(464446)	118	10/16/2007	(594030)	189	11/18/2008	(727417)
48	07/20/2006	(467521)	119	10/19/2007	(607509)	190	11/24/2008	(708102)
49	07/25/2006	(485504)	120	10/31/2007	(607507)	191	12/08/2008	(682431)
50	07/26/2006	(520095)	121	11/01/2007	(598289)	192	12/17/2008	(750168)
51	08/17/2006	(497124)	122	11/01/2007	(598293)	193	01/06/2009	(721518)
52	08/21/2006	(520096)	123	11/05/2007	(597652)	194	01/06/2009	(721523)
53	08/23/2006	(486778)	124	11/06/2007	(599382)	195	01/28/2009	(703392)
54	08/31/2006	(480128)	125	11/15/2007	(619438)	196	02/04/2009	(703385)
55	09/15/2006	(511153)	126	12/03/2007	(595635)	197	02/12/2009	(750164)
56	09/21/2006	(520097)	127	12/14/2007	(609886)	198	02/13/2009	(703393)
57	10/23/2006	(544349)	128	12/17/2007	(599351)	199	02/16/2009	(723984)
58	10/27/2006	(516020)	129	12/17/2007	(599355)	200	02/16/2009	(723985)
59	10/27/2006	(516053)	130	12/17/2007	(610670)	201	02/20/2009	(723296)
60	11/08/2006	(518116)	131	12/18/2007	(619439)	202	02/24/2009	(726852)
61	11/29/2006	(531921)	132	12/20/2007	(611710)	203	02/24/2009	(726862)
62	11/29/2006	(532004)	133	12/20/2007	(611714)	204	02/24/2009	(726865)
63	11/29/2006	(544350)	134	01/17/2008	(619440)	205	02/24/2009	(726874)
64	12/07/2006	(532264)	135	01/28/2008	(595602)	206	02/24/2009	(726880)
65	12/08/2006	(531936)	136	01/29/2008	(609295)	207	03/16/2009	(750165)
66	12/11/2006	(518235)	137	02/04/2008	(595610)	208	03/20/2009	(724849)
67	12/11/2006	(518239)	138	02/13/2008	(615839)	209	03/20/2009	(725378)
68	12/27/2006	(544351)	139	02/13/2008	(615859)	210	04/06/2009	(736212)
69	01/11/2007	(532283)	140	02/14/2008	(609298)	211	04/16/2009	(750166)
70	01/18/2007	(535916)	141	02/14/2008	(671945)	212	04/16/2009	(750167)
71	01/18/2007	(536107)	142	02/15/2008	(612072)	213	05/15/2009	(768286)

214	06/10/2009	(768287)	230	12/11/2009	(784564)	246	04/09/2010	(784203)
215	06/23/2009	(759561)	231	12/13/2009	(767543)	247	04/13/2010	(830794)
216	06/29/2009	(724359)	232	12/13/2009	(767545)	248	04/22/2010	(796385)
217	07/31/2009	(761167)	233	12/13/2009	(767547)	249	04/22/2010	(796387)
218	08/10/2009	(760734)	234	12/14/2009	(767550)	250	05/06/2010	(794067)
219	08/11/2009	(762921)	235	12/17/2009	(804432)	251	05/17/2010	(830795)
220	08/11/2009	(765164)	236	01/05/2010	(767553)	252	05/20/2010	(799533)
221	08/24/2009	(804428)	237	01/07/2010	(784346)	253	05/27/2010	(801971)
222	08/31/2009	(767513)	238	01/18/2010	(804433)	254	06/21/2010	(803247)
223	09/22/2009	(804429)	239	01/19/2010	(785856)	255	07/09/2010	(829610)
224	10/14/2009	(804430)	240	02/10/2010	(790032)	256	07/14/2010	(830505)
225	11/06/2009	(767538)	241	02/10/2010	(790040)	257	07/23/2010	(830086)
226	11/17/2009	(804431)	242	02/18/2010	(804427)	258	07/30/2010	(827020)
227	11/23/2009	(776989)	243	03/03/2010	(767564)			
228	12/11/2009	(784537)	244	03/15/2010	(830793)			
229	12/11/2009	(784562)	245	04/06/2010	(767606)			

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

<b>DISSIM-1</b>	Date: 08/24/2005 (377022)	CN603482811	Classification: Moderate
	Self Report? NO		
	Citation: 18251 SC 4 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Description: Solutia failed to properly tighten a valve.		
<b>DISSIM-2</b>	Date: 08/24/2005 (349399)		Classification: Moderate
	Self Report? NO		
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) TCEQ Air Permit No. 38998, SC#4 PA		
	Description: The regulated entity failed to prevent a leak in a propylene pump.		
	Self Report? NO		Classification: Minor
	Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)		
	Description: failed to identify the permit number representing the propylene pump in the emissions event report.		
<b>DISSIM-3</b>	Date: 09/30/2005 (468248)	CN603482811	Classification: Moderate
	Self Report? YES		
	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		
<b>DISSIM-4</b>	Date: 10/31/2005 (468249)	CN603482811	Classification: Moderate
	Self Report? YES		
	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		
<b>DISSIM-5</b>	Date: 02/16/2006 (405519)	CN603482811	Classification: Moderate
	Self Report? NO		
	Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
	Description: Failure to record quarterly opacity observation on Unit ID: 350H1-1		
	Self Report? NO		Classification: Moderate
	Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)(E)		
	Description: Solutia, Inc., failed to equip Unit IDs:P-10 and P-13, with a Close-Vent system.		
<b>DISSIM-6</b>	Date: 02/17/2006 (405519)	CN603482811	Classification: Moderate
	Self Report? NO		
	Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1) O-02325 PERMIT		
	Description: Failure to comply with the requirements of 30 TEX. ADMIN. CODE Chapter 106.472(9).		
<b>DISSIM-7</b>	Date: 03/02/2006 (457603)		Classification: Moderate
	Self Report? NO		
	Citation: 30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(c)(1)(ii) 5C THC Chapter 382, SubChapter A 382.085(b) SC 2 PERMIT		
	Description: Failure to have a monitoring plan that indicates the monitoring parameter levels that constitute a leak from the heat exchangers into the water of cooling towers E379CT3, E379CT4, and 70382EG.		
	Self Report? NO		Classification: Major
	Citation: 2A TWC Chapter 7, SubChapter A 7.101 Ordering Provision 3.a. ORDER		
	Description: Failure to comply with ordering provisions of the Commission Order Docket No. 2002-0174-AIR-E.		
<b>SIM-1</b>	Date: 07/25/2006 (485504)		Classification: Moderate
	Self Report? NO		
	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)		

<b>DISSIM-8</b>	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)
<b>DISSIM-9</b>	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)
<b>SIM-2</b>	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
<b>SIM-3</b>	Description: Failure to maintain the NOx emissions from the boiler 70Z401 within the permit limit in the AN7 Unit. Date: 11/29/2006 (532004) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) No. 38998, Special Condition 4 PERMIT
<b>DISSIM-10</b>	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)
<b>DISSIM-11</b>	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
<b>DISSIM-12</b>	Description: Failure to cap 10 open-ended lines in HRVOC and HAP service. Date: 02/21/2007 (539360) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 331, SubChapter D 331.63(e) PROVISION VII.D. PERMIT
	Description: Violation of maximum injection flow rate.

**DISSIM-13** 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

**DISSIM-14** 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 THSC 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.

**DISSIM-15** 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

**DISSIM-16** 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.

**DISSIM-17** 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

**DISSIM-18** 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.
<b>DISSIM-19</b>	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
<b>DISSIM-20</b>	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
<b>DISSIM-21</b>	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.
<b>DISSIM-22</b>	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.
<b>DISSIM-23</b>	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.
<b>DISSIM-24</b>	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.
<b>SIM-4</b>	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.		
<b>DISSIM-25</b>	Date: 07/31/2009 (761167)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter O 335.431(c)(1) 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7) Provision II.A.7 PERMIT		
Description:	Facility did not have land disposal restriction documentation for waste stream 3013212H.		
<b>DISSIM-26</b>	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		
<b>DISSIM-27</b>	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.		
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		
<b>DISSIM-28</b>	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		



- DISSIM-29** 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)
- DISSIM-30** 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)
- SIM-5** 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.

## F. Environmental audits.

- NOI-1** Notice of Intent Date: 01/03/2006 (453378)  
**DOV-1** Disclosure Date: 03/30/2006  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.722  
 Description: Failure to meet BTU and HRVOC calibration requirements for AN2/3 process flares.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter H 101.401  
 Description: Failure to submit ECT-3H, and highly-reactive volatile organic compound emissions cap and trade level of activity certification form to TCEQ by 4/30/05.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(4)(iii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)  
 Description: Failure to report Absorber Off Gas vents & Fugitives in HON units in HON NOCS.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11  
 Description: Failure to have HON stack performance test demonstrations for AN2/3 process flares 30Z7 (currently known and permitted as 30Z8) and 31Z4 (currently known as permitted as 31Z6).  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(b)  
 Description: Failure to add group 2 to TRE determinations to HON NOCS.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)  
 30 TAC Chapter 115, SubChapter B 115.126(4)  
 Description: Failure to provide exemption documentation to demonstrate option 1 or 2 for industrial waste water rules for 30D1, 30D4, 30D8, 31D1, 31D4. Failure to maintain Regulation V vent gas exemption documentation on for 30 HIC, 31 HIC, 30D2, and 31D2.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
 Description: Failure to complete to make repairs for fugitive first attempts and open ended lines.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119

Description: Failure to have tank controls for tanks 30T15, 30T14, and 31T7.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

Description: Failure to maintain records of HON SSM, group 1 sources, maintenance wastewater and process wastewater in AN2/3 unit prior to 2006.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.213

Description: Failure to conduct NOx RACT stack tests for Air Startup Heaters.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.116  
 Rqmt Prov: PERMIT 18251

Description: Failure to maintain accurate permit representations for miscellaneous process impurities.  
 Viol. Classification: Major  
 Citation: 30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to update Title V permit to include various sources and rules, HW MACT, HON Tank Vents, Regulation V tanks and vent gas lines.  
 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.

**NOI-2  
DOV-2**

**NOI-3**

Notice of Intent Date: 04/23/2007 (559025)  
 No DOV Associated

**NOI-4**

Notice of Intent Date: 01/31/2008 (641816)  
 No DOV Associated

**NOI-5**

Notice of Intent Date: 07/07/2009 (762800)  
 No DOV Associated

- G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ASCEND PERFORMANCE  
MATERIALS, LLC;  
RN100238682**

§  
§  
§  
§  
§  
§

**BEFORE THE  
COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2010-0088-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

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

1. Respondent owns and operates a chemical manufacturing plant located at Farm-to-Market Road 2917, eight miles south of Interstate Highway 35 in Alvin, Brazoria County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of twenty-two thousand one hundred seventy-five dollars (\$22,175.00) is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, eleven thousand eighty-seven dollars (\$11,087.00) of the administrative penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed by this Agreed Order shall be discharged upon full compliance with all the terms and conditions of this Agreed Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

If Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, including the SEP Agreement and any payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the conditionally offset portion of the administrative penalty shall become immediately due and payable without demand or notice. The acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order, and the Executive Director may require Respondent to pay all or part of the conditionally offset administrative penalty.

Respondent paid eleven thousand eighty-eight dollars (\$11,088.00) dollars of the administrative penalty.

6. 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.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.
8. The Executive Director recognizes that Respondent implemented the following corrective measures at the Plant:
  - a. On January 29, 2009, Respondent implemented a train-the-trainer guideline for personnel to verify the accuracy of work steps at the Plant in order to prevent a recurrence of an emissions event similar to Incident No. 113133 (Allegation No. 1); and
  - b. On July 30, 2010, Respondent replaced the old differential relay with a modern differential relay designed and set specifically to operate on a transformer located in close proximity to a generator in order to prevent future trips to T-1 transformer and recurrence of an emissions event similar to Incident No. 138801 (Allegation No. 3).
9. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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

1. During an investigation conducted on January 20, 2009, a TCEQ Houston Regional Office investigator documented that Respondent violated 30 TEX. ADMIN. CODE § 116.115(c); TEX. HEALTH & SAFETY CODE § 382.085(b); and Air Permit No. 18251, Special Condition No. 1, by failing to prevent unauthorized emissions. Specifically, 5,989 pounds ("lbs") of acrylonitrile, a hazardous air pollutant, were released into the atmosphere through various atmospheric vents due to the failure to close the

decon product cooler and the process outlet valve during Incident No. 113133. The emissions event occurred on August 25, 2008, and lasted eighteen minutes. The investigator determined that the emissions event was avoidable by better operational practices and that Respondent is prevented from asserting any affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. During an investigation conducted on November 13, 2009, a TCEQ Houston Regional Office investigator documented that Respondent violated Air Permit Nos. 38336, PSD-TX-910, and N-011, Special Condition No. 1; 30 TEX. ADMIN. CODE § 116.115(c); and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to prevent unauthorized emissions. Specifically, 687 lbs of hydrogen cyanide and 644 lbs of acrylonitrile were released from Waste Heat Boiler 70Z401 when an improper valve alignment between the two reactor absorber columns during start-up resulted in emissions being vented to the atmosphere during Incident No. 129931. The emissions event occurred on September 25, 2009, and lasted nine hours and thirty minutes. The investigator determined that the emissions event was avoidable by better operational practices and that Respondent is prevented from asserting any affirmative defense under 30 TEX. ADMIN. CODE § 101.222
3. During an investigation conducted on June 14, 2010, a TCEQ Houston Regional Office investigator documented that Respondent violated 30 TEX. ADMIN. CODE § 116.115(c); TEX. HEALTH & SAFETY CODE § 382.085(b); and Air Permit Nos. 18251 and 38336, Special Condition No. 1, by failing to prevent unauthorized emissions. Specifically, 671.73 lbs of acrylonitrile, 148.32 lbs of hydrogen cyanide, and 1,272.15 lbs of propylene were released into the atmosphere during Incident No. 138801 due to the the off-line tripping of the T-1 transformer, which caused a power interruption to the Acrylonitrile ("AN") 7 and AN 2 Units, resulting in the diversion of absorber off-gas to the atmosphere. The emissions event occurred on April 22, 2010, and lasted two hours and 11 minutes. The investigator determined that the emissions event was avoidable by better operational practices and that Respondent is prevented from asserting any affirmative defense under 30 TEX. ADMIN. CODE § 101.2
4. Respondent received notice of the violation alleged in Section II Paragraph 1 on or about July 4, 2009. Respondent received notice of the violation alleged in Section II Paragraph 2 on or about January 12, 2010. Respondent received notice of the violation alleged in Section II Paragraph 3 on or about July 29, 2010.

### **III. DENIALS**

Respondent generally denies each Allegation in Section II.

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5. The payment of this administrative penalty and 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 considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 5. The amount of eleven thousand eighty-seven dollars (\$11,087.00) of the assessed administrative penalty is conditionally offset based on the condition that Respondent implement and complete a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Respondent's

obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon full, final, and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment. Checks shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Ascend Performance Materials, LLC, Docket No. 2010-0088-AIR-E" to:

Litigation Division  
Texas Commission on Environmental Quality  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

3. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, Respondent shall implement measures designed to prevent the recurrence of emissions events due to improper valve alignment between the two reactor absorber columns, as occurred during Incident No. 129931 on September 25, 2009 (Allegation No. 2); and
  - c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No.3.a. The certification shall be notarized by a State of Texas Notary Public and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and

Jason Harris, Air Section Manager  
Texas Commission on Environmental Quality  
Houston Regional Office  
5425 Polk Street, Ste. H  
Houston, TX 77023-1452

4. All relief not expressly granted in this Agreed Order is denied.



5. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
6. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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

6/28/2011  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Ascend Performance Materials LLC, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Paul Cartledge p.m.  
Signature

3/29/11  
Date

Paul Cartledge  
Name (Printed or typed)  
Authorized representative of  
Ascend Performance Materials LLC

Plant Manager  
Title

**Attachment A**  
Docket Number: 2010-0088-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

Respondent: ASCEND PERFORMANCE MATERIALS, LLC

Penalty Amount: Twenty-Two Thousand One Hundred Seventy-Five Dollars (\$22,175)

SEP Offset Amount: Eleven Thousand Eighty-Seven Dollars (\$11,087)

Type of SEP: Pre-approved

Third-Party Recipient: Brazoria County

Project Name: Brazoria County Vehicle and Equipment Program

Location of SEP: Brazoria County

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 Offset 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 used by Brazoria County for the *Brazoria County Vehicle and Equipment Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP Funds to: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. *SEP Funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.*

**Retirement of Vehicles.** The Third-Party Recipient shall submit proof that any purchase of new vehicles or equipment using SEP Funds meets current EPA low-emission standards. The Third-Party Recipient shall ensure that equipment and vehicles being retired are operational before retirement and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be destroyed. The Third-Party Recipient shall submit proof of registration,

decommissioning, and scrappage by an authorized vehicle dismantler for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, The Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below. The Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

**b. Environmental Benefit**

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

**c. Minimum Expenditure**

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Brazoria County Parks Department  
Attention: Lydia Garcia  
313 W. Mulberry  
Angleton, Texas 77155

### **3. Records and Reporting**

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

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