

Executive Summary – Enforcement Matter – Case No. 65238

Celanese Ltd.

RN100227016

Docket No. 2024-0060-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Celanese Clear Lake Plant, 9502 Bayport Boulevard, Pasadena, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-1721-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 10, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,650

Amount Deferred for Expedited Settlement: \$2,730

Total Paid to General Revenue: \$10,920

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: December 5, 2023 through December 14, 2023

Date(s) of NOE(s): January 3, 2024

Executive Summary – Enforcement Matter – Case No. 65238
Celanese Ltd.
RN100227016
Docket No. 2024-0060-AIR-E

Violation Information

Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 55046, Special Conditions No. 1, Federal Operating Permit No. O1986, General Terms and Conditions and Special Terms and Conditions No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 709.48 pounds ("lbs") of ethylene and 5.63 lbs of ethylene oxide as fugitive emissions, during an emissions event (Incident No. 409621) that occurred on September 9, 2023 and lasted three minutes.

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By February 28, 2024, the Respondent updated the Emergency Operating Procedures in order to prevent the recurrence of an emissions event due to the same or similar causes as Incident No. 409621.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Caleb Martin, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-2091; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: James Barrington, Site Director, Celanese Ltd., 9502 Bayport Boulevard, Pasadena, Texas 77507-1498

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|
| DATES | Assigned | 8-Jan-2024 | | | |
| | PCW | 14-Mar-2024 | Screening | 9-Jan-2024 | EPA Due |

| | | | | | |
|--|---------------|---------------------------|-------|--|--|
| RESPONDENT/FACILITY INFORMATION | | | | | |
| Respondent | Celanese Ltd. | | | | |
| Reg. Ent. Ref. No. | RN100227016 | | | | |
| Facility/Site Region | 12-Houston | Major/Minor Source | Major | | |

| | | | | | |
|--------------------------|----------------------|------------------------------|--------------------|----------|--|
| CASE INFORMATION | | | | | |
| Enf./Case ID No. | 65238 | No. of Violations | 1 | | |
| Docket No. | 2024-0060-AIR-E | Order Type | 1660 | | |
| Media Program(s) | Air | Government/Non-Profit | No | | |
| Multi-Media | | Enf. Coordinator | Caleb Martin | | |
| | | 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 | \$7,500 |
|---|-------------------|---------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|-------|------------|--------------------------------|---------|
| Compliance History | 82.0% | Adjustment | Subtotals 2, 3, & 7 | \$6,150 |
|---------------------------|-------|------------|--------------------------------|---------|

Notes

Enhancement for five NOV's with same/similar violations, one NOV with dissimilar violations, and three agreed orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

| | | | | | |
|--------------------|----|------|-------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|-------------|-------------------|-----|

Notes

The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

| | | | | |
|-------------------------|------|--------------|-------------------|-----|
| Economic Benefit | 0.0% | Enhancement* | Subtotal 6 | \$0 |
|-------------------------|------|--------------|-------------------|-----|

Total EB Amounts \$35
Estimated Cost of Compliance \$1,500

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$13,650 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$13,650 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$13,650 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|-----------|------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$2,730 |
|-----------------|-------|-----------|------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$10,920 |
|------------------------|----------|

Screening Date

9-Jan-2024

Docket No.

2024-0060-AIR-E

PCW

Respondent

Celanese Ltd.

Case ID No.

65238

Reg. Ent. Reference No.

RN100227016

Media

Air

Enf. Coordinator

Caleb Martin

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| 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>) | 5 | 25% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 3 | 60% |
| | 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>) | 1 | -2% |
| 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) | | | 82% |
| >> 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 five NOVs with same/similar violations, one NOV with dissimilar violations, and three agreed orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations. | | |
| Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) | | | 82% |
| >> Final Compliance History Adjustment | | | |
| Final Adjustment Percentage *capped at 100% | | | 82% |

Screening Date

9-Jan-2024

Docket No.

2024-0060-AIR-E

PCW

Respondent

Celanese Ltd.

Case ID No.

65238

Reg. Ent. Reference No.

RN100227016

Media

Air

Enf. Coordinator

Caleb Martin

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 55046, Special Conditions No. 1, Federal Operating Permit No. O1986, General Terms and Conditions and Special Terms and Conditions No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 709.48 pounds ("lbs") of ethylene and 5.63 lbs of ethylene oxide as fugitive emissions, during an emissions event (Incident No. 409621) that occurred on September 9, 2023 and lasted three minutes.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

30.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

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

Adjustment

\$17,500

\$7,500

Violation Events

Number of Violation Events

1

1

Number of violation days

daily

weekly

monthly

x

quarterly

semiannual

annual

single event

Violation Base Penalty

\$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$35

Violation Final Penalty Total

\$13,650

This violation Final Assessed Penalty (adjusted for limits)

\$13,650

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Celanese Ltd. 65238 RN100227016 Air 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500 | 9-Sep-2023 | 28-Feb-2024 | 0.47 | \$35 | n/a | \$35 |

Notes for DELAYED costs

Estimated cost to update the Emergency Operating Procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 409621. 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 | \$1,500 | TOTAL | \$35 |
|----------------------------|---------|-------|------|



Compliance History Report

Compliance History Report for CN600130850, RN100227016, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600130850, Celanese Ltd.

Classification: SATISFACTORY

Rating: 0.78

Regulated Entity: RN100227016, CELANESE CLEAR LAKE PLANT

Classification: SATISFACTORY

Rating: 1.34

Complexity Points: 37

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 9502 Bayport Boulevard, Pasadena, Harris County, Texas 77507-1402

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0126Q

AIR OPERATING PERMITS PERMIT 1986

AIR OPERATING PERMITS PERMIT 1329

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011168

AIR NEW SOURCE PERMITS PERMIT 53313

AIR NEW SOURCE PERMITS REGISTRATION 34446

AIR NEW SOURCE PERMITS REGISTRATION 41476

AIR NEW SOURCE PERMITS REGISTRATION 43682

AIR NEW SOURCE PERMITS REGISTRATION 46313

AIR NEW SOURCE PERMITS REGISTRATION 46827

AIR NEW SOURCE PERMITS REGISTRATION 49694

AIR NEW SOURCE PERMITS REGISTRATION 50197

AIR NEW SOURCE PERMITS PERMIT 264A

AIR NEW SOURCE PERMITS REGISTRATION 13044

AIR NEW SOURCE PERMITS REGISTRATION 13620

AIR NEW SOURCE PERMITS REGISTRATION 24099

AIR NEW SOURCE PERMITS REGISTRATION 54885

AIR NEW SOURCE PERMITS REGISTRATION 55630

AIR NEW SOURCE PERMITS REGISTRATION 55644

AIR NEW SOURCE PERMITS REGISTRATION 169598

AIR NEW SOURCE PERMITS REGISTRATION 70430

AIR NEW SOURCE PERMITS REGISTRATION 70825

AIR NEW SOURCE PERMITS REGISTRATION 53505

AIR NEW SOURCE PERMITS REGISTRATION 53282

AIR NEW SOURCE PERMITS REGISTRATION 53445

AIR NEW SOURCE PERMITS REGISTRATION 75086

AIR NEW SOURCE PERMITS PERMIT 103626

AIR NEW SOURCE PERMITS REGISTRATION 106401

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX25

AIR NEW SOURCE PERMITS REGISTRATION 106397

AIR NEW SOURCE PERMITS REGISTRATION 164112

AIR NEW SOURCE PERMITS REGISTRATION 168350

AIR NEW SOURCE PERMITS REGISTRATION 143641

AIR NEW SOURCE PERMITS REGISTRATION 160847

AIR NEW SOURCE PERMITS REGISTRATION 158944

AIR NEW SOURCE PERMITS REGISTRATION 152289

AIR NEW SOURCE PERMITS REGISTRATION 171806

AIR NEW SOURCE PERMITS REGISTRATION 172597

AIR OPERATING PERMITS PERMIT 1893

AIR OPERATING PERMITS PERMIT 3678

AIR OPERATING PERMITS ACCOUNT NUMBER HGA002B

AIR NEW SOURCE PERMITS AFS NUM 4820100003

AIR NEW SOURCE PERMITS PERMIT 4056

AIR NEW SOURCE PERMITS PERMIT 38296

AIR NEW SOURCE PERMITS REGISTRATION 43208

AIR NEW SOURCE PERMITS REGISTRATION 44401

AIR NEW SOURCE PERMITS REGISTRATION 46828

AIR NEW SOURCE PERMITS REGISTRATION 48863

AIR NEW SOURCE PERMITS REGISTRATION 49679

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0126Q

AIR NEW SOURCE PERMITS REGISTRATION 11301

AIR NEW SOURCE PERMITS REGISTRATION 13597

AIR NEW SOURCE PERMITS REGISTRATION 14705

AIR NEW SOURCE PERMITS REGISTRATION 29626

AIR NEW SOURCE PERMITS PERMIT 55046

AIR NEW SOURCE PERMITS REGISTRATION 55628

AIR NEW SOURCE PERMITS REGISTRATION 76314

AIR NEW SOURCE PERMITS REGISTRATION 76164

AIR NEW SOURCE PERMITS PERMIT 52041

AIR NEW SOURCE PERMITS REGISTRATION 70595

AIR NEW SOURCE PERMITS REGISTRATION 50657

AIR NEW SOURCE PERMITS REGISTRATION 71710

AIR NEW SOURCE PERMITS REGISTRATION 55615

AIR NEW SOURCE PERMITS EPA PERMIT N164

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1296

AIR NEW SOURCE PERMITS REGISTRATION 106403

AIR NEW SOURCE PERMITS REGISTRATION 106402

AIR NEW SOURCE PERMITS REGISTRATION 106396

AIR NEW SOURCE PERMITS REGISTRATION 168453

AIR NEW SOURCE PERMITS REGISTRATION 164113

AIR NEW SOURCE PERMITS REGISTRATION 159269

AIR NEW SOURCE PERMITS REGISTRATION 160622

AIR NEW SOURCE PERMITS REGISTRATION 161062

AIR NEW SOURCE PERMITS PERMIT 154884

AIR NEW SOURCE PERMITS REGISTRATION 174220

AIR NEW SOURCE PERMITS AFS NUM 4820101556

AIR NEW SOURCE PERMITS ACCOUNT NUMBER
HGA002B
STORMWATER PERMIT TXR05V084

POLLUTION PREVENTION PLANNING ID NUMBER
P00313

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD078432457

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000052175

TAX RELIEF ID NUMBER 20478

TAX RELIEF ID NUMBER 19585

TAX RELIEF ID NUMBER 20320

TAX RELIEF ID NUMBER 20853

TAX RELIEF ID NUMBER 20482

IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 30022

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0126Q

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50201

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30022

TAX RELIEF ID NUMBER 19584

TAX RELIEF ID NUMBER 20479

TAX RELIEF ID NUMBER 20494

TAX RELIEF ID NUMBER 20473

TAX RELIEF ID NUMBER 20495

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: January 08, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 08, 2019 to January 08, 2024

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

Name: Caleb Martin

Phone: (512) 239-2091

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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

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

- | | | |
|---|---|--|
| 1 | Effective Date: 04/26/2019 | ADMINORDER 2018-0124-AIR-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B) | |
| | 30 TAC Chapter 116, SubChapter B 116.115(c) | |
| | 30 TAC Chapter 122, SubChapter B 122.143(4) | |
| | 5C THSC Chapter 382 382.085(b) | |
| | Rqmt Prov: SPECIAL CONDITIONS 1 PERMIT | |
| | SPECIAL TERMS AND CONDITIONS 1A OP | |
| | Description: Failed to load tank trucks with the required vapor controls [Category A.12.i.6 VIOLATION]. | |
| 2 | Effective Date: 02/11/2020 | ADMINORDER 2019-0706-AIR-E (1660 Order-Agreed Order With Denial) |
| | Classification: Major | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | |
| | 30 TAC Chapter 122, SubChapter B 122.143(4) | |
| | 5C THSC Chapter 382 382.085(b) | |
| | Rqmt Prov: 55046, Special Condition 1 PERMIT | |
| | Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 686.24 pounds of ethylene and 4.33 pounds of ethylene oxide from the Carbon Dioxide Vent, Emissions Point Number 32V176, during an emissions event (Incident No. 266268) that began on August 27, 2017 and lasted 38 minutes. The emissions event occurred when Analyzer AT4261 failed due to inclement weather and caused a false high ethylene concentration reading, resulting in the isolation of the Carbon Dioxide Vent fro | |
| 3 | Effective Date: 08/22/2023 | ADMINORDER 2021-1251-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(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 19 OP | |
| | Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 656.00 pounds of | |

ammonia from the Methanol Reformer, EPN REFORM, during an emissions event (Incident No. 331568) that occurred on March 5, 2020 and lasted nine hours. The emissions event occurred when the reference density on the ammonia flow meter was programmed incorrectly that caused excess ammonia to be fed to the system, resulting in the release to the atmosphere.

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: FOP 3678, GTC OP

Special Condition 1 PERMIT

Special Term and Condition 19 OP

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 2.49 tons per year based on a 12-month rolling period for the 12-month period ending on August 2020 for the Methanol MSS Flare, EPN MEOHFLR, resulting in 0.09 ton of unauthorized VOC 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 | January 16, 2020 | (1580129) |
| Item 2 | August 13, 2020 | (1663500) |
| Item 3 | January 07, 2021 | (1686695) |
| Item 4 | February 26, 2021 | (1702551) |
| Item 5 | June 02, 2021 | (1724607) |
| Item 6 | August 05, 2021 | (1749986) |
| Item 7 | August 31, 2021 | (1683744) |
| Item 8 | September 10, 2021 | (1760224) |
| Item 9 | October 12, 2021 | (1684349) |
| Item 10 | October 26, 2021 | (1685586) |
| Item 11 | November 12, 2021 | (1773258) |
| Item 12 | December 22, 2022 | (1841154) |
| Item 13 | January 25, 2023 | (1862046) |
| Item 14 | February 14, 2023 | (1846530) |
| Item 15 | March 29, 2023 | (1895099) |
| Item 16 | September 21, 2023 | (1930443) |
| Item 17 | October 06, 2023 | (1924858) |

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

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

| | | |
|---|--|--------------------------|
| 1 | Date: 02/02/2023 (1846281) | |
| | Self Report? NO | Classification: Minor |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-3678 Special Term & Conditions 19 OP NSR Special Condition 16A PERMIT | |
| | Description: Failure to maintain the 24-hour rolling ammonia concentration for unit ID REFORM. (Category C4) | |
| 2 | Date: 02/13/2023 (1846528) | |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) FOP SPECIAL TERM AND CONDITION 1A OP FOP SPECIAL TERMS AND CONDITION 12 OP | |

NSR SPECIAL CONDITION 24A PERMIT

Description: Failure to maintain net heating value of 200 British Thermal Unit per Standard Cubic Feet (BTU/SCF) for flare (Unit ID 51MN157ST).

3

Date: 03/02/2023 (1866769)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 12 OP

Description: Failure to Prevent Visible Emission Exceedances for Emergency Firewater Engine Stack (10ME6) (CATEGORY B13 Violation).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 7A PERMIT
Special Term & Condition 12 OP

Description: Failure to maintain the net heating values for Acetic Acid Flare (Unit ID: 49MN138) (CATEGORY B17 Violation).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11A ORDER
Special Term & Condition 12 OP

Description: Failure to Maintain Rolling 24-Hour NH3 Concentrations for Boiler (Unit ID: AUXBOIL1) (CATEGORY B13 Violation).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 17F PERMIT
Special Term and Condition 12 OP

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

4

Date: 08/08/2023 (1866445)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Provision II.C.1.i PERMIT

Description: Failure to update the Notice of Registration.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195

Description: Failure to conduct daily inspections.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)
Provision II.C.1.i PERMIT

Description: Failure to have complete and correct 2020 and 2021 Annual Waste Summaries.

5

Date: 11/28/2023 (1924993)

Self Report? NO

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)
General Terms and Conditions OP

Description: Failure to report all deviations for the reporting periods of May 1, 2022 through October 31, 2022 and November 1, 2022 through April 30, 2023. (Category B3)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9C PERMIT
 Special Term and Condition 19 OP
 Special Term and Condition 1A OP
 Description: Failure to prevent visible emissions for the MEOH Flare (EPN: MEOHFLR).
 (Category C4)

6 Date: 12/12/2023 (1924868)
 Self Report? YES Classification: Minor
 Citation: 1893 OP
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to conduct quarterly visible emission observations for engines (EPNs
 49MN1044 and 10ME10) (Category B1 Violation).
 Self Report? YES Classification: Moderate
 Citation: 1893 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 52041 PERMIT
 5C THSC Chapter 382 382.085(b)
 Description: Failure to collect a weekly total dissolved solids (TDS) sample from a cooling
 tower (EPN 47MT6) (Category B1 Violation).
 Self Report? YES Classification: Moderate
 Citation: 1893 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 52041 PERMIT
 5C THSC Chapter 382 382.085(b)
 Description: Failure to comply with total dissolved solids (TDS) concentration in cooling
 tower (EPN 47MT6) (Category B13 Violation).
 Self Report? YES Classification: Minor
 Citation: 1893 OP
 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)
 Description: Failure to report all instances of deviation in the May 31, 2022 deviation
 report (Category B3 Violation).

F. Environmental audits:

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

Disclosure Date: 02/27/2019

Viol. Moderate

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

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

Disclosure Date: 04/15/2019

Viol. Moderate

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

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

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

Disclosure Date: 09/06/2019

Viol. Moderate

Citation:

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

Rqmt Prov: PERMIT SC 6

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

Viol. Minor

Classification:

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

Rqmt Prov: PERMIT SC 17

PERMIT SC 18
PERMIT SC 24 & 25
PERMIT SC 4 & 5

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

Classification:

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

Rqmt Prov: PERMIT SC 17
PERMIT SC 18
PERMIT SC 4

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

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT SC 15

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

Notice of Intent Date: 07/28/2021 (1755125)
No DOV Associated

Notice of Intent Date: 03/31/2022 (1810223)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CELANESE LTD.
RN100227016

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-0060-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 located at 9502 Bayport Boulevard in Pasadena, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$13,650 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,920 of the penalty and \$2,730 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 by February 28, 2024, the Respondent updated the Emergency Operating Procedures in order to prevent the recurrence of an emissions event due to the same or similar causes as Incident No. 409621.

II. ALLEGATIONS

During a record review for the Plant conducted from December 5, 2023 through December 14, 2023, 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. 55046, Special Conditions No. 1, Federal Operating Permit No. O1986, General Terms and Conditions and Special Terms and Conditions No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 709.48 pounds ("lbs") of ethylene and 5.63 lbs of ethylene oxide as fugitive emissions, during an emissions event (Incident No. 409621) that occurred on September 9, 2023 and lasted three minutes.

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. 2024-0060-AIR-E" to:

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

2. All relief not expressly granted in this Order is denied.

3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date

5/28/2024

Date

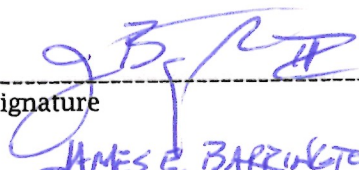
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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


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

Date

APRIL 11, 2024

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.