



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 30, 2022

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
Revised OGC File No.: 22-2309
Facility ID 0330040
Escambia County

Mr. Stewart:

The State of Florida Department of Environmental Protection ("Department") finds that Ascend Performance Materials Operations LLC ("Respondent") self-reported that on June 26 the Nitric Acid Plant had 3.68 hours (221 minute) of venting in a 24 hour period, in violation of specific condition M.6 of permit 0330040-071-AV.

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 \$6,000 in civil penalties and \$250 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$6,250. The civil penalties are apportioned as follows: \$6,000 for violation of specific condition M.6 of permit 0330040-071-AV.

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 5, 2022. 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 \$6,250 in full by October 20, 2022.

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 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
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: 09/20/2022
[Signature]

Title: Permit Site Director

[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 3rd day of October, 2022, in

Escambia County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Elizabeth Orr

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.

Pamela Welch

October 3, 2022

Clerk

Date

Attachments: Notice of Rights
Warning Letter

cc: Debbie Grissett, Environmental Engineer II, Ascend Performance Materials,
dgrissett1@ascendmaterials.com;

Melissa Nichols, Environmental Engineer II, Ascend Performance Materials,
mnicho@ascendmaterials.com

Final clerked copy furnished to:

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.

DEP vs. Ascend Performance Materials Operations LLC

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



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

July 20, 2022

Mathew D. Stewart,
Site Director
Ascend Performance Materials Operations LLC,
Ascend Pensacola Plant
P.O. Box 97
Gonzalez, Florida 32560
mstewa1@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 July 8, 2022. During this review, possible violations of Chapter 403, Florida Statute, and Chapters 62-4 and 62-296, Florida Administrative Code were observed.

Specifically, Ascend staff self-reported that on June 26 the Nitric Acid Plant had 3.68 hours (221 minute) of venting in a 24 hour period. This failed to comply with specific condition M.6 of permit 0330040-071-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.

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

Ascend Pensacola Plant
Facility ID No. 0330040
Warning Letter
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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 letters of each word being capitalized and prominent.

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

EMO/cm/

ec: Debbie Grissett, Environmental Engineer, Ascend Pensacola Plant,
drgris1@ascendmaterials.com
Melissa Nichols, Environmental Engineer, Ascend Performance Materials,
mnicho@ascendmaterials.com