

WHEREAS, Condition V.A.1 of the Installation Permit enumerates the hourly emission limit for Nitrogen Oxides from the C-5 process as 5.99 pounds per hour;

WHEREAS, On May 31 and June 1, 2023, Synthomer Jefferson Hills LLC performed a compliance test on the Thermal Oxidizer (“TO”) for the C-5 process (“May/June 2023 stack test”);

WHEREAS, on July 27, 2023, Synthomer Jefferson Hills LLC submitted the final compliance testing report to ACHD;

WHEREAS, the average measured emissions from the C-5 process for Nitrogen Oxides were 12.35 pounds per hour, exceeding the 5.99 pounds per-hour limit in the Installation Permit.

WHEREAS, during the time periods of July 12-14 and July 17-20, 2023, Synthomer Jefferson Hills LLC, made process adjustments and completed diagnostic testing on the TO for the C-5 process.

WHEREAS, the diagnostic testing showed that emissions of Nitrogen Oxides decreased by approximately 30% from compliance stack test levels but remained above the permit limit of 5.99 pounds per hour;

WHEREAS, on October 11, 2023, at ACHD’s request, Synthomer Jefferson Hills LLC provided information regarding resin production, process operating hours, and Funda filter operating hours for June 1 through September 19, 2023;

WHEREAS, the provided information shows that the C-5 process operated after Synthomer Jefferson Hills LLC received the report for the May/June 2023 stack test with both Funda filters operating under similar conditions to those during the May/June 2023 stack test for at least part of each day during the following periods: June 2–24, 2023; July 4– 8, 2023; July 12–

14, 2023 (during diagnostic emissions testing); July 17–25, 2023 (including during diagnostic emissions testing on July 17-20); and July 30 through August 8, 2023;

WHEREAS, on August 1, 2023, ACHD requested a meeting with Synthomer Jefferson Hills LLC;

WHEREAS, on August 17, 2023, ACHD and Synthomer Jefferson Hills LLC met, and ACHD requested a corrective action plan that detailed Synthomer Jefferson Hills LLC's return to compliance;

WHEREAS, on August 24, 2023, Synthomer Jefferson Hills LLC submitted a corrective action plan to ACHD;

WHEREAS, on August 31, 2023, Synthomer Jefferson Hills LLC submitted an installation permit application and fee payment to ACHD;

WHEREAS, on September 2, 2023, ACHD rejected Synthomer Jefferson Hills LLC's August 24, 2023, corrective action plan;

WHEREAS, on September 7, 2023, ACHD and Synthomer Jefferson Hills LLC met and discussed Synthomer Jefferson Hills LLC's compliance history with Synthomer Jefferson Hills LLC introducing the possibility of a modification of the C-5 process that would utilize a caustic agent, sodium hydroxide, and ammonia, instead of ammonia alone;

WHEREAS, on September 8, 2023, Synthomer Jefferson Hills LLC submitted a Request for Determination ("RFD") to begin the use of the caustic agent in the C-5 process;

WHEREAS, on September 11, 2023, ACHD approved the RFD for a 14-day trial period and identified various parameters that must be monitored;

WHEREAS, from September 13–18, 2023, Synthomer Jefferson LLC operated the C-5 process pursuant to ACHD’s approval of an RFD;

WHEREAS, on September 27, 2023, Synthomer Jefferson Hills LLC submitted a revision of the August 31, 2023 Installation Permit modification application;

WHEREAS, the revised Installation Permit modification application seeks approval to permanently install equipment and make other changes necessary to substitute 75% of the ammonia used in the neutralization process with the caustic agent, sodium hydroxide;

WHEREAS, on September 14, 2023, ACHD and Synthomer Jefferson Hills LLC met virtually, during which ACHD communicated its positions that (1) the use of the caustic agent was a modification of the C-5 process and would require an issued Installation Permit prior to the installation of a permanent tank and related activities to support the use of the caustic agent, and (2) the temporary use of a tanker truck holding the caustic agent prior to making permanent changes to support the use of the caustic agent was not an exempted activity;

WHEREAS, on September 14, 2023, Synthomer Jefferson Hills LLC submitted an emissions testing protocol to perform compliance testing within the trial window for the caustic configuration set up and a reduced production all-ammonia configuration. On September 15, 2023, ACHD approved the protocol;

WHEREAS, emissions testing occurred September 19 through 22, 2023;

WHEREAS, on September 25, 2023, ACHD and Synthomer Jefferson Hills LLC met and discussed the preliminary results of the emissions testing;

WHEREAS, the three-run average emissions of Nitrogen Oxides for the caustic configuration was 5.2 pounds per hour and the three-run average for the reduced capacity ammonia configuration was 5.53 pounds per hour;

WHEREAS, on September 27, 2023, Synthomer Jefferson Hills LLC submitted an RFD for the temporary use of the caustic agent configuration until the Installation Permit is modified;

WHEREAS, on September 28, 2023, ACHD approved and then rescinded the approval of the September 27, 2023 RFD;

WHEREAS, the ACHD and Synthomer Jefferson Hills LLC recognize that this Consent Agreement has been negotiated in good faith and that any actions undertaken by Synthomer Jefferson Hills LLC as referenced in and in accordance with this Consent Agreement do not constitute an admission of fault or liability and that Synthomer Jefferson Hills LLC and ACHD reserve all rights, claims, and defenses they may have;

WHEREAS, after a full and complete negotiation of all matters set forth in this Consent Order and upon mutual exchange of covenants contained herein, the Parties agree that this Consent Order is in the best interest of the Parties and the public;

NOW, THEREFORE, without any final determination or admission of fact or law, and intending to be legally bound hereby, and with the consent of the Parties, it is hereby **AGREED, ORDERED, and DECREED** as follows:

I. JURISDICTION

1. Solely for the purposes of this Consent Order and the underlying alleged violations, Synthomer Jefferson Hills LLC waives all objections and defenses they may have as to

jurisdiction. Synthomer Jefferson Hills LLC shall not challenge ACHD's jurisdiction to enter into or to enforce this Consent Order.

II. APPLICABILITY

2. The provisions of this Consent Order shall apply to, be binding upon, and inure to the benefit of ACHD, Synthomer Jefferson Hills LLC, and their respective officers, directors, employees, successors, and assigns.

3. The undersigned representatives of ACHD and Synthomer Jefferson Hills LLC certify that they are fully authorized to execute this Consent Order on behalf of their respective Party and to legally bind their respective Party to this Consent Order.

III. CONDITIONS

4. On October 3, 2023, Synthomer Jefferson Hills LLC and ACHD met and agreed to enter into an agreement with enforceable restrictions to operate the temporary caustic configuration until an Installation Permit is issued.

5. The parties agree that because Synthomer Jefferson Hills LLC was able to subsequently demonstrate compliance with the hourly Nitrogen Oxides emissions limit in the Installation Permit for the C-5 process under the caustic configuration, Synthomer Jefferson Hills LLC may operate the temporary caustic configuration utilizing tanker trucks until the Installation Permit is modified to include the permanent installation of a tank and other supporting equipment as follows:

- a. The temperature of the neutralizer must be monitored and recorded once every 15 minutes when the C-5 process is operating.
- b. The neutralizer pH must be monitored at least once every eight-hour shift when operating.

- c. Ammonia shall be introduced into the neutralizer separately from the caustic, preferably at opposite sides of the neutralizer. To the greatest extent practicable, ammonia may never come in contact with the caustic.
- d. The neutralization caustic substitution setpoint shall be monitored at all times that the C-5 process is operating.
- e. Records shall be kept in Synthomer Jefferson Hills LLC's electronic (PI) process control and recordkeeping system.
- f. Synthomer Jefferson Hills LLC shall submit to the Department monthly reports regarding operation of the C-5 process with the temporary caustic configuration using tanker trucks. These reports shall be signed by the responsible official for the facility. The first report, which shall cover operations during October 2023, shall be due by November 15, 2023. Each subsequent report shall cover each subsequent month and shall be due by the 15th day of the month following the month covered by the report. Synthomer Jefferson Hills LLC shall continue to submit monthly reports until the permanent caustic addition configuration has been permitted and installed. The information to be reported shall include:
 - 1. Monthly totals of ammonia and caustic added to the system;
 - 2. Daily maximum and minimum pH in the neutralizer;
 - 3. Daily maximum neutralizer temperature;
 - 4. Information regarding any deviations from the 75% caustic substitution setpoint while the C-5 process is operating. Such information shall include:
 - i. The start and end date(s) and times of any deviation;
 - ii. The number of Funda filters operating during any deviation. If fewer than two Funda filters were operating, items iii and iv below do not need to be reported;
 - iii. A description of the cause of the deviation; and
 - iv. Any corrective action taken.
 - v. If there were no deviations from the 75% caustic substitution setpoint while the C-5 process is operating, submit a statement to this effect.
- g. Following issuance of Installation Permit 0058-I001f and installation of the permanent caustic addition system using a caustic storage tank, Synthomer Jefferson Hills LLC shall include all information required under the Installation Permit for the temporary caustic substitution system in the semiannual reports, along with any other information required to be submitted semiannually.

h. Synthomer Jefferson Hills LLC is subject to all listed permit requirements following issuance of the Installation Permit, except that Synthomer Jefferson Hills LLC shall continue to submit monthly reports for the C-5 process temporary caustic addition system until the permanent system is installed and operating.

6. The temporary caustic configuration may only be deployed for eight months after the effective date of this agreement. Upon the expiration of this eight-month period or the installation of the permanent system, whichever comes first, this agreement shall be terminated. The parties may mutually agree to an extension of this deadline.

7. Nothing herein is intended to limit the authority of the ACHD with respect to any violations that may have occurred prior to the date of this Consent Order, or to limit ACHD's enforcement authority with respect to any violations regarding emission testing at the C-5 Process or, to limit the authority of the ACHD to seek further enforcement of this Consent Order in the event that Synthomer Jefferson Hills LLC fails to comply with its terms and conditions. Furthermore, nothing herein is intended to constitute an admission of fault or liability by Synthomer Jefferson Hills LLC, and Synthomer Jefferson Hills LLC reserves all rights, defenses, and claims related to any violations that may have occurred prior to the date of this Consent Order and any enforcement action by ACHD.

8. The Parties agree that Synthomer Jefferson Hills LLC, by the execution of this Consent Order, does not waive any defenses or claims available to it as a matter of law.

9. Except to enforce the terms of this Consent Order, the Parties do not authorize any Party, third-party, or other persons to use any findings in this Consent Order in any matter or proceeding.

10. This Consent Order shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for

the purposes of determining the meaning or intent of any provisions herein in any litigation or other proceeding.

11. The imposition of any requirement contained in this Consent Order is not intended to and in no way releases Synthomer Jefferson Hills LLC from any obligations imposed by or to which it is subject under Article XXI or other final determination, except that ACHD has concluded that this Consent Order is the appropriate mechanism to authorize Synthomer Jefferson Hills LLC to install and operate the temporary caustic system in accordance with the terms and conditions provided herein. Moreover, although no civil penalty is included with this Enforcement Order, a civil penalty may be calculated for all violations to Article XXI, as well as Synthomer Jefferson Hills LLC's operating and installation permits. Any civil penalty attributable to the violations addressed by this Order may contemplate any benefit of non-compliance with Article XXI and its operating and installation permits.

12. The Parties shall bear their respective attorneys' fees, expenses, and other costs with regard to the prosecution or defense of this matter or any related matters arising prior to the execution of this Consent Order.

13. Signatures sent via facsimile or electronic mail shall constitute original signatures for purposes of this Consent Order.

14. Unless expressly provided herein, no changes, additions, modifications, or amendments to this Consent Agreement shall become effective unless they are set forth in writing and signed by the Parties.

15. This Consent Order shall become effective upon signature by the Parties as of the effective date first noted above.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order to be executed by their duly authorized representatives. The undersigned representatives of Synthomer Jefferson Hills LLC and ACHD certify under penalty of law, as provided by 18 Pa.C.S. § 4909, that: they are authorized to execute this Consent Order on behalf of their respective party; Synthomer Jefferson Hills LLC consents to the entry of this Consent Order as a final ORDER of the ACHD; and, except as otherwise provided herein, Synthomer Jefferson Hills LLC hereby knowingly waives its right to appeal this Consent Order and to challenge its content or validity, which rights may be available under Article XI of the ACHD Rules and Regulations for Hearings and Appeals and the Pennsylvania Local Agency Law, 2 Pa.C.S. §§ 105, 551—55, or any other applicable provision of law. Signature by the Parties' attorneys certifies only that this Consent Order has been signed after consulting with counsel.

DATED this 1st day of November, 2023

For:

ALLEGHENY COUNTY HEALTH DEPARTMENT



Allason Holt
Air Quality Program Manager
Compliance and Enforcement Program
Allegheny County Health Department

11/1/2023

Date



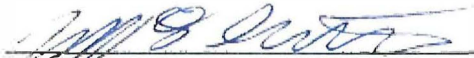
Brendan Turley, Esq.
Assistant Solicitor
Allegheny County Health Department

11/1/2023

Date

For:

Synthomer Jefferson Hills LLC



Jeffrey Scranton
Vice President

10/31/2023

Date



Gary Steinbauer
Counsel for Synthomer Jefferson Hills LLC

10/31/2023

Date