

Executive Summary – Enforcement Matter – Case No. 60260
CELANESE LTD.
RN100227016
Docket No. 2021-0113-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Celanese Clear Lake Plant, 9502 Bayport Boulevard, Pasadena, Harris 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: October 27, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$57,641

Amount Deferred for Expedited Settlement: \$3,023

Total Paid to General Revenue: \$27,309

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$27,309

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014 and January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 6, 2020 through December 9, 2020, October 15, 2020 through January 5, 2021, November 5, 2020 through January 28, 2021, April 8, 2021 through April 23, 2021, April 22, 2021 through April 28, 2021, May 11, 2021, and November 8, 2021

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Date(s) of NOE(s): December 18, 2020, January 7, 2021, February 1, 2021, May 21, 2021, May 27, 2021, July 12, 2021, and December 6, 2021

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,666.00 pounds ("lbs") of volatile organic compounds ("VOC") and 3.00 lbs of carbon monoxide ("CO") as fugitive emissions, during an emissions event (Incident No. 342811) that began on September 13, 2020 and lasted five hours. The emissions event occurred when a pump seal failed that caused Pump P-973 to leak, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit ("NSR") No. 53313, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1893, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 342811 was due by September 28, 2020, but was not submitted until October 6, 2020 [30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O1893, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,318.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 343333) that began on October 5, 2020 and lasted 14 hours and 22 minutes. The emissions event occurred when a 3/8-inch tubing at the base of the compression fitting broke that caused a leak, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 52041, SC No. 1, FOP No. O1893, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 349.92 lbs of hydrogen iodide, 347.18 lbs of iodine, 121.76 lbs of sulfur dioxide ("SO₂"), and 10.22 lbs of methyl acetate from the Acetic Acid Unit Flare, Emissions Point Number ("EPN") 49MN138ST, during an emissions event (Incident No. 345121) that occurred on October 29, 2020 and lasted nine hours and 30 minutes. The emissions event occurred due to plugging in the steam system during a process unit startup, resulting in flaring. Since the emissions event was not caused by a sudden

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unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 53313, SC No. 1, FOP No. O1893, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities of 121.76 lbs of VOC, 20.96 lbs of nitrogen oxides ("NOx"), 852.15 lbs of CO, 0.67 lb of SO₂, and 10.22 lbs of methyl acetate on the final record for Incident No. 345121 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1893, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 199.04 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 353288) that occurred on March 25, 2021 and lasted 35 minutes. The emissions event occurred due to a slow valve response and level indication error that caused a loss of lean absorbent to the residual Ethylene Oxide ("EO") Absorber T-34, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to prevent unauthorized emissions. Specifically, the Respondent released 35.66 lbs of VOC from EO Absorber T-111, EPN 32T111ST, 5.98 lbs of VOC from EO Absorber T-168, EPN 32T168ST, 76.00 lbs of VOC from the Utilities Flare, EPN 26UTLFLR, and 673.79 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 284706) that occurred on May 26, 2018 and lasted two hours and 33 minutes. The emissions event occurred when localized heating at the connection in the cooling water pump motor terminal junction box caused an insulation failure that led to the single substation main breaker supplying electrical power to all of the Plant's air compressors to trip during the startup of a cooling water pump in the Utilities area, resulting in the releases to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to prevent unauthorized emissions. Specifically, the Respondent released 344.32 lbs of VOC as fugitive emissions, during an emissions event (Incident No.

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302843) that occurred on February 16, 2019 and lasted seven minutes. The emissions event occurred due to an incorrect set point entry that caused the EO Storage Tank Valve V-193 to overpressure when the process control system introduced more nitrogen to the tank than what was required, resulting in Pressure Safety Valve PSV-2945 to lift and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to prevent unauthorized emissions. Specifically, the Respondent released 136.30 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 329872) that began on February 8, 2020 and lasted 19 hours and six minutes. The emissions event occurred due to plugging from solids buildup in the flow indicators that caused the flow indicators to send inconsistent values to the Safety Instrument Systems, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On October 6, 2020, submitted the final record for Incident No. 342811;
- b. By December 21, 2020, implemented a procedure to respond to a high-methyl iodide alarm, trained all unit personnel, and recalibrated the high limit for one of the two methyl iodide analyzers in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345121;
- c. By January 6, 2021, implemented a repair plan to facilitate the immediate repair of tubing and to restore process data for the reactor, configured an alarm to provide indication of a future tubing failure on top of the reactor, implemented an awareness tool to assist with identifying potential defects, and updated the reliability training program for installing tubing and support in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 343333;

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d. By January 19, 2021, updated the guidance for estimating and reporting emission events and implemented internal guidance to distinguish emissions events from authorized releases in order to ensure that the final records for reportable emissions events are submitted in a timely manner;

e. On January 20, 2021, provided the estimated total quantities for the VOC, NO_x, CO, SO₂, and methyl acetate that were released during Incident No. 345121;

f. By February 3, 2021, examined alternatives for seals that use water, implemented processes for deviation recognition and mitigation of round sheet data, implemented periodic technical review of round sheet data, and implemented a maintenance plan for isolation valves in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342811; and

g. By May 15, 2021, upgraded the flow transmitter and added piping to allow the V-156 vent line to route to the EO Flare during upsets in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 329872.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events;

ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 353288;

iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 284706; and

iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 302843.

b. Within 45 days, submit written certification to demonstrate compliance with a.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Houston Regional Monitoring Corporation, Amandes PLLC, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

Respondent: James Barrington, Site Director, CELANESE LTD., 9502 Bayport Boulevard, Pasadena, Texas 77507

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	4-Jan-2021	Screening	12-Jan-2021	EPA Due	
	PCW	13-Sep-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	CELANESE LTD.
Reg. Ent. Ref. No.	RN100227016 (PCW No. 1 of 2)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60260	No. of Violations	5
Docket No.	2021-0113-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	48.0% Adjustment	Subtotals 2, 3, & 7	\$5,640
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Notes: Enhancement for three NOVs with the same/similar violations and two orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,274
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$478
 Estimated Cost of Compliance: \$18,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,116
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$15,116
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,116
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,023
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,093
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Screening Date 12-Jan-2021

Docket No. 2021-0113-AIR-E

PCW

Respondent CELANESE LTD.

Policy Revision 4 (April 2014)

Case ID No. 60260

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Johnnie Wu

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgments 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>)	3	-3%
	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>)	2	-4%
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) 48%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations and two orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 48%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 48%

Screening Date 12-Jan-2021
Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-0113-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit ("NSR") No. 53313, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1893, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,666.00 pounds ("lbs") of volatile organic compounds ("VOC") and 3.00 lbs of carbon monoxide ("CO") as fugitive emissions, during an emissions event (Incident No. 342811) that began on September 13, 2020 and lasted five hours. The emissions event occurred when a pump seal failed that caused Pump P-973 to leak, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$375

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes The Respondent completed the corrective measures by February 3, 2021, after the Notice of Enforcement ("NOE") dated December 18, 2020.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$88

Violation Final Penalty Total \$5,175

This violation Final Assessed Penalty (adjusted for limits) \$5,175

Economic Benefit Worksheet

Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,500	13-Sep-2020	3-Feb-2021	0.39	\$88	n/a	\$88

Notes for DELAYED costs

Estimated cost to examine alternatives for seals that use water, implement processes for deviation recognition and mitigation of round sheet data, implement periodic technical review of round sheet data, and implement a maintenance plan for isolation valves in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342811. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,500

TOTAL

\$88

Screening Date 12-Jan-2021
Respondent CELANESE LTD.
Case ID No. 60260

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PCW

*Policy Revision 4 (April 2014)
 PCW Revision September 1, 2019*

Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)
Media Air

Enf. Coordinator Johnnie Wu

Violation Number 2

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.201(c) and 122.143(4), FOP No. O1893, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 342811 was due by September 28, 2020, but was not submitted until October 6, 2020.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 8 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$25

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes
 The Respondent completed the corrective measures by January 19, 2021, after the NOE dated December 18, 2020.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$345

This violation Final Assessed Penalty (adjusted for limits) \$345

Economic Benefit Worksheet

Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,500	28-Sep-2020	19-Jan-2021	0.31	\$23	n/a	\$23
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	28-Sep-2020	6-Oct-2020	0.02	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to submit the final record for Incident No. 342811 (\$250) and to update the guidance for estimating and reporting emission events and implement internal guidance to distinguish emissions events from authorized releases in order to ensure that the final records for reportable emissions events are submitted in a timely manner (\$1,500). The Dates Required are the date the final record was due and the Final Dates are the dates of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,750

TOTAL \$23

Screening Date 12-Jan-2021
Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)
Media Air
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Docket No. 2021-0113-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 52041, SC No. 1, FOP No. O1893, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,318.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 343333) that began on October 5, 2020 and lasted 14 hours and 22 minutes. The emissions event occurred when a 3/8-inch tubing at the base of the compression fitting broke that caused a leak, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent completed the corrective measures by January 6, 2021, prior to the NOE dated January 7, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$76

Violation Final Penalty Total \$4,613

This violation Final Assessed Penalty (adjusted for limits) \$4,613

Economic Benefit Worksheet

Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$6,000	5-Oct-2020	6-Jan-2021	0.25	\$76	n/a	\$76

Notes for DELAYED costs

Estimated cost to implement a repair plan to facilitate the immediate repair of tubing and to restore process data for the reactor, configure an alarm to provide indication of a future tubing failure on top of the reactor, implement an awareness tool to assist with identifying potential defects, and update the reliability training program for installing tubing and support in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 343333. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$6,000

TOTAL \$76

Screening Date 12-Jan-2021
Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-0113-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 53313, SC No. 1, FOP No. O1893, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 349.92 lbs of hydrogen iodide, 347.18 lbs of iodine, 121.76 lbs of sulfur dioxide ("SO2"), and 10.22 lbs of methyl acetate from the Acetic Acid Unit Flare, Emissions Point Number 49MN138ST, during an emissions event (Incident No. 345121) that occurred on October 29, 2020 and lasted nine hours and 30 minutes. The emissions event occurred due to plugging in the steam system during a process unit startup, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by December 21, 2020, prior to the NOE dated February 1, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$4,613

This violation Final Assessed Penalty (adjusted for limits) \$4,613

Economic Benefit Worksheet

Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,500	29-Oct-2020	21-Dec-2020	0.15	\$33	n/a	\$33

Notes for DELAYED costs

Estimated cost to implement a procedure to respond to a high-methyl iodide alarm, train all unit personnel, and recalibrate the high limit for one of the two methyl iodide analyzers in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345121. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$4,500

TOTAL \$33

Screening Date 12-Jan-2021
Respondent CELANESE LTD.
Case ID No. 60260

Docket No. 2021-0113-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 5

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1893, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities of 121.76 lbs of VOC, 20.96 lbs of nitrogen oxides ("NOx"), 852.15 lbs of CO, 0.67 lb of SO2, and 10.22 lbs of methyl acetate on the final record for Incident No. 345121.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 113 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$258

Violation Final Penalty Total \$370

This violation Final Assessed Penalty (adjusted for limits) \$370

Economic Benefit Worksheet

Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 1 of 2)
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,500	5-Nov-2020	1-Apr-2024	3.41	\$255	n/a	\$255
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	5-Nov-2020	20-Jan-2021	0.21	\$3	n/a	\$3

Notes for DELAYED costs

Estimated costs to provide the estimated total quantities for the VOC, NOx, CO, SO2, and methyl acetate that were released during Incident No. 345121 (\$250) and to implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events (\$1,500). The Dates Required are the date the final record was due and the Final Dates are the date of compliance and the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,750

TOTAL \$258



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-May-2021			
	PCW	13-Sep-2023	Screening	1-Jun-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	CELANESE LTD.
Reg. Ent. Ref. No.	RN100227016 (PCW No. 2 of 2)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60260	No. of Violations	4
Docket No.	2021-0113-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$30,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	48.0% Adjustment	Subtotals 2, 3, & 7	\$14,400
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Notes: Enhancement for three NOVs with the same/similar violations and two orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$8,267
 Estimated Cost of Compliance: \$50,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$42,525
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$42,525
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$42,525
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$42,525
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Screening Date 1-Jun-2021

Docket No. 2021-0113-AIR-E

PCW

Respondent CELANESE LTD.

Policy Revision 5 (January 28, 2021)

Case ID No. 60260

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100227016 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Johnnie Wu

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgments 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>)	3	-3%
	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>)	2	-4%
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) 48%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations and two orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 48%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 48%

Screening Date 1-Jun-2021
Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-0113-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
 PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 55046, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1986, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 199.04 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 353288) that occurred on March 25, 2021 and lasted 35 minutes. The emissions event occurred due to a slow valve response and level indication error that caused a loss of lean absorbent to the residual Ethylene Oxide ("EO") Absorber T-34, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,511

Violation Final Penalty Total \$11,100

This violation Final Assessed Penalty (adjusted for limits) \$11,100

Economic Benefit Worksheet

Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 2 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	25-Mar-2021	1-Apr-2024	3.02	\$1,511	n/a	\$1,511

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 353288. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$1,511

Screening Date 1-Jun-2021
Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-0113-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 35.66 lbs of VOC from EO Absorber T-111, EPN 32T111ST, 5.98 lbs of VOC from EO Absorber T-168, EPN 32T168ST, 76.00 lbs of VOC from the Utilities Flare, EPN 26UTLFLR, and 673.79 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 284706) that occurred on May 26, 2018 and lasted two hours and 33 minutes. The emissions event occurred when localized heating at the connection in the cooling water pump motor terminal junction box caused an insulation failure that led to the single substation main breaker supplying electrical power to all of the Plant's air compressors to trip during the startup of a cooling water pump in the Utilities area, resulting in the releases to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,927

Violation Final Penalty Total \$11,100

This violation Final Assessed Penalty (adjusted for limits) \$11,100

Economic Benefit Worksheet

Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 2 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	26-May-2018	1-Apr-2024	5.85	\$2,927	n/a	\$2,927

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 284706. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$2,927

Screening Date 1-Jun-2021
Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-0113-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 344.32 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 302843) that occurred on February 16, 2019 and lasted seven minutes. The emissions event occurred due to an incorrect set point entry that caused the EO Storage Tank Valve V-193 to overpressure when the process control system introduced more nitrogen to the tank than what was required, resulting in Pressure Safety Valve PSV-2945 to lift and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 2 of 2)
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	16-Feb-2019	1-Apr-2024	5.13	\$2,563	n/a	\$2,563

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 302843. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$2,563

Screening Date 1-Jun-2021
Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-0113-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 136.30 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 329872) that began on February 8, 2020 and lasted 19 hours and six minutes. The emissions event occurred due to plugging from solids buildup in the flow indicators that caused the flow indicators to send inconsistent values to the Safety Instrument Systems, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	30.0%
	Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent completed the corrective measures by May 15, 2021, prior to the Notice of Enforcement dated December 6, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,266

Violation Final Penalty Total \$9,225

This violation Final Assessed Penalty (adjusted for limits) \$9,225

Economic Benefit Worksheet

Respondent CELANESE LTD.
Case ID No. 60260
Reg. Ent. Reference No. RN100227016 (PCW No. 2 of 2)
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	8-Feb-2020	15-May-2021	1.27	\$1,266	n/a	\$1,266

Notes for DELAYED costs

Estimated cost to upgrade the flow transmitter and add piping to allow the V-156 vent line to route to the EO Flare during upsets in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 329872. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,266



Compliance History Report

Compliance History Report for CN600130850, RN100227016, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN600130850, CELANESE LTD.	Classification:	SATISFACTORY	Rating:	0.76
Regulated Entity:	RN100227016, Celanese Clear Lake Plant	Classification:	SATISFACTORY	Rating:	1.87
Complexity Points:	37	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	9502 Bayport Boulevard, Pasadena, Harris County, Texas				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0126Q
AIR OPERATING PERMITS PERMIT 1986
AIR OPERATING PERMITS PERMIT 1329
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011168
AIR NEW SOURCE PERMITS PERMIT 53313
AIR NEW SOURCE PERMITS REGISTRATION 34446
AIR NEW SOURCE PERMITS REGISTRATION 41476
AIR NEW SOURCE PERMITS REGISTRATION 43682
AIR NEW SOURCE PERMITS REGISTRATION 46313
AIR NEW SOURCE PERMITS REGISTRATION 46827
AIR NEW SOURCE PERMITS REGISTRATION 49694
AIR NEW SOURCE PERMITS REGISTRATION 50197
AIR NEW SOURCE PERMITS PERMIT 264A
AIR NEW SOURCE PERMITS REGISTRATION 13044
AIR NEW SOURCE PERMITS REGISTRATION 13620
AIR NEW SOURCE PERMITS REGISTRATION 24099
AIR NEW SOURCE PERMITS REGISTRATION 54885
AIR NEW SOURCE PERMITS REGISTRATION 55630
AIR NEW SOURCE PERMITS REGISTRATION 55644
AIR NEW SOURCE PERMITS REGISTRATION 76164
AIR NEW SOURCE PERMITS PERMIT 52041
AIR NEW SOURCE PERMITS REGISTRATION 70595
AIR NEW SOURCE PERMITS REGISTRATION 50657
AIR NEW SOURCE PERMITS REGISTRATION 71710
AIR NEW SOURCE PERMITS REGISTRATION 55615
AIR NEW SOURCE PERMITS EPA PERMIT N164
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1296
AIR NEW SOURCE PERMITS REGISTRATION 106403
AIR NEW SOURCE PERMITS REGISTRATION 106402
AIR NEW SOURCE PERMITS REGISTRATION 106396
AIR NEW SOURCE PERMITS REGISTRATION 168453
AIR NEW SOURCE PERMITS REGISTRATION 164113
AIR NEW SOURCE PERMITS REGISTRATION 159269
AIR NEW SOURCE PERMITS REGISTRATION 160622
AIR NEW SOURCE PERMITS REGISTRATION 161062
AIR NEW SOURCE PERMITS PERMIT 154884
AIR NEW SOURCE PERMITS REGISTRATION 172597
AIR NEW SOURCE PERMITS AFS NUM 4820101556
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30022

AIR OPERATING PERMITS PERMIT 1893
AIR OPERATING PERMITS PERMIT 3678
AIR OPERATING PERMITS ACCOUNT NUMBER HGA002B
AIR NEW SOURCE PERMITS AFS NUM 4820100003
AIR NEW SOURCE PERMITS PERMIT 4056
AIR NEW SOURCE PERMITS PERMIT 38296
AIR NEW SOURCE PERMITS REGISTRATION 43208
AIR NEW SOURCE PERMITS REGISTRATION 44401
AIR NEW SOURCE PERMITS REGISTRATION 46828
AIR NEW SOURCE PERMITS REGISTRATION 48863
AIR NEW SOURCE PERMITS REGISTRATION 49679
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0126Q
AIR NEW SOURCE PERMITS REGISTRATION 11301
AIR NEW SOURCE PERMITS REGISTRATION 13597
AIR NEW SOURCE PERMITS REGISTRATION 14705
AIR NEW SOURCE PERMITS REGISTRATION 29626
AIR NEW SOURCE PERMITS PERMIT 55046
AIR NEW SOURCE PERMITS REGISTRATION 55628
AIR NEW SOURCE PERMITS REGISTRATION 169598
AIR NEW SOURCE PERMITS REGISTRATION 70430
AIR NEW SOURCE PERMITS REGISTRATION 70825
AIR NEW SOURCE PERMITS REGISTRATION 53505
AIR NEW SOURCE PERMITS REGISTRATION 53282
AIR NEW SOURCE PERMITS REGISTRATION 53445
AIR NEW SOURCE PERMITS REGISTRATION 75086
AIR NEW SOURCE PERMITS PERMIT 103626
AIR NEW SOURCE PERMITS REGISTRATION 106401
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX25
AIR NEW SOURCE PERMITS REGISTRATION 106397
AIR NEW SOURCE PERMITS REGISTRATION 164112
AIR NEW SOURCE PERMITS REGISTRATION 168350
AIR NEW SOURCE PERMITS REGISTRATION 143641
AIR NEW SOURCE PERMITS REGISTRATION 160847
AIR NEW SOURCE PERMITS REGISTRATION 158944
AIR NEW SOURCE PERMITS REGISTRATION 152289
AIR NEW SOURCE PERMITS REGISTRATION 171806
AIR NEW SOURCE PERMITS REGISTRATION 76314
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HGA002B
STORMWATER PERMIT TXR05V084

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0126Q
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50201

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30022
TAX RELIEF ID NUMBER 19584
TAX RELIEF ID NUMBER 20494
TAX RELIEF ID NUMBER 20853
TAX RELIEF ID NUMBER 20482
TAX RELIEF ID NUMBER 20479

POLLUTION PREVENTION PLANNING ID NUMBER
P00313
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD078432457
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000052175
TAX RELIEF ID NUMBER 19585
TAX RELIEF ID NUMBER 20320
TAX RELIEF ID NUMBER 20495
TAX RELIEF ID NUMBER 20478
TAX RELIEF ID NUMBER 20473

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: July 14, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 14, 2018 to July 14, 2023

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Johnnie Wu

Phone: (512) 239-2524

Site and Owner/Operator History:

- 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 04/26/2019 ADMINORDER 2018-0124-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
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)
Rqmt Prov: SPECIAL CONDITIONS 1 PERMIT
SPECIAL TERMS AND CONDITIONS 1A OP
Description: Failed to load tank trucks with the required vapor controls [Category A.12.i.6 VIOLATION].

- 2 Effective Date: 02/11/2020 ADMINORDER 2019-0706-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 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)
Rqmt Prov: 55046, Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 686.24 pounds of ethylene and 4.33 pounds of ethylene oxide from the Carbon Dioxide Vent, Emissions Point Number 32V176, during an emissions event (Incident No. 266268) that began on August 27, 2017 and lasted 38 minutes. The emissions event occurred when Analyzer AT4261 failed due to inclement weather and caused a false high ethylene concentration reading, resulting in the isolation of the Carbon Dioxide Vent

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 January 16, 2020 (1580129)
Item 2 August 13, 2020 (1663500)

Item 3	January 07, 2021	(1686695)
Item 4	February 26, 2021	(1702551)
Item 5	June 02, 2021	(1724607)
Item 6	August 05, 2021	(1749986)
Item 7	August 31, 2021	(1683744)
Item 8	September 10, 2021	(1760224)
Item 9	October 12, 2021	(1684349)
Item 10	October 26, 2021	(1685586)
Item 11	November 12, 2021	(1773258)
Item 12	December 22, 2022	(1841154)
Item 13	January 25, 2023	(1862046)
Item 14	February 14, 2023	(1846530)
Item 15	March 29, 2023	(1895099)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 02/02/2023 (1846281)
Self Report? NO Classification: Minor
Citation: 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)
FOP O-3678 Special Term & Conditions 19 OP
NSR Special Condition 16A PERMIT
Description: Failure to maintain the 24-hour rolling ammonia concentration for unit ID REFORM. (Category C4)

- 2 Date: 02/13/2023 (1846528)
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)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP SPECIAL TERM AND CONDITION 1A OP
FOP SPECIAL TERMS AND CONDITION 12 OP
NSR SPECIAL CONDITION 24A PERMIT
Description: Failure to maintain net heating value of 200 British Thermal Unit per Standard Cubic Feet (BTU/SCF) for flare (Unit ID 51MN157ST).

- 3 Date: 03/02/2023 (1866769)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
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 Term and Condition 12 OP
Description: Failure to Prevent Visible Emission Exceedances for Emergency Firewater Engine Stack (10ME6) (CATEGORY B13 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)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 7A PERMIT
Special Term & Condition 12 OP
Description: Failure to maintain the net heating values for Acetic Acid Flare (Unit ID: 49MN138) (CATEGORY B17 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)
5C THSC Chapter 382 382.085(b)
Special Condition 11A ORDER
Special Term & Condition 12 OP
Description: Failure to Maintain Rolling 24-Hour NH3 Concentrations for Boiler (Unit ID: AUXBOIL1) (CATEGORY B13 Violation).
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)
5C THSC Chapter 382 382.085(b)
Special Condition 17F PERMIT
Special Term and Condition 12 OP

Description: Failure to Prevent Open-Ended Lines (OELs) in VOC and HAP Services for Process Fugitives (Unit ID:47VAFUG) (Category C10 Violation).

F. Environmental audits:

Disclosure Date: 09/19/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC No. 22
PERMIT SC No. 5

Description: Failure to include the additional 28LAER and 28MID Intensive Directed Maintenance Program in the LDAR program established in both the Methanol Unit and the EO/EG Unit.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)

Rqmt Prov: PERMIT SC No. 22.H. and 24.H.

Description: Failure to complete repairs as soon as practical but no later than 15 calendar days after a leak was detected for seven connectors, two valves, and one relief valve.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 115, SubChapter H 115.781(b)(8)

Rqmt Prov: PERMIT SC No. 17.G.
PERMIT SC No. 18.F.

Description: Failure to perform EPA Method 21 monitoring of seven relief valves.

Notice of Intent Date: 02/11/2019 (1551210)

Disclosure Date: 02/27/2019

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

Description: Failure to comply with the minimum net heating value of 200 Btu/scf for a non-assisted flare (EPN: 30LRFLR).

Disclosure Date: 04/15/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT GC 9 and SC 24.B.

Description: Failure to maintain the thermocouples and IR monitor for Flare 51MN157ST which resulted in the loss of flare monitoring to ensure the presence of a flame at all times.

Disclosure Date: 09/06/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)

Rqmt Prov: PERMIT SC 6

Description: Failure to develop and implement a monitoring plan required by 30 TAC 115.725(c).

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(8)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)

Rqmt Prov: PERMIT SC 17
PERMIT SC 18
PERMIT SC 24 & 25
PERMIT SC 4 & 5

Description: Failure to ensure that follow-up inspections of LDAR components are conducted after being repaired.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 115, SubChapter H 115.781(b)(8)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

Rqmt Prov: PERMIT SC 17
PERMIT SC 18

PERMIT SC 4

Description: Failure to include multiple components in the site's LDAR program and ensure they are monitored as required and included in regulatory reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 15

Description: Failure to ensure that all required weekly cooling tower sampling for TDS is conducted and calculate the TDS-to-conductivity correlation for the Vinyl Acetate unit.

Notice of Intent Date: 07/28/2021 (1755125)

No DOV Associated

Notice of Intent Date: 03/31/2022 (1810223)

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. 2021-0113-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, 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 together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 9502 Bayport Boulevard in Pasadena, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$57,641 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$27,309 of the penalty and \$3,023 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$27,309 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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.
6. 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 Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On October 6, 2020, submitted the final record for Incident No. 342811;
 - b. By December 21, 2020, implemented a procedure to respond to a high-methyl iodide alarm, trained all unit personnel, and recalibrated the high limit for one of the two methyl iodide analyzers in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345121;
 - c. By January 6, 2021, implemented a repair plan to facilitate the immediate repair of tubing and to restore process data for the reactor, configured an alarm to provide indication of a future tubing failure on top of the reactor, implemented an awareness tool to assist with identifying potential defects, and updated the reliability training program for installing tubing and support in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 343333;
 - d. By January 19, 2021, updated the guidance for estimating and reporting emission events and implemented internal guidance to distinguish emissions events from authorized releases in order to ensure that the final records for reportable emissions events are submitted in a timely manner;
 - e. On January 20, 2021, provided the estimated total quantities for the volatile organic compounds ("VOC"), nitrogen oxides ("NOx"), carbon monoxide ("CO"), sulfur dioxide ("SO2"), and methyl acetate that were released during Incident No. 345121;
 - f. By February 3, 2021, examined alternatives for seals that use water, implemented processes for deviation recognition and mitigation of round sheet data, implemented periodic technical review of round sheet data, and implemented a maintenance plan for isolation valves in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342811; and

- g. By May 15, 2021, upgraded the flow transmitter and added piping to allow the V-156 vent line to route to the Ethylene Oxide ("EO") Flare during upsets in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 329872.

II. ALLEGATIONS

1. During a record review for the Plant conducted from October 6, 2020 through December 9, 2020, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit ("NSR") No. 53313, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1893, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 2,666.00 pounds ("lbs") of VOC and 3.00 lbs of CO as fugitive emissions, during an emissions event (Incident No. 342811) that began on September 13, 2020 and lasted five hours. The emissions event occurred when a pump seal failed that caused Pump P-973 to leak, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - b. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O1893, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the final record for Incident No. 342811 was due by September 28, 2020, but was not submitted until October 6, 2020.
2. During a record review for the Plant conducted from October 15, 2020 through January 5, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 52041, SC No. 1, FOP No. O1893, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 5,318.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 343333) that began on October 5, 2020 and lasted 14 hours and 22 minutes. The emissions event occurred when a 3/8-inch tubing at the base of the compression fitting broke that caused a leak, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. During a record review for the Plant conducted from November 5, 2020 through January 28, 2021, an investigator documented that the Respondent:

- a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 53313, SC No. 1, FOP No. O1893, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 349.92 lbs of hydrogen iodide, 347.18 lbs of iodine, 121.76 lbs of SO₂, and 10.22 lbs of methyl acetate from the Acetic Acid Unit Flare, Emissions Point Number ("EPN") 49MN138ST, during an emissions event (Incident No. 345121) that occurred on October 29, 2020 and lasted nine hours and 30 minutes. The emissions event occurred due to plugging in the steam system during a process unit startup, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - b. Failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1893, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not identify the estimated total quantities of 121.76 lbs of VOC, 20.96 lbs of NO_x, 852.15 lbs of CO, 0.67 lb of SO₂, and 10.22 lbs of methyl acetate on the final record for Incident No. 345121.
4. During a record review for the Plant conducted from April 8, 2021 through April 23, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 199.04 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 353288) that occurred on March 25, 2021 and lasted 35 minutes. The emissions event occurred due to a slow valve response and level indication error that caused a loss of lean absorbent to the residual EO Absorber T-34, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. During a record review for the Plant conducted from April 22, 2021 through April 28, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 35.66 lbs of VOC from EO Absorber T-111, EPN 32T111ST, 5.98 lbs of VOC from EO Absorber T-168, EPN 32T168ST, 76.00 lbs of VOC from the Utilities Flare, EPN 26UTLFLR, and 673.79 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 284706) that occurred on May 26, 2018 and lasted two hours and 33 minutes. The emissions event occurred when localized heating at the connection in the cooling water pump motor terminal junction box caused an insulation failure that led to the single substation main breaker supplying electrical power to all of the Plant's air compressors to trip during the startup of a cooling water pump in the Utilities area, resulting in the releases to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been

avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

6. During a record review for the Plant conducted on May 11, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 344.32 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 302843) that occurred on February 16, 2019 and lasted seven minutes. The emissions event occurred due to an incorrect set point entry that caused the EO Storage Tank Valve V-193 to overpressure when the process control system introduced more nitrogen to the tank than what was required, resulting in Pressure Safety Valve PSV-2945 to lift and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
7. During a record review for the Plant conducted on November 8, 2021 an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 55046, SC No. 1, FOP No. O1986, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 136.30 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 329872) that began on February 8, 2020 and lasted 19 hours and six minutes. The emissions event occurred due to plugging from solids buildup in the flow indicators that caused the flow indicators to send inconsistent values to the Safety Instrument Systems, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CELANESE LTD., Docket No. 2021-0113-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$27,309 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events;
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 353288;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 284706; and
 - iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 302843.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
8. This 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 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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



11/21/2023

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 OAG 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 OAG 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.

Signature

Date

JAMES E. BARRINGTON

Name (Printed or typed)
Authorized Representative of
CELANESE LTD.

9/29/23

SITE DIRECTOR

Title

If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A
Docket Number: 2021-0113-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	CELANESE LTD.
Payable Penalty Amount:	\$54,618
SEP Offset Amount:	\$27,309
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number

of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Amandes PLLC
1800 Post Oak Boulevard, Suite 400
Houston, Texas 77056

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.