

**Executive Summary – Enforcement Matter – Case No. 60918**  
**Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.**  
**RN102736089**  
**Docket No. 2021-0805-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

MCA Beaumont Site, 6350 North Twin City Highway, Nederland, Jefferson 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 15, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$39,375

**Amount Deferred for Expedited Settlement:** \$7,875

**Total Paid to General Revenue:** \$31,500

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** April 16, 2021

**Date(s) of NOE(s):** June 4, 2021

**Executive Summary – Enforcement Matter – Case No. 60918**  
**Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.**  
**RN102736089**  
**Docket No. 2021-0805-AIR-E**

***Violation Information***

Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the sulfur dioxide ("SO<sub>2</sub>") MAER of 121.67 pounds per hour ("lbs/hr") by a range from 19.8 lbs/hr to 118.14 lbs/hr for a total of 18 hours on January 14, 2020, February 6, 2020, April 1, 2020, April 14, 2020, April 16, 2020, June 18, 2020, June 25, 2020, July 16, 2020, July 20, 2020, August 12, 2020, and September 15, 2020 for the Spent Acid Recovery Unit Main Stack, Emissions Point Number SAR-SARSTK, resulting in 735.87 lbs of unauthorized SO<sub>2</sub> emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review Permit Nos. 19005 and PSDTX753, Special Conditions No. 1, Federal Operating Permit No. O1959, General Terms and Conditions and Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent permanently ceased operating all of the units at the Plant on April 6, 2021.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Kevin Burgason, Site Director, Mitsubishi Chemical America, Inc., 6350 North Twin City Highway, Nederland, Texas 77627

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	8-Jun-2021	<b>Screening</b>	17-Jun-2021	<b>EPA Due</b>	
	<b>PCW</b>	17-Jun-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102736089
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60918	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0805-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Yuliya Dunaway
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$22,500</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
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<b>Compliance History</b>	<b>100.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$22,500</b>
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Notes: Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, five orders containing a denial of liability, and one order without a denial of liability. Reduction for four notices of intent to conduct an audit and three disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$5,625</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$614  
 Estimated Cost of Compliance: \$10,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$39,375</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$39,375**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$39,375</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$7,875</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$31,500</b>
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**Screening Date** 17-Jun-2021

**Docket No.** 2021-0805-AIR-E

**PCW**

**Respondent** Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 60918

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN102736089

**Media** Air

**Enf. Coordinator** Yuliya Dunaway

### 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> )	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	5	100%
	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	1	25%
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> )	4	-4%
	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> )	3	-6%
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)** 127%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

N/A

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, five orders containing a denial of liability, and one order without a denial of liability. Reduction for four notices of intent to conduct an audit and three disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 127%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 100%

Screening Date 17-Jun-2021

Docket No. 2021-0805-AIR-E

PCW

Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 60918

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102736089

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review Permit Nos. 19005 and PSDTX753, Special Conditions No. 1, Federal Operating Permit No. O1959, General Terms and Conditions and Special Terms and Conditions No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the sulfur dioxide ("SO2") MAER of 121.67 pounds per hour ("lbs/hr") by a range from 19.8 lbs/hr to 118.14 lbs/hr for a total of 18 hours on January 14, 2020, February 6, 2020, April 1, 2020, April 14, 2020, April 16, 2020, June 18, 2020, June 25, 2020, July 16, 2020, July 20, 2020, August 12, 2020, and September 15, 2020 for the Spent Acid Recovery Unit Main Stack, Emissions Point Number SAR-SARSTK, resulting in 735.87 lbs of unauthorized SO2 emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). Includes an 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and 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 the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 Number of violation days 11

Table with frequency categories: daily, weekly, monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$22,500

Three quarterly events are recommended for the instances of non-compliance that occurred from January 14, 2020 to September 15, 2020.

Good Faith Efforts to Comply

25.0%

Reduction \$5,625

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Table with categories: Extraordinary, Ordinary, N/A.

Notes The Respondent completed the corrective actions by April 6, 2021, prior to the Notice of Enforcement dated June 4, 2021.

Violation Subtotal \$16,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$614

Violation Final Penalty Total \$39,375

This violation Final Assessed Penalty (adjusted for limits) \$39,375

## Economic Benefit Worksheet

**Respondent** Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.  
**Case ID No.** 60918  
**Reg. Ent. Reference No.** RN102736089  
**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)	\$10,000	14-Jan-2020	6-Apr-2021	1.23	\$614	n/a	\$614

#### Notes for DELAYED costs

Estimated cost to permanently cease operating all of the units at the Plant. The Date Required is the first date of non-compliance 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

\$10,000

**TOTAL**

\$614



# Compliance History Report

Compliance History Report for CN605866037, RN102736089, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605866037, Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Regulated Entity:</b>	RN102736089, MCA BEAUMONT SITE	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 6.34
<b>Complexity Points:</b>	24	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	6350 N TWIN CITY HWY, NEDERLAND, JEFFERSON COUNTY, TX		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER JE0425E	<b>AIR OPERATING PERMITS</b> PERMIT 1959
<b>AIR NEW SOURCE PERMITS</b> PERMIT 19005	<b>AIR NEW SOURCE PERMITS</b> PERMIT 19004
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER JE0425E	<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4824500136
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX753	<b>AIR NEW SOURCE PERMITS</b> PERMIT 1743
<b>AIR NEW SOURCE PERMITS</b> PERMIT 2796A	<b>AIR NEW SOURCE PERMITS</b> PERMIT 318
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 79737	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103843
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 164216	<b>UNDERGROUND INJECTION CONTROL</b> PERMIT WDW100
<b>UNDERGROUND INJECTION CONTROL</b> PERMIT WDW101	<b>UNDERGROUND INJECTION CONTROL</b> PERMIT WDW389
<b>UNDERGROUND INJECTION CONTROL</b> PERMIT WDW390	<b>WASTEWATER</b> PERMIT WQ0000473000
<b>WASTEWATER</b> EPA ID TX0004669	<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER JE0425E
<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00334	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD988088761
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 81282	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> OTS REQUEST 41750
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXP490355186	

<b>Compliance History Period:</b>	September 01, 2015 to August 31, 2020	<b>Rating Year:</b>	2020	<b>Rating Date:</b>	09/01/2020
<b>Date Compliance History Report Prepared:</b>	June 17, 2021				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	June 17, 2016 to June 17, 2021				

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

**Name:** Yuliya Dunaway **Phone:** (210) 403-4077

## 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: 08/02/2016                           | ADMINORDER 2016-0270-AIR-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate                             |  |
|   | Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) |  |
|   | 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 Condition 1 PERMIT                |  |
|   | Special Term and Condition 14 OP                     |  |

Description: Failed to prevent unauthorized emissions. The Respondent experienced 100% opacity and released 603 lbs of

SO3 and 265 lbs of SO2 from a crack in the converter of the SAR Unit during an emissions event (Incident No. 222796) that began on November 9, 2015 and lasted 45 minutes. The emissions event occurred when insulation was removed from the SAR converter revealing a crack in the seal weld that had been caused by repeated thermal stress and water intrusion through the insulation.

- 2 Effective Date: 01/20/2017 ADMINORDER 2016-0348-IWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effl. Limit. & Monit. Req. Nos. 1 and 2 PERMIT  
Description: Failed to comply with permitted effluent limits.  
Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(11)(A)  
30 TAC Chapter 319, SubChapter A 319.1  
30 TAC Chapter 319, SubChapter A 319.4  
30 TAC Chapter 319, SubChapter A 319.5(b)  
Rqmt Prov: Eff. Lim. & Mon. Re. No. 2, Out. No. 021 PERMIT  
Monit. & Rept. Req. No. 1, Out. No. 021 PERMIT  
Description: Failed to collect and analyze effluent samples at the intervals specified in the permit.
- 3 Effective Date: 01/31/2018 ADMINORDER 2017-0763-WDW-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 331, SubChapter D 331.63(c)  
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(a)  
Rqmt Prov: PERMIT WDW100, Provision VII.B PERMIT  
PERMIT WDW101, Provision VII.B PERMIT  
Description: Failed to maintain an operating wellhead injection pressure that does not exceed the permitted maximum.  
Classification: Moderate  
Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)  
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(c)  
Rqmt Prov: PERMIT WDW100, Provision VII.E PERMIT  
PERMIT WDW101, Provision VII.E PERMIT  
Description: Failed to maintain a positive pressure of 100 psig over tubing injection pressure in the tubing-casing annulus in WDW100 and WDW101 without dropping below this pressure differential for greater than 15 minutes.
- 4 Effective Date: 02/19/2019 ADMINORDER 2017-1401-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Term and Condition 14 OP  
Description: Failure to limit MSS emissions at the Methyl Methacrylate (MMA) Flare (MMA-PFL).  
Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)(E)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Special Term and Condition 13 OP  
Description: Failure to properly record Visible Emissions observations at the SAR Unit Stack (Unit ID No.: SAR-SARSTK).  
Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Description: Failure to report all instances of deviations.
- 5 Effective Date: 08/04/2020 ADMINORDER 2019-1436-AIR-E (1660 Order-Agreed Order With Denial)



Classification: Major  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 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: General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 8 PERMIT  
 Special Condition 9 PERMIT  
 Special Terms and Conditions 14 OP  
 Description: Failure to maintain SO2 pounds per hour (lb/hr) limit.

6 Effective Date: 02/21/2021 ADMINORDER 2020-0781-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: GTC and STC No. 2.F OP

Description: Failure to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 328480 was due by January 16, 2020 at 8:30 p.m., but was not submitted until January 20, 2020 at 4:04 p.m.

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)  
 Rqmt Prov: GENERAL TERMS AND CONDITIONS OP  
 GTC & STC No. 14 OP  
 SPECIAL CONDITION 1 OP  
 SPECIAL CONDITION 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 33.687 pounds of hydrogen cyanide as fugitive emissions, during an emissions event (Incident No. 328480) that began on January 15, 2020 and lasted 23 hours and 45 minutes. The emissions event occurred due to rapidly accelerated corrosion in an overhead pipe that caused a leak in the pipe under the piping insulation, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	June 20, 2016	(1352123)
Item 2	August 05, 2016	(1349973)
Item 3	September 02, 2016	(1356431)
Item 4	September 06, 2016	(1349971)
Item 5	September 07, 2016	(1351006)
Item 6	September 09, 2016	(1322343)
Item 7	September 20, 2016	(1372223)
Item 8	September 21, 2016	(1384359)
Item 9	October 13, 2016	(1357090)
Item 10	October 14, 2016	(1368608)
Item 11	December 07, 2016	(1312568)
Item 12	January 20, 2017	(1397113)
Item 13	January 31, 2017	(1388729)
Item 14	March 01, 2017	(1394407)
Item 15	March 27, 2017	(1401476)
Item 16	May 05, 2017	(1409692)
Item 17	June 28, 2017	(1422591)
Item 18	June 30, 2017	(1422366)

Item 19	July 20, 2017	(1425012)
Item 20	July 25, 2017	(1429139)
Item 21	August 16, 2017	(1443490)
Item 22	September 08, 2017	(1437229)
Item 23	September 18, 2017	(1450117)
Item 24	December 12, 2017	(1437598)
Item 25	December 14, 2017	(1454987)
Item 26	January 18, 2018	(1474502)
Item 27	March 14, 2018	(1490405)
Item 28	March 16, 2018	(1477999)
Item 29	April 06, 2018	(1478967)
Item 30	April 12, 2018	(1493642)
Item 31	May 14, 2018	(1500560)
Item 32	June 15, 2018	(1507677)
Item 33	July 16, 2018	(1503862)
Item 34	August 10, 2018	(1493539)
Item 35	August 16, 2018	(1520056)
Item 36	September 20, 2018	(1527221)
Item 37	October 15, 2018	(1533579)
Item 38	October 18, 2018	(1511114)
Item 39	November 19, 2018	(1541414)
Item 40	January 03, 2019	(1532717)
Item 41	January 18, 2019	(1559569)
Item 42	February 15, 2019	(1559567)
Item 43	February 28, 2019	(1550264)
Item 44	March 20, 2019	(1559568)
Item 45	April 09, 2019	(1554006)
Item 46	June 18, 2019	(1575642)
Item 47	June 19, 2019	(1583199)
Item 48	July 18, 2019	(1593108)
Item 49	August 15, 2019	(1599454)
Item 50	September 16, 2019	(1606359)
Item 51	September 26, 2019	(1596803)
Item 52	October 10, 2019	(1613205)
Item 53	October 17, 2019	(1603430)
Item 54	November 20, 2019	(1619019)
Item 55	November 21, 2019	(1610633)
Item 56	December 19, 2019	(1626371)
Item 57	January 09, 2020	(1622270)
Item 58	January 21, 2020	(1634012)
Item 59	January 28, 2020	(1623292)
Item 61	February 18, 2020	(1630565)
Item 62	February 20, 2020	(1640631)
Item 63	February 24, 2020	(1624987)
Item 64	March 17, 2020	(1637467)
Item 65	March 23, 2020	(1647151)
Item 66	April 28, 2020	(1645232)
Item 67	April 29, 2020	(1644186)
Item 68	May 18, 2020	(1673535)
Item 69	May 20, 2020	(1660073)
Item 70	June 22, 2020	(1666578)
Item 71	July 14, 2020	(1652986)
Item 72	July 28, 2020	(1664738)
Item 73	August 06, 2020	(1665635)
Item 74	August 07, 2020	(1665392)
Item 75	August 18, 2020	(1680310)
Item 76	August 20, 2020	(1665638)
Item 77	September 23, 2020	(1686879)
Item 78	October 15, 2020	(1693225)
Item 79	November 19, 2020	(1712368)

Item 80	November 20, 2020	(1691385)
Item 81	December 08, 2020	(1691682)
Item 82	December 16, 2020	(1712369)
Item 83	January 07, 2021	(1685990)
Item 84	January 11, 2021	(1698914)
Item 85	January 25, 2021	(1697748)
Item 86	January 27, 2021	(1698648)
Item 87	January 28, 2021	(1700857)
Item 88	January 29, 2021	(1677770)
Item 89	February 22, 2021	(1725423)
Item 90	February 26, 2021	(1703252)
Item 91	April 22, 2021	(1725425)
Item 92	May 05, 2021	(1707083)

**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:	08/07/2020	(1645172)		
	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) GENERAL TERMS & CONDITIONS OP SPECIAL CONDITION 14 OP SPECIAL CONDITION 1A OP SPECIAL CONDITION 6A PERMIT SPECIAL CONDITION 8 PERMIT			
	Description:	Failure to maintain hourly average limits of 30 ppmv of NOx and 100 ppmv (dry basis, corrected to 3% O2) of CO for Boiler No. 7.  B18(g)(1), Mod2d			
	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 H 60.84(e) 40 CFR Part 60, Subpart H 60.82(a) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP SPECIAL CONDITION 14 OP SPECIAL CONDITION 1A OP SPECIAL CONDITION 3 PERMIT SPECIAL CONDITION 6 PERMIT			
	Description:	Failure to maintain 4 lbs SO2 per ton of acid (lb/ton acid) (H2SO4) produced 3-hour rolling average limit.  B18(g)(1), Mod2d			
	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) GENERAL TERMS AND CONDITIONS OP SPECIAL CONDITION 14 OP SPECIAL CONDITION 1A OP SPECIAL CONDITION 7 PERMIT			
	Description:	Failure to maintain rolling 3-hour average limit of 75 parts per million by volume (ppmv), dry basis for Oxides of Nitrogen (NOx).  B18(g)(1), Mod2d			
	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) GENERAL TERMS & CONDITIONS OP SPECIAL CONDITION 14 OP SPECIAL CONDITION 1A OP SPECIAL CONDITION 5C PERMIT			
	Description:	Failure to conduct weekly TDS sampling of the cooling tower.  B1, Mod2a			

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.520  
30 TAC Chapter 113, SubChapter C 113.560  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(g)(3)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS & CONDITIONS OP  
SPECIAL CONDITION 11E PERMIT  
SPECIAL CONDITION 14 OP  
SPECIAL CONDITION 1A OP  
SPECIAL CONDITION 6E PERMIT

Description: Failure to prevent open-ended lines (OELs).

C10, Mod2a

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SPECIAL CONDITION 14 OP  
SPECIAL CONDITION 1A PERMIT  
SPECIAL CONDITION 4A PERMIT  
SPECIAL CONDITION 4B PERMIT

Description: Failure to maintain a constant pilot flame on the facility's Acetone Cyanohydrin (ACH) Process Flare (Emission Point Number (EPN) ACH/CBFLR).

B18(g)(1), Mod2d

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)  
GENERAL TERMS & CONDITIONS OP  
SPECIAL CONDITION 11A PERMIT  
SPECIAL CONDITION 14 OP  
SPECIAL CONDITION 1A OP

Description: Failure to maintain the daily average limit of 100 parts per million (ppm) of Carbon Monoxide (CO), dry basis, corrected to 3% excess Oxygen (O2).

B18(g)(1), Mod2d

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart H 60.82(a)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SPECIAL CONDITION 14 OP  
SPECIAL CONDITION 1A OP  
SPECIAL CONDITION 3 PERMIT

Description: Failure to maintain 4 pounds (lbs) of Sulfur Dioxide (SO2) per ton of acid (H2SO4) produced daily average.

B18(g)(1), Mod2d

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)(A)  
30 TAC Chapter 122, SubChapter B 122.165(a)(8)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SPECIAL CONDITION 17 OP

Description: Failure to accurately certify the Annual Compliance Certification (ACC).

C3, Mod2d

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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)  
GENERAL TERMS AND CONDITIONS OP  
SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 14 OP  
SPECIAL CONDITION 1A OP  
SPECIAL CONDITION 8 PERMIT  
SPECIAL CONDITION 9 PERMIT

Description: Failure to maintain Sulfur Dioxide (SO2) pounds per hour (lbs/hr) limit.

B18(g)(1), Mod2d

- 2 Date: 02/28/2021 (1725424)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 06/04/2021 (1708610)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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 H 60.84(e)  
40 CFR Part 60, Subpart H 60.82(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
PSDTX753 Special Condition 6 PERMIT  
PSDTX753 Special Condition 3B PERMIT  
Special Term and Condition 1A OP  
Special Terms and Conditions 14 OP  
Description: Failure to maintain the 3 hour (hr) rolling average limit of 4 pounds Sulfur Dioxide (SO2) per ton of sulfuric acid (H2SO4) (lbs/ton acid) produced.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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)  
General Terms and Conditions OP  
PSDTX753, General Condition 8 PERMIT  
PSDTX753, Special Condition 1 PERMIT  
Special Terms and Conditions 14 OP  
Description: Failure to maintain sulfur dioxide (SO2) emissions below the allowable limit.  
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)  
General Terms and Conditions OP  
Special Condition 6A PERMIT  
Special Terms and Conditions 14 OP  
Description: Failure to maintain hourly average limits of 30 parts per million (ppm) of Nitrogen oxides (NOx) and 100 ppm (dry basis, corrected to 3% Oxygen [O2]) of Carbon Monoxide (CO) for Boiler No. 7 (Emission Point Number [EPN] P&S/BLR7).  
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)  
General Terms and Conditions OP  
Special Condition 11A PERMIT  
Special Terms and Conditions 14 OP  
Description: Failure to maintain daily average limits of 30 parts per million (ppm) of Nitrogen oxides (NOx) and 100 ppm (dry basis, corrected to 3% Oxygen [O2]) of Carbon Monoxide (CO) for Boiler No. 7 (Emission Point Number [EPN] P&S/BLR7).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Description: Failure to report all instances of deviations.

## F. Environmental audits:

Notice of Intent Date: 03/09/2016 (1321117)

Disclosure Date: 09/12/2016

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 4

Description: Failed to monitor cooling tower water as prescribed in the TCEQ Sampling Procedures Manual, Appendix P, NSR Permit No. 19004.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 2B

Description: Failed to monitor cooling tower water as per approved air stripping system.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 7

Description: Failed to monitor cooling tower water as prescribed in the TCEQ Sampling Procedures

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 4

PERMIT SC 7

Description: Failed to follow Appendix P sampling requirements regarding FID response (2.2) and off-site determination of VOC by GC analysis (6.2) (See Note 4)

Notice of Intent Date: 03/21/2018 (1479242)

Disclosure Date: 10/26/2018

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT M 262.260(a)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.51(a)

30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Failed to have a complete and updated hazardous waste contingency plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 112, SubChapter D, PT 112 112.3

30 TAC Chapter 324, SubChapter A 324.15

Description: Failed to maintain an up to date spill prevention control and countermeasures plan.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)(B)

Description: Failed to maintain a record of the location of all hazardous waste accumulation areas.

Viol. Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.64(g)

Description: Failed to conduct quarterly corrosion monitoring.

Notice of Intent Date: 06/19/2019 (1577680)

Disclosure Date: 06/18/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)

Rqmt Prov: PERMIT GC 1

Description: Failure to abide by representations in the permit application without first obtaining a permit amendment. The particulate matter sample calculation submitted in the permit application omitted the 8.34 lbs/gal conversion factor for water

Notice of Intent Date: 08/03/2020 (1673183)

No DOV Associated

Notice of Intent Date: 03/31/2021 (1722399)

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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>mitsubishi chemical</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>america, inc. f/k/a lucite</b>	<b>§</b>	
<b>international, inc.</b>	<b>§</b>	
<b>RN102736089</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER  
DOCKET NO. 2021-0805-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 Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc. (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 6350 North Twin City Highway in Nederland, Jefferson 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 \$39,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$31,500 of the penalty and \$7,875 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.



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 permanently ceased operating all of the units at the Plant on April 6, 2021.

## **II. ALLEGATIONS**

During a record review conducted on April 16, 2021, an investigator documented that the Respondent failed to comply with the maximum allowable emissions rate ("MAER"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review Permit Nos. 19005 and PSDTX753, Special Conditions No. 1, Federal Operating Permit No. O1959, General Terms and Conditions and Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the sulfur dioxide ("SO<sub>2</sub>") MAER of 121.67 pounds per hour ("lbs/hr") by a range from 19.8 lbs/hr to 118.14 lbs/hr for a total of 18 hours on January 14, 2020, February 6, 2020, April 1, 2020, April 14, 2020, April 16, 2020, June 18, 2020, June 25, 2020, July 16, 2020, July 20, 2020, August 12, 2020, and September 15, 2020 for the Spent Acid Recovery Unit Main Stack, Emissions Point Number SAR-SARSTK, resulting in 735.87 lbs of unauthorized SO<sub>2</sub> emissions.

## **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: Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc., Docket No. 2021-0805-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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
	3/7/2022
_____	_____
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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

_____	_____
	9/20/2021
Signature	Date
	REGIONAL OPERATIONS DIRECTOR
Name (Printed or typed)	Title

Authorized Representative of Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.

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