

Executive Summary – Enforcement Matter – Case No. 61631

Celanese Ltd.

RN100258060

Docket No. 2021-1592-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 12, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,375

Amount Deferred for Expedited Settlement: \$1,875

Total Paid to General Revenue: \$3,750

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$3,750

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

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: July 19, 2021 through July 26, 2021

Date(s) of NOE(s): November 12, 2021

**Executive Summary – Enforcement Matter – Case No. 61631
Celanese Ltd.
RN100258060
Docket No. 2021-1592-AIR-E**

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 17,932.00 pounds of butanol as fugitive emissions during an emissions event (Incident No. 333631) that occurred on April 8, 2020 and lasted eight minutes. The emissions event occurred when the propanol loading arm valve was inadvertently blocked in during the loading of Railcar TJRX 30045, 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), New Source Review Permit No. 4449, Special Conditions No. 1, Federal Operating Permit No. O1628, General Terms and Conditions and Special Terms and Conditions No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By June 1, 2020, the Respondent implemented a labeling system on the rail-racks to clearly identify product loading and implemented the Short Service Worker Program in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 333631 at the Plant.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mackenzie Mehlmann, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2572; 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: Texas PTA, 408 West 11th Street, Austin, Texas 78701

Respondent: Donald Berthelot, Site Director, Celanese Ltd., P.O. Box 509, Bay City, Texas 77404

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Nov-2021	Screening	23-Nov-2021	EPA Due	
	PCW	24-Feb-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Celanese Ltd.
Reg. Ent. Ref. No.	RN100258060
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61631	No. of Violations	1
Docket No.	2021-1592-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann
		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	\$12,500
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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	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Since the enhancement for one NOV with same or similar violations and the reduction for three notices of intent to conduct an audit and two disclosures of violations are below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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	-\$3,125
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$74
 Estimated Cost of Compliance \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,375
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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	\$9,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,375
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,875
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,500
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Screening Date 23-Nov-2021

Docket No. 2021-1592-AIR-E

PCW

Respondent Celanese Ltd.

Policy Revision 5 (January 28, 2021)

Case ID No. 61631

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100258060

Media Air

Enf. Coordinator Mackenzie Mehlmann

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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) 0%

>> 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

Since the enhancement for one NOV with same or similar violations and the reduction for three notices of intent to conduct an audit and two disclosures of violations are below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 23-Nov-2021 **Docket No.** 2021-1592-AIR-E **PCW**
Respondent Celanese Ltd. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61631 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100258060
Media Air
Enf. Coordinator Mackenzie Mehlmann

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 4449, Special Conditions No. 1, Federal Operating Permit No. O1628, General Terms and Conditions and Special Terms and Conditions No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 17,932.00 pounds of butanol as fugitive emissions, during an emissions event (Incident No. 333631) that occurred on April 8, 2020 and lasted eight minutes. The emissions event occurred when the propanol loading arm valve was inadvertently blocked in during the loading of Railcar TJRX 30045, 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

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<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 significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input checked="" type="text" value="x"/>
monthly	<input type="text"/>
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 EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent completed the corrective measures by June 1, 2020, prior to the Notice of Enforcement dated November 12, 2021.

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. 61631
Reg. Ent. Reference No. RN100258060
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	8-Apr-2020	1-Jun-2020	0.15	\$74	n/a	\$74

Notes for DELAYED costs

Estimated cost to implement a labeling system on the rail-racks to clearly identify product loading and to implement the Short Service Worker Program in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 333631. 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 \$10,000

TOTAL \$74

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Compliance History Report

Compliance History Report for CN600130850, RN100258060, 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: RN100258060, CELANESE BAY CITY PLANT **Classification:** HIGH **Rating:** 0.00
Complexity Points: 21 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 2001 FARM-TO-MARKET ROAD 3057, BAY CITY, MATAGORDA COUNTY, TEXAS 77414-2968
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER MH0009H
AIR OPERATING PERMITS PERMIT 2943
AIR NEW SOURCE PERMITS PERMIT 4093
AIR NEW SOURCE PERMITS PERMIT 4449
AIR NEW SOURCE PERMITS REGISTRATION 10913
AIR NEW SOURCE PERMITS REGISTRATION 12137
AIR NEW SOURCE PERMITS REGISTRATION 11154
AIR NEW SOURCE PERMITS REGISTRATION 28094
AIR NEW SOURCE PERMITS REGISTRATION 33015
AIR NEW SOURCE PERMITS REGISTRATION 34298
AIR NEW SOURCE PERMITS REGISTRATION 38033
AIR NEW SOURCE PERMITS REGISTRATION 42522
AIR NEW SOURCE PERMITS REGISTRATION 45646
AIR NEW SOURCE PERMITS REGISTRATION 47290
AIR NEW SOURCE PERMITS AFS NUM 4832100005
AIR NEW SOURCE PERMITS REGISTRATION 56567
AIR NEW SOURCE PERMITS REGISTRATION 73755
AIR NEW SOURCE PERMITS REGISTRATION 78977
AIR NEW SOURCE PERMITS REGISTRATION 103215
AIR NEW SOURCE PERMITS REGISTRATION 103252
AIR NEW SOURCE PERMITS REGISTRATION 103248
AIR NEW SOURCE PERMITS REGISTRATION 103255
AIR NEW SOURCE PERMITS REGISTRATION 103503
AIR NEW SOURCE PERMITS REGISTRATION 103506
AIR NEW SOURCE PERMITS REGISTRATION 103206
AIR NEW SOURCE PERMITS REGISTRATION 103502
AIR NEW SOURCE PERMITS REGISTRATION 151911
AIR NEW SOURCE PERMITS REGISTRATION 163480
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30134
AIR EMISSIONS INVENTORY ACCOUNT NUMBER MH0009H
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD026040709
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50153
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 42003

AIR OPERATING PERMITS PERMIT 1628
AIR NEW SOURCE PERMITS REGISTRATION 53006
AIR NEW SOURCE PERMITS PERMIT 4196
AIR NEW SOURCE PERMITS REGISTRATION 10401
AIR NEW SOURCE PERMITS REGISTRATION 11284
AIR NEW SOURCE PERMITS REGISTRATION 10140
AIR NEW SOURCE PERMITS REGISTRATION 25949
AIR NEW SOURCE PERMITS REGISTRATION 32347
AIR NEW SOURCE PERMITS REGISTRATION 33923
AIR NEW SOURCE PERMITS REGISTRATION 37868
AIR NEW SOURCE PERMITS REGISTRATION 40983
AIR NEW SOURCE PERMITS REGISTRATION 45372
AIR NEW SOURCE PERMITS REGISTRATION 46086
AIR NEW SOURCE PERMITS REGISTRATION 55461
AIR NEW SOURCE PERMITS REGISTRATION 56123
AIR NEW SOURCE PERMITS REGISTRATION 42177
AIR NEW SOURCE PERMITS ACCOUNT NUMBER MH0009H
AIR NEW SOURCE PERMITS REGISTRATION 79034
AIR NEW SOURCE PERMITS REGISTRATION 103219
AIR NEW SOURCE PERMITS REGISTRATION 103201
AIR NEW SOURCE PERMITS REGISTRATION 103224
AIR NEW SOURCE PERMITS REGISTRATION 103197
AIR NEW SOURCE PERMITS REGISTRATION 103245
AIR NEW SOURCE PERMITS REGISTRATION 103240
AIR NEW SOURCE PERMITS REGISTRATION 103249
AIR NEW SOURCE PERMITS REGISTRATION 103203
AIR NEW SOURCE PERMITS REGISTRATION 164900
AIR NEW SOURCE PERMITS REGISTRATION 142397
STORMWATER PERMIT TXR050305
POLLUTION PREVENTION PLANNING ID NUMBER P00945
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30134
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXP490355280

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022
Date Compliance History Report Prepared: December 21, 2022
Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 21, 2017 to December 21, 2022

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

Name: Mackenzie Mehlmann

Phone: (512) 239-2572

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:

N/A

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, 2018	(1474529)
Item 2	February 16, 2018	(1486755)
Item 3	March 12, 2018	(1490432)
Item 4	April 17, 2018	(1493669)
Item 5	May 16, 2018	(1500587)
Item 6	June 13, 2018	(1507704)
Item 7	July 17, 2018	(1514021)
Item 8	August 17, 2018	(1520083)
Item 9	September 18, 2018	(1527248)
Item 10	November 18, 2018	(1541441)
Item 11	December 19, 2018	(1545225)
Item 12	January 17, 2019	(1559650)
Item 13	February 19, 2019	(1559648)
Item 14	March 11, 2019	(1551141)
Item 15	March 18, 2019	(1559649)
Item 16	April 17, 2019	(1571822)
Item 17	June 17, 2019	(1583254)
Item 18	July 19, 2019	(1593135)
Item 19	August 02, 2019	(1557458)
Item 20	August 15, 2019	(1599481)
Item 21	September 17, 2019	(1606386)
Item 22	October 16, 2019	(1613232)
Item 23	November 19, 2019	(1619046)
Item 24	December 19, 2019	(1626398)
Item 25	January 17, 2020	(1634039)
Item 26	January 22, 2020	(1622446)
Item 27	February 18, 2020	(1640658)
Item 28	March 13, 2020	(1647178)
Item 29	April 14, 2020	(1653514)
Item 30	May 19, 2020	(1660101)
Item 31	June 16, 2020	(1657005)
Item 32	June 17, 2020	(1666605)
Item 33	July 16, 2020	(1673562)
Item 34	August 17, 2020	(1680337)
Item 35	September 17, 2020	(1686906)
Item 36	October 19, 2020	(1693253)
Item 37	November 19, 2020	(1712449)
Item 38	December 16, 2020	(1712450)

Item 39	January 15, 2021	(1712451)
Item 40	February 13, 2021	(1725504)
Item 41	March 18, 2021	(1725505)
Item 42	March 30, 2021	(1705500)
Item 43	April 13, 2021	(1725506)
Item 44	May 17, 2021	(1740058)
Item 45	June 14, 2021	(1740059)
Item 46	July 08, 2021	(1751702)
Item 47	July 29, 2021	(1735720)
Item 48	August 09, 2021	(1757166)
Item 49	September 01, 2021	(1710180)
Item 50	September 15, 2021	(1766246)
Item 51	October 11, 2021	(1776709)
Item 52	November 04, 2021	(1783618)
Item 53	November 08, 2021	(1684833)
Item 54	December 07, 2021	(1790644)
Item 55	January 13, 2022	(1798438)
Item 56	February 15, 2022	(1806312)
Item 57	March 10, 2022	(1813379)
Item 58	April 05, 2022	(1819950)
Item 59	May 12, 2022	(1828789)
Item 60	June 09, 2022	(1835081)
Item 61	August 15, 2022	(1848419)
Item 62	August 16, 2022	(1703742)
Item 63	September 08, 2022	(1856217)
Item 64	October 08, 2022	(1862574)

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: 02/24/2022 (1762609)
 - Self Report? YES 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)
FOP Special Term and Condition 17 OP
NSR Special Condition 15B REG
 - Description: Failure to comply with total dissolved solids (TDS) concentration in cooling tower drift; EPN 301M150 VA Cooling Tower (Category C4)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 17 OP
NSR Special Conditon 8.E PERMIT
 - Description: Failure to prevent open ended lines (Category C10)
 - Self Report? YES Classification: Moderate
 - Citation: 1628 OP
30 TAC Chapter 106, SubChapter W 106.511
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
 - Description: Failure to comply with permit by rule for portable emergency engines and turbines (Category C4)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 1.A OP
 - Description: Failure to reduce emissions of organic hazardous air pollutants using a flare (Category B13)
 - Self Report? NO Classification: Moderate
 - Citation: 1628 OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

4196 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to maintain temperature of tank liquid below the maximum temperature for storage tank emission point number (EPN) V-89 (Category C4).

F. Environmental audits:

Notice of Intent Date: 11/16/2017 (1458943)

Disclosure Date: 06/15/2018

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(h)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(f)(2)

Description: Failure to maintain a written monitoring plan for difficult to monitor/in-safe to monitor components for the Vinyl Acetate Unit and the Shipping Unit.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 8.F.

Description: Failure to properly/monitor classify two valves in the VA Unit 110 which were classified as difficult to monitor; however, they do not meet the DTM justification because the valves are accessible.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)

Rqmt Prov: PERMIT SC No. 8.H.

Description: Failure to repair Tag No. 5290 in the VA Unit 110 during the next process unit shutdown.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)

Description: Failure to perform a required inspection following the repair of leak of Tag No. 22724 on January 14, 2015.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(3)

Description: Failure to perform EPA Method 21 monitoring of 44 valves within three month following repair of the valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(3)

Description: Failure to perform EPA Method 21 monitoring of 24 valves designated as difficult to monitor in 2015, 2016, or 2017.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

Description: Failure to conduct EPA Method 21 monitoring during some months for 15 pumps in 2015, 2016, and 2017.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

Description: Failure to conduct the second month initial EPA Method 21 monitoring of new valve Tag No. 31678.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)

Description: Failure to maintain documentation of the reason for classifying ten valves and seven connectors as difficult or unable to monitor.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(i)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(j)

Rqmt Prov: PERMIT SC No. 13.A.

PERMIT SC No. 8

Description: Failure to have exempt components identified on piping and instrumentation diagrams or in a written or electronic database.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to maintain administratively complete and accurate records of non-reportable emissions events.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(7)

Description: Failure to conduct annual RCRA training in 2017 for Bay City personnel.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)

Description: Failure to conduct the annual visual inspection for V-812 in 2016 and 2017 and for V-93 in 2014 and 2015.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
Description: Failure to conduct the annual visual inspection for V-1211 in 2015 and 2016.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)
30 TAC Chapter 106, SubChapter A 106.8

Description: Failure to maintain records for MSS emissions under 30 TAC 106.263.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(v)
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failure to conduct weekly inspections of the less than 90 day Management Unit 123 at the required frequency.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.41(a)
30 TAC Chapter 335, SubChapter C 335.71

Description: Failure to ensure that EPA Form 8700-13 A/B is submitted to the EPA with the biennial report by March 1st. In addition, failure to ensure that EPA Form 8700-12 is submitted to the EPA by March 1st.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)

Description: Failure to ensure that a copy of the contingency plan is submitted to all local emergency responders and the Local Emergency Planning Committee, as appropriate.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT RCRA Permit Part II Section B.9.

Description: Failure to submit the Annual Waste Minimization Certification for calendar years 2013, 2014, 2015, 2016 and 2017 by January 25th each year.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(7)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)

Description: Failure to ensure that facility personnel has received RCRA training within six months of hire or reassignment.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37(a)(1)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37(a)(2)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37(a)(3)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37(a)(4)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)

Description: Failure to maintain records of arrangements with the local fire department or other emergency organization or documentation of a waiver.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Part III Section A.4(f)(1)

Description: Failure to ensure that affected employees received the required annual storm water pollution prevention training in 2017.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(7)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)

Description: Failure to implement a system to ensure that covered contractors received annual RCRA training.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119

Description: Failure to comply with the floating roof storage tank requirements in 40 CFR § 63.119(b) when two fixed roof storage vessels were modified.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC No. 5.E.

Description: Failure to update the NSR Permit to reflect the new roof design and conform with API Code 650 Appendix H and C when site modified V812 and V93.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(2)

Description: Failure to ensure that the refilling of V-93 and V-812 was continuous after modifications to the tanks were made.
Disclosure Date: 06/20/2018
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)

Description: Failure to include 6,872 components in the HON Subpart H periodic report and 1,222 components in the NSPS VVV semiannual report when the components were missing classifications in the fugitive database.

Notice of Intent Date: 08/17/2018 (1513530)

Disclosure Date: 12/14/2018

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(i)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(i)(2)
4F TWC Chapter 63, SubChapter A 63.165(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)

Rqmt Prov: PERMIT SC No. 1
PERMIT SC Nos. 8.F. and 8.G.

Description: Failure to ensure that all components in the Vinyl Acetate Unit No. 110 are tagged for LDAR and monitored as required.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-3(i)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-3(i)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(ii)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(i)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(i)(2)
4F TWC Chapter 63, SubChapter A 63.165(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)

Rqmt Prov: PERMIT SC No. 1
PERMIT SC Nos 13.F. and 13.G.

Description: Failure to ensure that all components in the Shipping Area Unit No. 251 are tagged for LDAR and monitored as required.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Description: Failure to prevent one open-ended line in the VA Unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)

Rqmt Prov: PERMIT SC No. 8.H.

Description: Failure to repair a leaking pump (P-1200) in the VA Unit within 15 days after found leaking.

Notice of Intent Date: 01/27/2021 (1703955)

No DOV Associated

Notice of Intent Date: 01/28/2022 (1794125)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CELANESE LTD.
RN100258060

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1592-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 2001 Farm-to-Market Road 3057 in Bay City, Matagorda 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 \$9,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$3,750 of the penalty and \$1,875 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, \$3,750 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 by June 1, 2020, the Respondent implemented a labeling system on the rail-racks to clearly identify product loading and implemented the Short Service Worker Program in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 333631 at the Plant.

II. ALLEGATIONS

During a record review for the Plant conducted from July 19, 2021 through July 26, 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), New Source Review Permit No. 4449, Special Conditions No. 1, Federal Operating Permit No. O1628, General Terms and Conditions and Special Terms and Conditions No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 17,932.00 pounds of butanol as fugitive emissions during an emissions event (Incident No. 333631) that occurred on April 8, 2020 and lasted eight minutes. The emissions event occurred when the propanol loading arm valve was inadvertently blocked in during the loading of Railcar TJRX 30045, 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. 2021-1592-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

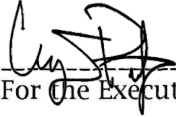
2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$3,750 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment 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. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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



For the Executive Director

Date

6/5/2023

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

DONALD A. BERTHELOT

Name (Printed or typed)

Authorized Representative of
Celanese Ltd.

3-28-2023

Date

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: 2021-1592-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Celanese Ltd.
Payable Penalty Amount:	\$7,500
SEP Offset Amount:	\$3,750
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Congress of Parents and Teachers dba Texas PTA
Project Name:	<i>Texas PTA Clean School Bus Replacement Program</i>
Location of SEP:	Texas Air Quality Control Region 216: Houston-Galveston - Preference for Matagorda 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 **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of 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 directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

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 check payable to **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA
408 West 11th Street
Austin, Texas 78701

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:

Celanese Ltd.
Docket No. 2021-1592-AIR-E
Agreed Order - Attachment A

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 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.