

**Executive Summary – Enforcement Matter – Case No. 62154
Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
RN102736089
Docket No. 2022-0397-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: August 19, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,834

Amount Deferred for Expedited Settlement: \$5,766

Total Paid to General Revenue: \$23,068

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

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: February 22, 2022

Date(s) of NOE(s): March 25, 2022

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RN102736089
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Violation Information

1. Failed to report all instances of deviations. Specifically, the deviation report for the October 4, 2020 through March 31, 2021 reporting period did not include the deviations for failing to prevent unauthorized emissions during Incident No. 353427, failing to conduct tune-ups for the North and South Process Air Preheaters, failing to maintain records of the visual observations of the Oleum Scrubber, failing to submit an accurate final record for Incident No. 349843, failing to submit a timely initial notification for Incident No. 353427, and failing to submit an accurate final record for Incident No. 353427 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O1959, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to maintain a record of the visual observation of the two Oleum Storage Tanks and the Oleum Scrubber at least once per shift when the scrubber is in operation. Specifically, for a total of 109 days from September 1, 2019 through March 21, 2021, the Respondent did not maintain records of the visual observations that were conducted to ensure the Oleum Scrubber was operating properly [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 19005 and PSDTX753, Special Conditions ("SC") No. 23, FOP No. O1959, GTC and Special Terms and Conditions ("STC") No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to identify all of the required information on the final record for a reportable emissions event. Specifically, on February 14, 2021, the Respondent identified 598.30 pounds ("lbs") of sulfur dioxide ("SO₂") on the final record for Incident No. 349843, but after further review and investigation, the Respondent indicated that the total quantity was 1,406.30 lbs of SO₂ [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1959, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 668.16 lbs of SO₂ from the Sulfuric Acid Recovery Unit Main Stack, Emissions Point Number ("EPN") SAR-SARSTK, during an emissions event (Incident No. 349843) that began on February 1, 2021 and lasted six hours and four minutes. The emissions event occurred when the converter temperatures cooled during the startup of the Sulfuric Acid Recovery North Train that led to the shutdown of the Plant, 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 operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19005 and PSDTX753, SC No. 1, FOP No. O1959, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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5. Failed 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. 353427 was due by March 30, 2021 at 7:00 a.m., but was not submitted until March 30, 2021 at 10:58 a.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1959, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to identify all of the required information on the final record for a reportable emissions event. Specifically, on April 12, 2021, the Respondent identified 1,429.00 lbs SO₂ on the final record for Incident No. 353427, but after further review and investigation, the Respondent indicated that the total quantity was 3,740.40 lbs of SO₂ [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1959, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,428.67 lbs of SO₂ from the Sulfuric Acid Recovery Unit Main Stack, EPN SAR-SARSTK, during an emissions event (Incident No. 353427) that began on March 29, 2021 and lasted 19 hours. The emissions event occurred due to a calculation error in the Distributive Control System, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19005 and PSDTX753, SC No. 1, FOP No. O1959, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Submitting the initial notification for Incident No. 353427 on March 30, 2021;
- b. Ceasing operations by April 4, 2021; and
- c. Providing the correct estimated total quantities for SO₂ that were released during Incident Nos. 349843 and 353427 by February 22, 2022.

Technical Requirements:

The Order will require the Respondent to:

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Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
RN102736089
Docket No. 2022-0397-AIR-E

- a. Within 30 days, submit a revised deviation report for the October 4, 2020 through March 31, 2021 reporting period that includes the deviations for failing to prevent unauthorized emissions during Incident No. 353427, failing to conduct tune-ups for the North and South Process Air Preheaters, failing to maintain records of the visual observations of the Oleum Scrubber, failing to submit an accurate final record for Incident No. 349843, failing to submit a timely initial notification for Incident No. 353427, and failing to submit an accurate final record for Incident No. 353427; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

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

Respondent: Kevin Burgason, Regional Operations Director, Mitsubishi Chemical America, Inc. f/k/a Lucite International, 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

DATES	Assigned	28-Mar-2022	Screening	1-Apr-2022	EPA Due	
	PCW	8-Jul-2022				

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

CASE INFORMATION			
Enf./Case ID No.	62154	No. of Violations	7
Docket No.	2022-0397-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Toni Red
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$16,250
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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	100.0% Adjustment	Subtotals 2, 3, & 7	\$16,250
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Notes: Enhancement for two NOVs with the same or similar violations, two NOVs with dissimilar violations, four agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for four notices of intent to conduct an audit and three disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,936
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$402
 Estimated Cost of Compliance \$11,250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,564
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.9% Adjustment	\$270
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 2.

Final Penalty Amount	\$28,834
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,834
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DEFERRAL	20.0% Reduction	Adjustment	-\$5,766
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,068
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Screening Date 1-Apr-2022

Docket No. 2022-0397-AIR-E

PCW

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

Policy Revision 5 (January 28, 2021)

Case ID No. 62154

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102736089

Media Air

Enf. Coordinator Toni Red

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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) 109%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same or similar violations, two NOVs with dissimilar violations, four agreed orders containing a denial of liability, and one agreed 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) 109%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 1-Apr-2022 **Docket No.** 2022-0397-AIR-E **PCW**
Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62154 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102736089
Media Air
Enf. Coordinator Toni Red

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O1959, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report all instances of deviations. Specifically, the deviation report for the October 4, 2020 through March 31, 2021 reporting period did not include the deviations for failing to prevent unauthorized emissions during Incident No. 353427, failing to conduct tune-ups for the North and South Process Air Preheaters, failing to maintain records of the visual observations of the Oleum Scrubber, failing to submit an accurate final record for Incident No. 349843, failing to submit a timely initial notification for Incident No. 353427, and failing to submit an accurate final record for Incident No. 353427.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 336 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$505

This violation Final Assessed Penalty (adjusted for limits) \$505

Economic Benefit Worksheet

Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
Case ID No. 62154
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)	\$250	30-Apr-2021	1-Mar-2023	1.84	\$23	n/a	\$23

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the October 4, 2020 through March 31, 2021 reporting period that includes the deviations for failing to prevent unauthorized emissions during Incident No. 353427, failing to conduct tune-ups for the North and South Process Air Preheaters, failing to maintain records of the visual observations of the Oleum Scrubber, failing to submit an accurate final record for Incident No. 349843, failing to submit a timely initial notification for Incident No. 353427, and failing to submit an accurate final record for Incident No. 353427. The Date Required is the date the deviations should have been reported and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$23

Screening Date 1-Apr-2022 **Docket No.** 2022-0397-AIR-E **PCW**
Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62154 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102736089
Media Air
Enf. Coordinator Toni Red

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 19005 and PSDTX753, Special Conditions ("SC") No. 23, FOP No. O1959, GTC and Special Terms and Conditions ("STC") No. 14, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to maintain a record of the visual observations of the two Oleum Storage Tanks and the Oleum Scrubber at least once per shift when the scrubber is in operation. Specifically, for a total of 109 days from September 1, 2019 to March 21, 2021, the Respondent did not maintain records of the visual observations that were conducted to ensure the Oleum Scrubber was operating properly.

Base Penalty \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes: Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events: 1 109 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended for the missing set of records.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$270 Violation Final Penalty Total \$505
This violation Final Assessed Penalty (adjusted for limits) \$505

Economic Benefit Worksheet

Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
Case ID No. 62154
Reg. Ent. Reference No. RN102736089
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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)	\$250	1-Sep-2019	4-Apr-2021	1.59	\$20	\$250	\$270

Notes for AVOIDED costs

Estimated avoided cost to maintain records of the visual observations that were conducted to ensure the Oleum Scrubber was operating properly. The Date Required is the initial date of non-compliance and the Final Date is the date operations ceased.

Approx. Cost of Compliance \$250

TOTAL \$270

Screening Date 1-Apr-2022 **Docket No.** 2022-0397-AIR-E **PCW**
Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62154 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102736089
Media Air
Enf. Coordinator Toni Red

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1959, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to identify all of the required information on the final record for a reportable emissions event. Specifically, on February 14, 2021, the Respondent identified 598.30 pounds ("lbs") of sulfur dioxide ("SO2") on the final record for Incident No. 349843, but after further review and investigation, the Respondent indicated that the total quantity was 1,406.30 lbs of SO2.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 371 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes The Respondent completed the corrective measures on February 22, 2022, prior to the Notice of Enforcement ("NOE") dated March 25, 2022.

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$13 **Violation Final Penalty Total** \$442

This violation Final Assessed Penalty (adjusted for limits) \$442

Economic Benefit Worksheet

Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
Case ID No. 62154
Reg. Ent. Reference No. RN102736089
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	16-Feb-2021	22-Feb-2022	1.02	\$13	n/a	\$13

Notes for DELAYED costs
 Estimated cost to provide the correct estimated total quantity for SO2 that was released during Incident No. 349843. The Date Required is the date the final record was due 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 \$250

TOTAL \$13

Screening Date 1-Apr-2022 **Docket No.** 2022-0397-AIR-E **PCW**
Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62154 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102736089
Media Air
Enf. Coordinator Toni Red

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19005 and PSDTX753, SC No. 1, FOP No. O1959, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 668.16 lbs of SO2 from the Sulfuric Acid Recovery Unit Main Stack, Emissions Point Number ("EPN") SAR-SARSTK, during an emissions event (Incident No. 349843) that began on February 1, 2021 and lasted six hours and four minutes. The emissions event occurred when the converter temperatures cooled during the startup of the Sulfuric Acid Recovery North Train that led to the shutdown of the Plant, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.					

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply Reduction

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

Notes: The Respondent completed the corrective measures by April 4, 2021, prior to the NOE dated March 25, 2022.

Violation Subtotal \$5,625

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 Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
Case ID No. 62154
Reg. Ent. Reference No. RN102736089
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Feb-2021	4-Apr-2021	0.17	\$85	n/a	\$85

Notes for DELAYED costs

Estimated cost to cease operations. The Date Required is the date the emissions event began and the Final Date is the date operations ceased.

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 \$85

Screening Date 1-Apr-2022

Docket No. 2022-0397-AIR-E

PCW

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

Policy Revision 5 (January 28, 2021)

Case ID No. 62154

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102736089

Media Air

Enf. Coordinator Toni Red

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. 01959, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed 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. 353427 was due by March 30, 2021 at 7:00 a.m., but was not submitted until March 30, 2021 at 10:58 a.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

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

Notes

The Respondent completed the corrective measures by March 30, 2021, prior to the NOE dated March 25, 2022.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$442

This violation Final Assessed Penalty (adjusted for limits) \$442

Economic Benefit Worksheet

Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
Case ID No. 62154
Reg. Ent. Reference No. RN102736089
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$250	30-Mar-2021	30-Mar-2021	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the initial notification for Incident No. 353427. The Date Required is the date the initial notification was due 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 \$250

TOTAL \$0

Screening Date 1-Apr-2022 **Docket No.** 2022-0397-AIR-E **PCW**
Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62154 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102736089
Media Air
Enf. Coordinator Toni Red

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), FOP No. 01959, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to identify all of the required information on the final record for a reportable emissions event. Specifically, on April 12, 2021, the Respondent identified 1,429.00 lbs of SO2 on the final record for Incident No. 353427, but after further review and investigation, the Respondent indicated that the total quantity was 3,740.40 lbs of SO2.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent completed the corrective measures on February 22, 2022, prior to the NOE dated March 25, 2022.	

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**
Violation Final Penalty Total \$442
This violation Final Assessed Penalty (adjusted for limits) \$442

Economic Benefit Worksheet

Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
Case ID No. 62154
Reg. Ent. Reference No. RN102736089
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	13-Apr-2021	22-Feb-2022	0.86	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to provide the correct estimated total quantity for SO2 that was released during Incident No. 353427. The Date Required is the date the final record was due 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

\$250

TOTAL

\$11

Screening Date 1-Apr-2022 **Docket No.** 2022-0397-AIR-E **PCW**
Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62154 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102736089
Media Air
Enf. Coordinator Toni Red

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19005 and PSDTX753, SC No. 1, FOP No. O1959, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,428.67 lbs of SO2 from the Sulfuric Acid Recovery Unit Main Stack, EPN SAR-SARSTK, during an emissions event (Incident No. 353427) that began on March 29, 2021 and lasted 19 hours. The emissions event occurred due to a calculation error in the Distributive Control System, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,875

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

Notes The Respondent completed the corrective measures by April 4, 2021, prior to the NOE dated March 25, 2022.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$13,249

This violation Final Assessed Penalty (adjusted for limits) \$13,249

Economic Benefit Worksheet

Respondent Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc.
Case ID No. 62154
Reg. Ent. Reference No. RN102736089
Media Air
Violation No. 7

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 4.

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 \$0

TOTAL \$0



Compliance History Report

Compliance History Report for CN605866037, RN102736089, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605866037, Mitsubishi Chemical America, Inc. f/k/a Lucite International, Inc. **Classification:** SATISFACTORY **Rating:** 7.58

Regulated Entity: RN102736089, MCA BEAUMONT SITE **Classification:** SATISFACTORY **Rating:** 10.43

Complexity Points: 24 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 6350 NORTH TWIN CITY HIGHWAY IN NEDERLAND, JEFFERSON COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

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

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: April 05, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 05, 2017 to April 05, 2022

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

Name: Toni Red

Phone: (512) 239-1704

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: 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.

2 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.

3 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.

4 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

5 Effective Date: 07/13/2021 ADMINORDER 2020-1063-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(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 & CONDITIONS OP
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 14 OP
SPECIAL CONDITION 1A OP
SPECIAL CONDITION 8 PERMIT
SPECIAL CONDITION 9 PERMIT

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the SO2 MAER of 121.67 lbs/hr by 141.70 lbs/hr for one hour on October 14, 2019 and by 289.80 lbs/hr for one hour on October 16, 2019 for the Spent Acid Recovery Unit Main Stack, EPN SAR-SARSTK, resulting in 431.50 lbs of unauthorized SO2 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	May 05, 2017	(1409692)
Item 2	June 28, 2017	(1422591)
Item 3	June 30, 2017	(1422366)
Item 4	July 20, 2017	(1425012)
Item 5	July 25, 2017	(1429139)
Item 6	August 16, 2017	(1443490)
Item 7	September 08, 2017	(1437229)
Item 8	September 18, 2017	(1450117)
Item 9	December 12, 2017	(1437598)
Item 10	December 14, 2017	(1454987)
Item 11	January 18, 2018	(1474502)
Item 12	March 14, 2018	(1490405)
Item 13	March 16, 2018	(1477999)
Item 14	April 06, 2018	(1478967)
Item 15	April 12, 2018	(1493642)
Item 16	May 14, 2018	(1500560)
Item 17	June 15, 2018	(1507677)
Item 18	July 16, 2018	(1503862)
Item 19	August 10, 2018	(1493539)
Item 20	August 16, 2018	(1520056)
Item 21	September 20, 2018	(1527221)
Item 22	October 15, 2018	(1533579)
Item 23	October 18, 2018	(1511114)
Item 24	November 19, 2018	(1541414)
Item 25	January 03, 2019	(1532717)
Item 26	January 18, 2019	(1559569)
Item 27	February 15, 2019	(1559567)
Item 28	February 28, 2019	(1550264)
Item 29	March 20, 2019	(1559568)
Item 30	April 09, 2019	(1554006)
Item 31	June 18, 2019	(1575642)
Item 32	June 19, 2019	(1583199)
Item 33	July 18, 2019	(1593108)
Item 34	August 15, 2019	(1599454)

Item 35	September 16, 2019	(1606359)
Item 36	September 26, 2019	(1596803)
Item 37	October 10, 2019	(1613205)
Item 38	October 17, 2019	(1603430)
Item 39	November 20, 2019	(1619019)
Item 40	November 21, 2019	(1610633)
Item 41	December 19, 2019	(1626371)
Item 42	January 09, 2020	(1622270)
Item 43	January 21, 2020	(1634012)
Item 44	January 28, 2020	(1623292)
Item 46	February 18, 2020	(1630565)
Item 47	February 20, 2020	(1640631)
Item 48	February 24, 2020	(1624987)
Item 49	March 17, 2020	(1637467)
Item 50	March 23, 2020	(1647151)
Item 51	April 28, 2020	(1645232)
Item 52	April 29, 2020	(1644186)
Item 53	May 18, 2020	(1673535)
Item 54	May 20, 2020	(1660073)
Item 55	June 22, 2020	(1666578)
Item 56	July 14, 2020	(1652986)
Item 57	July 28, 2020	(1664738)
Item 58	August 06, 2020	(1665635)
Item 59	August 07, 2020	(1665392)
Item 60	August 18, 2020	(1680310)
Item 61	August 20, 2020	(1665638)
Item 62	September 23, 2020	(1686879)
Item 63	October 15, 2020	(1693225)
Item 64	November 19, 2020	(1712368)
Item 65	November 20, 2020	(1691385)
Item 66	December 08, 2020	(1691682)
Item 67	December 16, 2020	(1712369)
Item 68	January 07, 2021	(1685990)
Item 69	January 11, 2021	(1698914)
Item 70	January 25, 2021	(1697748)
Item 71	January 27, 2021	(1698648)
Item 72	January 28, 2021	(1700857)
Item 73	January 29, 2021	(1677770)
Item 74	February 22, 2021	(1725423)
Item 75	February 26, 2021	(1703252)
Item 76	April 22, 2021	(1725425)
Item 77	May 05, 2021	(1707083)
Item 78	May 19, 2021	(1740024)
Item 79	June 18, 2021	(1735900)
Item 80	June 24, 2021	(1722689)
Item 81	July 16, 2021	(1751675)
Item 82	August 24, 2021	(1757139)
Item 83	September 17, 2021	(1762643)
Item 84	September 24, 2021	(1766219)
Item 85	October 20, 2021	(1776622)
Item 86	November 18, 2021	(1783591)
Item 87	January 20, 2022	(1798410)
Item 88	January 21, 2022	(1783405)
Item 89	February 17, 2022	(1763206)

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: 05/31/2021 (1740025)
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
- 2 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 (NO_x) 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 (NO_x) 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.
- 3 Date: 11/30/2021 (1790615)
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

4 Date: 03/25/2022 (1795790)
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 3B PERMIT
PSDTX753, Special Condition 6 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.

F. Environmental audits:

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)
Disclosure Date: 11/18/2021
Viol. Classification: Minor
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: PERMIT MAERT

Description: The Plant exceeded the SO₂ limit of the SAR stack during 196 additional and previously unknown hourly periods, which are identified in green on the attached Table A in the column titled "Adjusted Emissions ('calc 13')".

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
MITSUBISHI CHEMICAL AMERICA,
INC. F/K/A LUCITE INTERNATIONAL,
INC.
RN102736089

§
§
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§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0397-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 operated 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 \$28,834 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,068 of the penalty and \$5,776 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 implemented the following corrective measures at the Plant:
 - a. By submitting the initial notification for Incident No. 353427 on March 30, 2021;
 - b. By ceasing operations by April 4, 2021; and
 - c. By providing the correct estimated total quantities for sulfur dioxide ("SO₂") that were released during Incident Nos. 349843 and 353427 by February 22, 2022.

II. ALLEGATIONS

During an investigation conducted at the Plant on February 22, 2022, an investigator documented that the Respondent:

1. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O1959, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 4, 2020 through March 31, 2021 reporting period did not include the deviations for failing to prevent unauthorized emissions during Incident No. 353427, failing to conduct tune-ups for the North and South Process Air Preheaters, failing to maintain records of the visual observations of the Oleum Scrubber, failing to submit an accurate final record for Incident No. 349843, failing to submit a timely initial notification for Incident No. 353427, and failing to submit an accurate final record for Incident No. 353427.
2. Failed to maintain a record of the visual observation of the two Oleum Storage Tanks and the Oleum Scrubber at least once per shift when the scrubber is in operation, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 19005 and PSDTX753, Special Conditions ("SC") No. 23, FOP No. O1959, GTC and Special Terms and Conditions ("STC") No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, for a total of 109 days from September 1, 2019 through March 21, 2021, the Respondent did not maintain records of the visual observations that were conducted to ensure the Oleum Scrubber was operating properly.

3. Failed to identify all of the required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1959, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on February 14, 2021, the Respondent identified 598.30 pounds ("lbs") of SO₂ on the final record for Incident No. 349843, but after further review and investigation, the Respondent indicated that the total quantity was 1,406.30 lbs of SO₂.
4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19005 and PSDTX753, SC No. 1, FOP No. O1959, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 668.16 lbs of SO₂ from the Sulfuric Acid Recovery Unit Main Stack, EPN SAR-SARSTK, during an emissions event (Incident No. 349843) that began on February 1, 2021 and lasted six hours and four minutes. The emissions event occurred when the converter temperatures cooled during the startup of the Sulfuric Acid Recovery North Train that led to the shutdown of the Plant, 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 operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1959, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 353427 was due by March 30, 2021 at 7:00 a.m., but was not submitted until March 30, 2021 at 10:58 a.m.
6. Failed to identify all of the required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1959, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on April 12, 2021, the Respondent identified 1,429.00 lbs SO₂ on the final record for Incident No. 353427, but after further review and investigation, the Respondent indicated that the total quantity was 3,740.40 lbs of SO₂.
7. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19005 and PSDTX753, SC No. 1, FOP No. O1959, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,428.67 lbs of SO₂ from the Sulfuric Acid Recovery Unit Main Stack, EPN SAR-SARSTK, during an emissions event (Incident No. 353427) that began on March 29, 2021 and lasted 19 hours. The emissions event occurred due to a calculation error in the Distributive Control System, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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. 2022-0397-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 undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order, submit a revised deviation report for the October 4, 2020 through March 31, 2021 reporting period that includes the deviations for failing to prevent unauthorized emissions during Incident No. 353427, failing to conduct tune-ups for the North and South Process Air Preheaters, failing to maintain records of the visual observations of the Oleum Scrubber, failing to submit an accurate final record for Incident No. 349843, failing to submit a timely initial notification for Incident No. 353427, and failing to submit an accurate final record for Incident No. 353427.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

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.
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 Order Compliance Team 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

Date



11/7/2022

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 OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature

Date

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:

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.