

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1559-AIR-E **TCEQ ID:** RN100227016 **CASE NO.:** 40429
RESPONDENT NAME: Celanese Ltd.

ORDER TYPE:		
<input checked="" type="checkbox"/> 166o AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Celanese Clear Lake Plant, 9502 Bayport Boulevard, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Chemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 28, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Todd Huddleson, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2541; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Beth Bowles, Site Director, Celanese Ltd., 9502 Bayport Boulevard, Pasadena, Texas 77506 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 10, 2010</p> <p>Date of NOV/NOE Relating to this Case: September 9, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions during an event that occurred on June 2, 2010, (Incident No. 140491). Specifically, the Respondent released 1,636.7 pounds of ethylene oxide ("EO") emissions from the EO Storage Tanks (Emission Point Number 32TANKS) into the atmosphere during the 14-hour event. The event occurred due to high vent flow and low water flow rates to EO Absorber T-111. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c) and TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 55046, Special Condition 1].</p>	<p>Total Assessed: \$3,975</p> <p>Total Deferred: \$795 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,180</p> <p>Compliance History Classification: Person/CN – Average Site/RN – Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on September 10, 2010, the Respondent has implemented procedures to ensure sufficient water flows to the EO Absorber T-111 to handle the vent gas flow rate and added a warning to the EO analyzer to prevent an exceedance of the permitted emission rates, in order to prevent the recurrence of an emissions event due to the same cause as Incident No. 140491.</p>

Additional ID No(s): HG0126Q



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	13-Sep-2010	Screening	13-Sep-2010	EPA Due	
	PCW	16-Sep-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Celanese Ltd.
Reg. Ent. Ref. No.	RN100227016
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	40429	No. of Violations	1
Docket No.	2010-1559-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Todd Huddleson
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **69.0%** Enhancement *Subtotals 2, 3, & 7* **\$1,725**

Notes Enhancement for four NOVs with same/similar violations, eight NOVs with dissimilar violations, and two agreed orders with denial. Reduction for five NOIs and one DOV.

Culpability **No** **0.0%** Enhancement *Subtotal 4* **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **\$250**

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

Total EB Amounts	\$75	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,500	

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$3,975**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$3,975**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$3,975**

DEFERRAL **20.0%** Reduction *Adjustment* **-\$795**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$3,180**

Screening Date 13-Sep-2010

Docket No. 2010-1559-AIR-E

PCW

Respondent Celanese Ltd.

Policy Revision 2 (September 2002)

Case ID No. 40429

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100227016

Media [Statute] Air

Enf. Coordinator Todd Huddleson

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)	4	20%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (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)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
<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) 69%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, eight NOVs with dissimilar violations, and two agreed orders with denial. Reduction for five NOIs and one DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 69%

Screening Date 13-Sep-2010

Docket No. 2010-1559-AIR-E

PCW

Respondent Celanese Ltd.

Policy Revision 2 (September 2002)

Case ID No. 40429

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100227016

Media [Statute] Air

Enf. Coordinator Todd Huddleson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Permit No. 55046, Special Condition 1

Violation Description Failed to prevent unauthorized emissions during an event that occurred on June 2, 2010, (Incident No. 140491), as documented during an investigation conducted on August 10, 2010. Specifically, the Respondent released 1,636.7 pounds of ethylene oxide ("EO") emissions from the EO Storage Tanks (Emission Point Number 32TANKS) into the atmosphere during the 14-hour event. The event occurred due to high vent flow and low water flow rates to the EO Absorber T-111. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	25%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended, based on the June 2, 2010 event.

Good Faith Efforts to Comply

10.0% Reduction

\$250

	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent returned to compliance on September 10, 2010 and the NOE is dated September 9, 2010.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$75

Violation Final Penalty Total \$3,975

This violation Final Assessed Penalty (adjusted for limits) \$3,975

Economic Benefit Worksheet

Respondent Celanese Ltd.
Case ID No. 40429
Reg. Ent. Reference No. RN100227016
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	\$500	2-Jun-2010	10-Sep-2010	0.27	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	2-Jun-2010	10-Sep-2010	0.27	\$68	n/a	\$68

Notes for DELAYED costs

Estimated cost for additional oversight and to implement procedures designed to ensure sufficient water flows to EO Absorber T-111 to handle the vent flow rates. The Date Required is the date the event occurred, and the Final Date is the date corrective action was implemented.

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

\$5,500

TOTAL

\$75

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600130850 Celanese Ltd.	Classification: AVERAGE	Rating: 1.74																																																																																																																																																																																										
Regulated Entity:	RN100227016 Celanese Clear Lake Plant	Classification: AVERAGE	Site Rating: 2.24																																																																																																																																																																																										
ID Number(s):	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 30%;">ACCOUNT NUMBER</td> <td style="width: 20%;">HG0126Q</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1329</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1880</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1893</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1986</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1987</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1988</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1987</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1988</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1988</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>ACCOUNT NUMBER</td> <td>HGA005E</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>0003</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW283</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW045</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW069</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE</td> <td>PERMIT</td> <td>50201</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE</td> <td>EPA ID</td> <td>TXD078432457</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE</td> <td>SOLID WASTE REGISTRATION # 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AIR NEW SOURCE PERMITS	REGISTRATION	79887
AIR NEW SOURCE PERMITS	REGISTRATION	81663
AIR NEW SOURCE PERMITS	REGISTRATION	86610
AIR NEW SOURCE PERMITS	REGISTRATION	87208
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HGA058F
AIR NEW SOURCE PERMITS	REGISTRATION	83821
AIR NEW SOURCE PERMITS	REGISTRATION	88062
AIR NEW SOURCE PERMITS	REGISTRATION	86736
AIR NEW SOURCE PERMITS	REGISTRATION	87518
AIR NEW SOURCE PERMITS	REGISTRATION	86714
AIR NEW SOURCE PERMITS	REGISTRATION	91588
WASTEWATER	EPA ID	TX0090174
WATER LICENSING	LICENSE	1011168
STORMWATER	PERMIT	TXR05V084
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30022
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0126Q

Location: 9502 BAYPORT BLVD, PASADENA, TX, 77507

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 15, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 15, 2005 to September 15, 2010

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

Name: Todd Huddleson Phone: (512) 239 - 2541

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- Effective Date: 12/30/2005 ADMINORDER 2005-0927-AIR-E
 - Classification: Moderate
 - Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
 - Rqmt Prov: Permit No. 38296;General Condition No.8 PERMIT
 - Description: Failed to prevent unauthorized emissions from the Methanol Emergency Flare (EPN 55MN87FLR) during Incident No. 47644.
 - Effective Date: 07/14/2006 ADMINORDER 2006-0006-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: Special Condition No. 1 PA
 - Description: Failure to prevent unauthorized emissions during an August 30, 2005 emissions 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	09/19/2005	(418445)
2	10/04/2005	(432977)
3	10/31/2005	(434992)
4	11/07/2005	(434181)
5	12/12/2005	(433586)
6	02/21/2006	(438799)
7	02/22/2006	(440079)
8	02/28/2006	(457237)
9	03/13/2006	(456179)
10	05/02/2006	(457415)
11	05/25/2006	(467401)
12	06/06/2006	(457423)
13	06/08/2006	(462827)
14	06/28/2006	(460767)
15	06/30/2006	(479860)
16	07/21/2006	(480006)
17	08/03/2006	(480005)
18	08/14/2006	(462822)
19	08/18/2006	(462825)
20	08/18/2006	(462830)
21	09/01/2006	(478360)
22	09/01/2006	(478429)
23	09/01/2006	(488612)
24	11/17/2006	(512668)
25	01/08/2007	(535525)
26	03/15/2007	(532614)
27	04/19/2007	(535642)
28	05/23/2007	(559748)
29	05/23/2007	(560043)
30	07/11/2007	(560892)
31	07/16/2007	(565118)
32	07/16/2007	(565227)
33	08/29/2007	(566957)
34	08/29/2007	(573380)
35	08/31/2007	(573401)
36	10/04/2007	(565778)
37	12/12/2007	(611327)
38	01/25/2008	(613755)
39	02/08/2008	(617571)
40	02/20/2008	(610672)
41	03/13/2008	(615111)
42	04/17/2008	(617630)
43	05/27/2008	(640999)
44	06/16/2008	(636865)
45	06/18/2008	(646357)
46	07/07/2008	(639507)
47	08/06/2008	(681442)
48	08/15/2008	(689588)
49	12/05/2008	(680536)
50	01/29/2009	(682539)
51	03/16/2009	(639066)
52	04/17/2009	(721175)
53	05/15/2009	(722358)
54	07/24/2009	(746999)
55	01/21/2010	(787258)
56	01/25/2010	(784858)

57 04/20/2010 (799738)
 58 06/03/2010 (777016)
 59 07/02/2010 (703343)
 60 09/09/2010 (846072)

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

Date: 11/08/2005 (434181) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 FOP O-01894 SC14 and SC1A OP
 NSR 52041SC 8C PERMIT
 Description: Failure to control visible emissions from the Utility Flare MN-77.
 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 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 FOP O-0184 SC14 and SC1A OP
 NSR 52041 SC 8B PERMIT
 Description: Failure to maintain a constant pilot flame.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 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 60.482-7(d)(1)
 FOP O-01894 SC14 and SC1A OP
 NSR 52041 SC 9I PERMIT
 Description: Failure to repair a packing leak within fifteen calendar days of the discovery of the leak.

Date: 02/22/2006 (438799) CN600130850
 Self Report? NO Classification: Moderate
 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)
 FOP# O-02153 OP
 NSR Permit # 5204, SC 9E PERMIT
 Description: Failure to plug an open-ended line
 Date: 03/14/2006 (456179) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 NSR Permit #55046 PA
 Description: Failed to prevent the pressure drop on the electric pump discharge which caused compressor C-17 to shutdown and resulting to unauthorized emissions from the relief valve.

Date: 08/04/2006 (480005) CN600130850
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 55046, SC 2E PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01986, SC 18 OP
 Description: Failure to equip each open ended valve or line with a cap, blind flange, plug or a second valve.

Date: 11/17/2006 (512668) CN600130850
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 55046, SC No. 1 PA
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01986 SC No. 21 OP
 Description: Failure to comply with SC No. 1 of TCEQ Air Permit No. 55046.

Date: 07/16/2007 (565227)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: Failure to include permit number in the final report.
 Date: 07/16/2007 (565118) CN600130850
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Hazardous Waste Permit No. HW-50201 PERMIT
 Description: Failure to update the NOR
 Date: 02/20/2008 (610672) CN600130850
 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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP No. O-01986 S.T.C. #21 OP
 FOP No. O-01986 Special Condition 1A OP
 NSR Permit No.55046 Special Condition 3E PERMIT
 Description: Failure to cap open-ended lines.
 Date: 03/11/2009 (639066)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to maintain ammonia concentrations in Boiler MB-6 below the allowable of 10 ppm.
 Date: 04/15/2009 (721175)
 Self Report? NO Classification: Moderate
 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)(2)
 5C THSC Chapter 382 382.085(b)
 FOP 1986 SC 1A PERMIT
 FOP 1986 SC 21 OP
 NSR 55046 SC 2E PERMIT
 Description: Failure to prevent one (1) open-ended lines containing Volatile Organic Compounds (VOCs).
 Date: 04/23/2010 (799738)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Hazardous Waste Permit No. HW-50201 PERMIT
 Description: Failure to update the NOR
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: Failure to update the NOR to reflect current facility activities.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(a)
 Description: Failure to demonstrate that a proper tank assessment had been conducted for NOR unit 116, a less than 90 day, RCRA-permit exempt tank.
 Date: 07/09/2010 (703343)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 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)(2)
 5C THSC Chapter 382 382.085(b)
 SC 9E PERMIT
 ST&C 1A OP
 ST&C 25 OP
 STC 1(H)(v) OP

Description: Failure to seal open-ended lines containing VOCs from August 20, 2008 through November 10, 2008. (Category C10 violation)

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)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 SC 7B PERMIT
 ST&C 1A OP
 ST&C 25 OP

Description: Failure to maintain a continuous pilot flame at all times on December 11, 2008 from 00:10 until 07:00. [Category B.19.g.1]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(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)
 SC 8D PERMIT
 ST&C 1(H)(i) OP
 ST&C 25 OP

Description: Failure to perform annual calibration of Flare flow meter from December 31, 2008 until January 5, 2009. [Category C4]

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 63.149(a)
 5C THSC Chapter 382 382.085(b)
 ST&C 21A OP

Description: Failure to secure a funnel plug on HON Wastewater System at P-1459 and at P-2058 on January 19, 2009 from 10:30 until 10:40 and 11:01 until 11:03. [Category C4]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18B PERMIT
 ST&C 25 OP

Description: Failure to perform CGAs within the required time frame. [Category C1]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to perform Method 21 monitoring within 30 days of the installation of new connectors [Category B3]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GT&C OP

Description: Failure to report all instances of deviations [Category B3]

F. Environmental audits.

Notice of Intent Date: 06/21/2005 (403099)
 Disclosure Date: 12/09/2005

Viol. Classification: Major

Citation: 30 TAC Chapter 335, SubChapter B 335.43(a)
 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

Description: Storage of hazardous waste in a non-registered tank.

Notice of Intent Date: 07/06/2006 (489038)
 No DOV Associated

Notice of Intent Date: 04/10/2007 (558771)
 No DOV Associated

Notice of Intent Date: 04/17/2008 (654969)

No DOV Associated

Notice of Intent Date: 04/07/2009 (742446)

No DOV Associated

Notice of Intent Date: 01/21/2010 (797537)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CELANESE LTD.
RN100227016**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-1559-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical plant at 9502 Bayport Boulevard, in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 14, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Nine Hundred Seventy-Five Dollars (\$3,975) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand One Hundred

Eighty Dollars (\$3,180) of the administrative penalty and Seven Hundred Ninety-Five Dollars (\$795) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on September 10, 2010, the Respondent has implemented procedures to ensure sufficient water flows to the ethylene oxide ("EO") Absorber T-111 to handle the vent gas flow rate and added a warning to the EO analyzer to prevent an exceedance of the permitted emission rates, in order to prevent the recurrence of an emissions event due to the same cause as Incident No. 140491.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during an event that occurred on June 2, 2010, (Incident No. 140491), in violation of 30 TEX. ADMIN. CODE § 116.115(c) and TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 55046, Special Condition 1, as documented during an investigation conducted on August 10, 2010. Specifically, the Respondent released 1,636.7 pounds of EO emissions from the EO Storage Tanks (Emission Point Number 32TANKS) into the atmosphere during the 14-hour event. The event occurred due to high vent flow and low water flow rates to EO Absorber T-111. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent be assessed an administrative penalty as set forth in Section I, Paragraph 6 above. The assessment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. However, the agreement by the Respondent to the assessment of a penalty is expressly not in lieu of or an alternative to compliance with all injunctive requirements in this Agreed Order. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments when paid shall be made payable to "TCEQ" and sent with the notation "Re: Celanese Ltd., Docket No. 2010-1559-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolier
For the Executive Director

Date 1/24/2011

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Beth Bowles
Signature

Date 12-10-10

Beth Bowles
Name (Printed or typed)
Authorized Representative of
Celanese Ltd.

SITE DIRECTOR
Title

Instructions: Send the original, signed Agreed Order to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.