

**Executive Summary – Enforcement Matter – Case No. 42804**

**Celanese Ltd.**

**RN100258060**

**Docket No. 2011-1945-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Celanese Bay City Plant, 2001 Farm-to-Market Road 3057, Bay City, Matagorda County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 18, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,743

**Amount Deferred for Expedited Settlement:** \$3,548

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$14,195

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42804**

**Celanese Ltd.**

**RN100258060**

**Docket No. 2011-1945-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 13, 2011

**Date(s) of NOE(s):** October 10, 2011

***Violation Information***

Failed to conduct sampling to quantify emissions from the Vinyl Acetate (“VA”) Cooling Tower (Emissions Point Number (“EPN”) EPN 301M150) using the El Paso method, or approved equivalent, with results determined in pounds per hour and cumulative tons per year. Specifically, the deviation reports for the period from May 23, 2010 to November 22, 2010, and November 23, 2010 to May 22, 2011 documented that monthly sampling was not conducted [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. 01628, Special Terms and Conditions No. 16, Air Permit No. 4196, Special Conditions No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On January 25, 2011, Respondent began sampling the VA Cooling Tower, EPN 301M150, for volatile organic compounds using the El Paso method.

**Technical Requirements:**

N/A

***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:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Greg Blanchard, Site Manager, Celanese Ltd., P.O. Box 509, Bay City, Texas 77404-0509

**Respondent's Attorney:** N/A

<b>TCEQ DATES</b>	<b>Assigned</b> 17-Oct-2011	<b>PCW</b> 24-Oct-2011	<b>Screening</b> 19-Oct-2011	<b>EPA Due</b> 6-Jul-2012
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Celanese Ltd.
<b>Reg. Ent. Ref. No.</b>	RN100258060
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	42804	<b>No. of Violations</b>	1
<b>Docket No.</b>	2011-1945-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>	Nadia Hameed
		<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>	<b>\$7,500</b>
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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>	<b>32.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b> <b>\$2,400</b>
Notes	Enhancement for 17 NOVs with dissimilar violations. Reduction for two Notices of Intent to conduct an audit.	
<b>Culpability</b>	<b>0.0%</b> Enhancement	<b>Subtotal 4</b> <b>\$0</b>
Notes	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b> <b>\$1,875</b>
<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b> <b>\$0</b>
Total EB Amounts	\$9,734	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$9,500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$8,025</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>121.1%</b>	<b>Adjustment</b>	<b>\$9,718</b>
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes	Recommended enhancement to recover avoided cost of compliance for violation no. 1.		
<b>Final Penalty Amount</b>			<b>\$17,743</b>

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$17,743</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$3,548</b>
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral offered for expedited settlement.		

<b>PAYABLE PENALTY</b>	<b>\$14,195</b>
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Screening Date 19-Oct-2011

Docket No. 2011-1945-AIR-E

PCW

Respondent Celanese Ltd.

Policy Revision 2 (September 2002)

Case ID No. 42804

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100258060

Media [Statute] Air

Enf. Coordinator Nadia Hameed

### Compliance History Worksheet

>> 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> )	0	0%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	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> )	2	-2%
	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> )	0	0%

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)** 32%

>> 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 17 NOVs with dissimilar violations. Reduction for two Notices of Intent to conduct an audit.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 32%

Screening Date 19-Oct-2011

Docket No. 2011-1945-AIR-E

PCW

Respondent Celanese Ltd.

Policy Revision 2 (September 2002)

Case ID No. 42804

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100258060

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O1628, Special Terms and Conditions No. 16, Air Permit No. 4196, Special Conditions No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct sampling to quantify emissions from the Vinyl Acetate ("VA") Cooling Tower (Emission Point Number 301M150) using the El Paso method, or approved equivalent, with results determined in pounds per hour and cumulative tons per year. Specifically, the deviation reports for the period from May 23, 2010 to November 22, 2010, and November 23, 2010 to May 22, 2011 documented that monthly sampling was not conducted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

247 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three quarterly events are recommended from the deviation reporting period start date (May 23, 2010) to the compliance date (January 25, 2011).

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes

The Respondent completed the corrective actions on January 25, 2011, prior to the October 10, 2011, NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9,734

Violation Final Penalty Total \$17,743

This violation Final Assessed Penalty (adjusted for limits) \$17,743

## Economic Benefit Worksheet

**Respondent** Celanese Ltd.  
**Case ID No.** 42804  
**Rea. Ent. Reference No.** RN100258060  
**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	23-May-2010	25-Jan-2011	0.68	\$17	n/a	\$17
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 costs to implement sampling from the VA cooling tower each month. The Date Required is the deviation reporting period start date and the Final Date is the date the 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]	\$9,000	23-May-2010	25-Jan-2011	1.59	\$718	\$9,000	\$9,718
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Avoided costs to conduct sampling from the VA cooling tower each month. The Date Required is the deviation reporting period start date and the Final Date is the date the corrective actions were completed.

Approx. Cost of Compliance

\$9,500

**TOTAL**

\$9,734

# Compliance History

Customer/Respondent/Owner-Operator:	CN600130850	Celanese Ltd.	Classification: AVERAGE	Rating: 4.11
Regulated Entity:	RN100258060	CELANESE BAY CITY PLANT	Classification: AVERAGE	Site Rating: 0.88
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		MH0009H
	AIR OPERATING PERMITS	PERMIT		1628
	AIR OPERATING PERMITS	PERMIT		2943
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXD026040709
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		30134
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		50153
	POLLUTION PREVENTION PLANNING	ID NUMBER		P00945
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW008
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW110
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW277
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW049
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW032
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW014
	AIR NEW SOURCE PERMITS	REGISTRATION		92860
	AIR NEW SOURCE PERMITS	REGISTRATION		89287
	AIR NEW SOURCE PERMITS	REGISTRATION		53006
	AIR NEW SOURCE PERMITS	PERMIT		4093
	AIR NEW SOURCE PERMITS	PERMIT		4196
	AIR NEW SOURCE PERMITS	PERMIT		4449
	AIR NEW SOURCE PERMITS	REGISTRATION		10401
	AIR NEW SOURCE PERMITS	REGISTRATION		10913
	AIR NEW SOURCE PERMITS	REGISTRATION		11284
	AIR NEW SOURCE PERMITS	REGISTRATION		12137
	AIR NEW SOURCE PERMITS	REGISTRATION		10140
	AIR NEW SOURCE PERMITS	REGISTRATION		11154
	AIR NEW SOURCE PERMITS	REGISTRATION		25949
	AIR NEW SOURCE PERMITS	REGISTRATION		28094
	AIR NEW SOURCE PERMITS	REGISTRATION		32347
	AIR NEW SOURCE PERMITS	REGISTRATION		33015
	AIR NEW SOURCE PERMITS	REGISTRATION		33923
	AIR NEW SOURCE PERMITS	REGISTRATION		34298
	AIR NEW SOURCE PERMITS	REGISTRATION		37868
	AIR NEW SOURCE PERMITS	REGISTRATION		38033
	AIR NEW SOURCE PERMITS	REGISTRATION		40983

AIR NEW SOURCE PERMITS	REGISTRATION	42522
AIR NEW SOURCE PERMITS	REGISTRATION	45372
AIR NEW SOURCE PERMITS	REGISTRATION	45646
AIR NEW SOURCE PERMITS	REGISTRATION	46086
AIR NEW SOURCE PERMITS	REGISTRATION	47290
AIR NEW SOURCE PERMITS	REGISTRATION	55461
AIR NEW SOURCE PERMITS	REGISTRATION	75972
AIR NEW SOURCE PERMITS	AFS NUM	4832100005
AIR NEW SOURCE PERMITS	REGISTRATION	52871
AIR NEW SOURCE PERMITS	REGISTRATION	56123
AIR NEW SOURCE PERMITS	REGISTRATION	56567
AIR NEW SOURCE PERMITS	REGISTRATION	42177
AIR NEW SOURCE PERMITS	REGISTRATION	73755
AIR NEW SOURCE PERMITS	REGISTRATION	78651
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	MH0009H
AIR NEW SOURCE PERMITS	REGISTRATION	78977
AIR NEW SOURCE PERMITS	REGISTRATION	79034
AIR NEW SOURCE PERMITS	REGISTRATION	81428
AIR NEW SOURCE PERMITS	REGISTRATION	84782
AIR NEW SOURCE PERMITS	REGISTRATION	84776
AIR NEW SOURCE PERMITS	REGISTRATION	91343
STORMWATER	PERMIT	TXR05O305
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30134
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	MH0009H

Location: 2001 FM 3057, BAY CITY, TX, 77414

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 19, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 19, 2006 to October 19, 2011

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

Name: Nadia Hameed Phone: 713-767-3629

### 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: 9/1/2011 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.  
N/A
- 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	12/12/2006	(531424)
2	11/21/2006	(544550)
3	12/19/2006	(544551)
4	01/24/2007	(544552)
5	09/21/2007	(570849)
6	02/20/2007	(575357)
7	03/19/2007	(575358)
8	04/24/2007	(575359)
9	05/17/2007	(575360)
10	06/21/2007	(575361)
11	07/19/2007	(575362)
12	02/08/2008	(595545)
13	08/16/2007	(601627)
14	09/20/2007	(619525)
15	10/22/2007	(619526)
16	11/19/2007	(619527)
17	02/21/2008	(672047)
18	03/20/2008	(672048)
19	12/19/2007	(672049)
20	01/16/2008	(672050)
21	04/18/2008	(689961)
22	05/20/2008	(689962)
23	06/18/2008	(689963)

24 12/09/2008 (703636)  
25 07/21/2008 (710743)  
26 08/21/2008 (710744)  
27 09/22/2008 (710745)  
28 10/22/2008 (727488)  
29 11/19/2008 (727489)  
30 12/16/2008 (727490)  
31 02/19/2009 (750278)  
32 03/23/2009 (750279)  
33 01/16/2009 (750280)  
34 12/09/2009 (767340)  
35 04/22/2009 (768374)  
36 02/18/2010 (804678)  
37 05/15/2009 (804679)  
38 06/15/2009 (804680)  
39 07/22/2009 (804681)  
40 08/20/2009 (804682)  
41 09/23/2009 (804683)  
42 10/19/2009 (804684)  
43 11/19/2009 (804685)  
44 12/15/2009 (804686)  
45 01/18/2010 (804687)  
46 03/17/2010 (830892)  
47 04/15/2010 (830893)  
48 05/18/2010 (830894)  
49 06/18/2010 (846272)  
50 07/19/2010 (860866)  
51 08/16/2010 (866833)  
52 01/06/2011 (872917)  
53 09/14/2010 (873904)

54 10/19/2010 (881505)  
 55 11/17/2010 (888033)  
 56 12/16/2010 (896244)  
 57 01/18/2011 (902308)  
 58 02/17/2011 (909089)  
 59 03/17/2011 (916347)  
 60 04/14/2011 (924811)  
 61 08/19/2011 (932627)  
 62 08/22/2011 (936281)  
 63 05/13/2011 (938029)  
 64 06/17/2011 (945398)  
 65 07/18/2011 (952627)  
 66 10/10/2011 (955545)  
 67 08/18/2011 (959308)

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

Date: 02/28/2007 (575358) CN600130850  
 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

Date: 08/31/2007 (619525) CN600130850  
 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

Date: 09/14/2007 (570849) CN600130850  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
 Description: NOR was not updated.

Date: 09/30/2007 (619526) CN600130850  
 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

Date: 02/08/2008 (595545) CN600130850  
 Self Report? NO Classification: Moderate  
 Citation: 25299, SC 3 PERMIT  
 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)

O-01628, SC 15 OP  
Description: Failure to operate ethylene flare with a flame present at all times.  
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 VV 60.482-6(a)(1)  
4449, SC 11E PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 15 OP

Description: Failure to plug/cap all open ended lines. (Category C10)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 1D OP

Description: Failure to identify a malfunction plan for loss of control device on the VA unit  
Startup, Shutdown, and Malfunction Plan.

Date: 07/31/2008 (710744) CN600130850  
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

Date: 08/31/2008 (710745) CN600130850  
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

Date: 10/31/2008 (727489) CN600130850  
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

Date: 12/11/2008 (703636) 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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
4196, SC 7E; 4449, SC 11E; 5546, SC 10E PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 19 OP

Description: Failure to plug/cap all open ended lines.  
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)  
5546, SC 11A PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 19 OP

Description: Flare pilot flame outage.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(a)(2)  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 1A OP

Description: Storage tanks without a control device during flare outage.

Date: 09/30/2009 (804684) CN600130850  
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

Date: 12/11/2009 (767340) CN600130850  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 15 OP  
Special Condition 1 OP  
Special Condition 4 OP  
Description: Failure to properly operate and maintain the V-199 storage tank (EPN 251AV199).  
The deviation report dated December 19, 2008 indicates that the internal floating  
roof sank on October 15, 2008 during the process of off-loading rail cars into  
Tank V-199 causing excess emissions to the atmosphere. (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)  
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 382 382.085(b)  
Special Condition 11E PERMIT  
Special Condition 15 OP  
Special Condition 1A OP  
Description: Failure to seal open-ended valves or lines with a cap, blind flange, plug or a  
second valve. Celanese reported, as deviations, 1 open-ended line in the Bay  
City Plant during the deviation reporting period of May 23, 2008 through  
November 22, 2008. (Category C10 violation)

Date: 12/31/2009 (804687) CN600130850  
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

Date: 01/31/2010 (804678) CN600130850  
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

Date: 11/30/2010 (896244) CN600130850  
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

Date: 01/07/2011 (872917) 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)  
Special Condition 16 OP  
Special Condition 7E PA  
Description: Failure to cap/plug open ended lines. Category C10 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)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 16 OP  
Special Condition 6 PA

Description: Failure to conduct annual tank inspection for internal floating roof (IFR), Tank# V-200. Category C1 violation.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(c)(1)  
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 PA  
Special Condition 16 OP

Description: Unauthorized hazardous air pollutants emissions vinyl acetate (VA) to the atmosphere from internal floating roof (IFR) Tank #V-199 and V-200. Category B14 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)  
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)  
Special Condition 1A and 16 OP  
Special Condition 9B PA

Description: Failure to maintain flare pilot light . Category C1 violation.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 21 OP

Description: Failure to update risk management plan emergency contact information. Category C3.

Date: 01/31/2011 (909089) CN600130850

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

Date: 10/07/2011 (955545) CN600130850

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SPECIAL CONDITION 3B.IV.1 OP

Description: Celanese failed to conduct visual quarterly observations of the Emergency Storm Water Diesel Engine. (Category B1)

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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
SPECIAL CONDITION 7E PERMIT  
SPECIAL TERMS AND CONDITIONS 16 OP

Description: Celanese failed to prevent an open-ended line (Category C11).

F. Environmental audits.

Notice of Intent Date: 08/08/2007 (594122)  
No DOV Associated

Notice of Intent Date: 05/18/2011 (924263)  
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.  
RN100258060**

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

**AGREED ORDER  
DOCKET NO. 2011-1945-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 manufacturing plant at 2001 Farm-to-Market Road 3057 in Bay City, Matagorda 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 October 15, 2011.
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 Seventeen Thousand Seven Hundred Forty-Three Dollars (\$17,743) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand One

Hundred Ninety-Five Dollars (\$14,195) of the administrative penalty and Three Thousand Five Hundred Forty-Eight Dollars (\$3,548) 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 January 25, 2011, the Respondent began sampling the Vinyl Acetate ("VA") Cooling Tower, Emissions Point Number ("EPN") 301M150, for volatile organic compounds using the El Paso method.
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 conduct sampling to quantify emissions from the VA Cooling Tower (EPN 301M150) using the El Paso method, or approved equivalent, with results determined in pounds per hour and cumulative tons per year, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O1628, Special Terms and Conditions No. 16, Air Permit No. 4196, Special Conditions No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 13, 2011. Specifically, the deviation reports for the period from May 23, 2010 to November 22, 2010, and November 23, 2010 to May 22, 2011 documented that monthly sampling was not conducted.

## 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 pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment 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. 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 shall be made payable to "TCEQ" and shall be sent with the notation "Re: Celanese Ltd., Docket No. 2011-1945-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

Pam Danner Jr.  
For the Executive Director

6/18/12  
Date

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, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, 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 submitted;
- 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, any falsification of any compliance documents may result in criminal prosecution.

Greg Blanchard  
Signature

3-17-12  
Date

Greg Blanchard  
Name (Printed or typed)  
Authorized Representative of  
Celanese Ltd.

Site Manager  
Title

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