



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

October 13, 2021

Mr. Matthew D. Stewart
Site Director - Pensacola
Ascend Performance Materials
Post Office Box 97
Gonzalez, Florida 32560
Mstewa1@ascendmaterials.com

SUBJECT: Department of Environmental Protection v. Ascend Performance
Materials Operations LLC
OGC File No.: 21-1068
Facility ID 0330040
Escambia County

Mr. Stewart:

The State of Florida Department of Environmental Protection ("Department") finds that Ascend Performance Materials Operations LLC ("Respondent") failed to:

1. Timely submit the New Source Performance Standard semiannual report required by 40 CFR Subpart Db for emission unit (EU) 099 (boiler 9) for December 1, 2020 to May 31, 2021. This is in violation of Title 40, Code of Federal Regulations, Part 60 (40 CFR 60), Paragraph 60.49b(w), and specific condition C.22 of permit 0330040-063-AV. Facility staff immediately reported this to the Department upon discovery.
2. Timely submit the Hazardous Organic National Emission Standards for Hazardous Air Pollutants semiannual report for EU 089 (area 480 KA - fugitive emissions) for December 1, 2020 to May 31, 2021. This is in violation of 40 CFR 63.182(d), 40 CFR 63.10(v) and specific condition N.17 of permit 0330040-063-AV. Facility staff immediately reported this to the Department upon discovery.
3. Perform annual tune-ups of EU 015 (boiler 5) and EU 016 (boiler 6) within 13 months of the last tune ups conducted in April 2020. This is in violation of specific condition A.17 of permit 0330040-063-AV, 40 CFR 63.7540 (a)(10) and 40 CFR 63.7515(d). Facility staff immediately reported this to the Department upon discovery.

RECEIVED

OCT 27 2021

4. Collect the 2nd quarter cooling tower sample For EU 077 (dimethyl ester production unit) by June 30, 2021. This is in violation of specific condition P.6 of permit 0330040-063-AV and 40 CFR 63.104(b)(1).
5. Immediately notify the department of the missed 2nd quarter cooling tower sample for EU 077. This is in violation of facility wide reporting requirements RR2 and RR3 of permit 0330040-063-AV; Rule 62-4.130, Florida Administrative Code (F.A.C.) and Rule 62-210.700(5), F.A.C.
6. Provide advanced 15-day notice of compliance testing, initiated on September 14, 2021, for EU 004 (boiler 7) and EU 003 (boiler 8). This is in violation of specific condition B.15 of permit 0330040-063-AV and Rule 62-297.310(9), F.A.C. Facility staff immediately reported this to the Department upon discovery.

Although there are no actions required to correct the violations, the Respondent remains subject to civil penalties as a result of the violations. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$8,250 in civil penalties and \$250 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$8,500. The civil penalties are apportioned as follows: \$1125 for violation of 40 CFR 60.49b(w), specific condition C.22 of permit 0330040-063-AV, 40 CFR 63.182(d), 40 CFR 63.10(v), and specific condition N.17 of permit 0330040-063-AV; \$1500 for violation of specific condition A.17 of permit 0330040-063-AV, 40 CFR 63.7540(a)(10), and 40 CFR 63.7515(d); \$3000 for violation of specific condition P.6 of permit 0330040-063-AV and 40 CFR 63.104(b)(1); \$1500 for violation of facility wide reporting requirements RR2 and RR3 of permit 0330040-063-AV, Rule 62-4.130, F.A.C., and Rule 62-210.700(5), F.A.C.; \$1125 for violation of specific condition B.15 of permit 0330040-063-AV and Rule 62-297.310(9), F.A.C.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Northwest District, 160 West Government Street, Suite 308, Pensacola, Florida, 32502-5740 by October 29, 2021. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Matthew D. Stewart:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$8,500 in full by November 10, 2021.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

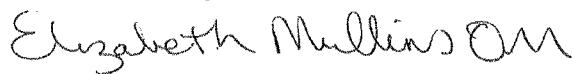
Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing,

executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Carol Melton at (850) 595-0616 or at Carol.Melton@floridaDEP.gov.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Mullins Orr".

Elizabeth Orr

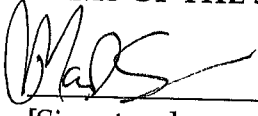
District Director

Northwest District

Florida Department of Environmental
Protection

FOR THE RESPONDENT:

I, Matthew D. Stewart [Type or Print Name], **HEREBY ACCEPT**
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: 
[Signature]

Date: 6/21/2021

Title: Senior Site Director
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 1st day of November, 2021, in
Orange
County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Elizabeth Orr
District Director
Northwest District
Florida Department of Environmental Protection

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



November 1, 2021

Clerk

Date

Attachments: Notice of Rights
Warning Letters

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

cc: Barb Angstadt, Environmental Manager, Ascend Performance Materials,
bangst@ascendmaterials.com

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-

day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

August 23, 2021

Mathew D. Stewart, Site Director
Ascend Performance Materials Operations LLC, Ascend Pensacola Plant
P.O. BOX 97
Gonzalez, Florida 32560
mstewal@ascendmaterials.com

Re: Warning Letter
Ascend Pensacola Plant
Facility ID No. 0330040
Escambia County

Dear Mr. Stewart:

A file review of your facility was conducted on 07/14/2021. During this review, possible violations of Chapter 403, F.S., Chapter 62-204, Florida Administrative Code (F.A.C), Title 40 Code of Federal Regulations, Part 60 (40 CFR 60) and 40 CFR 63 were observed.

Specifically, facility personnel self-reported the following two non-compliance items concerning late reporting:

1. The New Source Performance Standard semiannual report for emission unit 099 for the period: 12/1/2020 to 05/31/2021, was submitted 07/12/2021, which was 12 days after the submittal due date of 06/30/2021. This is in violation of 40 CFR 60.49b(w), and specific condition C.22 of permit 0330040-063-AV.
2. The Hazardous Organic NESHAP semiannual report for emission unit 089 for the period: 12/1/2020 to 05/31/2021, was submitted 07/12/2021, which was 12 days after the submittal due date of 06/30/2021. This is in violation of 40 CFR 63.182(d), 40 CFR 63.10(v) and specific condition N.17 of permit 0330040-063-AV.

Please respond in writing within **15 days** of receipt of this Warning Letter. Please direct your written or emailed response to Ms. Carol Melton, at (850) 595-0616 or at Carol.Melton@floridadep.gov. Based on our review of the submitted information, a meeting or teleconference may be required. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred.

Ascend Pensacola Plant
Facility ID No. 0330040
Warning Letter
Page 2 of 2

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Mullins Orr". The signature is fluid and cursive, with the first name "Elizabeth" being the most prominent part.

Elizabeth Mullins Orr,
Northwest District Director
Florida Department of Environmental Protection

EMO/ss/

ec: Barb Angstadt, Environmental Manager, Ascend Pensacola Plant,
bangst@ascendmaterials.com



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

September 13, 2021

Mathew D. Stewart, Site Director
Ascend Performance Materials Operations LLC, Ascend Pensacola Plant
P.O. BOX 97
Gonzalez, Florida 32560
mstewal@ascendmaterials.com

Re: Warning Letter
Ascend Pensacola Plant
Facility ID No. 0330040
Escambia County

Dear Mr. Stewart:

A file review of your facility was conducted on 09/01/2021. During this review, possible violations of Chapter 403, Florida Statutes (F.S.); Chapter 62-4, Florida Administrative Code (F.A.C.), 62-204, F.A.C.; 62-210, F.A.C.; 62-213, F.A.C.; Title 40 Code of Federal Regulations, Part 63 (40 CFR 63) and 40 CFR 70 were observed.

Specifically, facility personnel self-reported the following two non-compliance items in the Title V semi-annual monitoring report for the first half of 2021 concerning missed boiler tune ups and a missed cooling tower sample collection:

1. Annual tune-ups of boilers 5 and 6 (emission units 015 and 016) were not conducted within 13 months of the last tune ups conducted in April 2020. This failed to demonstrate compliance with specific condition A.17 of permit 0330040-063-AV, 40 CFR 63.7540 (a)(10) and 40 CFR 63.7515(d). In an August 31, 2021 telephone conversation, facility staff indicated that they discovered the failure to timely conduct the annual tune-ups on Friday, August 27, as they were preparing the semi-annual report. The report listing the failure to conduct timely tune-ups was submitted to the Department on Monday, August 30. Tune-ups on boilers 5 and 6 were conducted on August 27.
2. The second quarter 2021 cooling tower sample, associated with emission unit 077 – Dimethyl Ester (DME) Production Unit, was inadvertently not collected by June 30, 2021. This failed to demonstrate compliance with specific condition P.6 of permit 0330040-063-AV and 40 CFR 63.104(b)(1). The facility discovered this non-compliance on July 2, 2021; and did not immediately inform the Department. This

failed to demonstrate compliance with facility wide reporting requirements RR2 and RR3 of permit 0330040-063-AV; Rule 62-4.130, Florida Administrative Code (F.A.C.) and Rule 62-210.700(5), F.A.C. A cooling tower sample was collected on July 2 and verified there were no leaks in the heat exchangers.

Please respond in writing within **15 days** of receipt of this Warning Letter. Please direct your written or emailed response to Ms. Carol Melton, at (850) 595-0616 or at Carol.Melton@floridadep.gov. Based on our review of the submitted information, a meeting or teleconference may be required. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Mullins Orr". The signature is fluid and cursive, with the last name "Orr" being particularly stylized.

Elizabeth Mullins Orr,
Northwest District Director
Florida Department of Environmental Protection

EMO/ss/

ec: Barb Angstadt, Environmental Manager, Ascend Pensacola Plant,
bangst@ascendmaterials.com