

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-0155-IHW-E **TCEQ ID:** RN100216035 **CASE NO.:** 32500  
**RESPONDENT NAME:** E.I. du Pont de Nemours and Company

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> E.I. du Pont de Nemours Beaumont Works, 5470 North Twin City Highway, Nederland, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 16, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Colin Barth, Enforcement Division, Enforcement Team 7, MC 128; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Ms. Connie Hargraves, Manager and Environmental Manager, E.I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704  Mr. Edward K. Reiff, Jr., Beaumont Works Plant Manager, E.I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 12, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 19, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented.</p> <p><b>WASTE</b></p> <p>Failed to prevent the discharge of industrial hazardous waste into or adjacent to waters in the state [30 TEX. ADMIN. CODE § 335.4 and TEX. WATER CODE § 26.121(a)].</p>	<p><b>Total Assessed:</b> \$137,600</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$137,600</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> Environmental receptors have been exposed to pollutants which exceed levels that are protective, resulting in a fish kill.</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that some quantity of contaminated soil and wastewater was removed from storm waterfall outfall 015 and surrounding areas on October 12, 2006. Also, on November 9, 2006, a 30 day emergency response report was submitted; and on February 16, 2007 an additional report was submitted detailing current and future corrective actions at the Facility.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit a RCRA Facility Investigation to address the release of wastewater from the settler tank that occurred on October 10, 2006 and continue corrective action in accordance with Compliance Plan No. 50166 Provision No. 1.E.; and</p> <p>b. Within 45 days after the effective date of this Agreed 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.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	15-Jan-2007	Screening	31-Jan-2007	EPA Due	11-Mar-2007
	PCW	1-Feb-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	E.I. du Pont de Nemours and Company
Reg. Ent. Ref. No.	RN100216035
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	32500	No. of Violations	1
Docket No.	2007-0155-IHW-E	Order Type	Findings
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Colin Barth
Multi-Media		EC's Team	EnforcementTeam 8
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$40,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 244% Enhancement Subtotals 2, 3, & 7 **\$97,600**

Notes: The respondent received seven NOVs for dissimilar violations, twenty-nine NOVs for similar violations, three Agreed Orders, and one Findings Order at this site in the past five years.

**Culpability** No 0% Enhancement Subtotal 4 **\$0**

Notes: The respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The respondent does not meet the good faith criteria.

Total EB Amounts \$101 0% Enhancement\* Subtotal 6 **\$0**  
Approx. Cost of Compliance \$1,500 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$137,600**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$137,600**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$137,600**

**DEFERRAL** 0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is offered for Findings Orders.

**PAYABLE PENALTY** **\$137,600**

Screening Date 31-Jan-2007

Docket No. 2007-0155-IHW-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 32500

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Colin Barth

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	29	145%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
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%
	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health and environmental receptors as a result of this violation.	No	0%
	The respondent received thirty-five NOVs for dissimilar violations, one NOV for similar violations, three Agreed Orders, and one Findings Order at this site in the past five years.	No	0%

Adjustment Percentage (Subtotal 2) 244%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent received seven NOVs for dissimilar violations, twenty-nine NOVs for similar violations, three Agreed Orders, and one Findings Order at this site in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 244%

Screening Date 31-Jan-2007

Docket No. 2007-0155-IHW-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 32500

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Colin Barth

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.4 and Texas Water Code 26.121(a)

Violation Description Failed to prevent the discharge of industrial hazardous waste into or adjacent to waters in the state, as documented during an investigation conducted October 12, 2006. Specifically, 4,930 gallons of acrylonitrile hazardous wastewater was released from a settler tank and flowed to the West Marsh Area resulting in a fish kill.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health and environmental receptors as a result of this violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 4 Number of violation days 112

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$40,000

Four monthly events are recommended from the October 12, 2006 investigation date to the January 31, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$101

Violation Final Penalty Total \$137,600

This violation Final Assessed Penalty (adjusted for limits) \$137,600

## Economic Benefit Worksheet

**Respondent:** E.I. du Pont de Nemours and Company  
**Case ID No.:** 32500  
**Reg. Ent. Reference No.:** RN100216035  
**Media:** Industrial and Hazardous Waste  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,500	12-Oct-2006	27-Sep-2007	1.0	\$5	\$96	\$101
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated maintenance cost to ensure the valve and pump components of the settler tank function properly from the investigation date to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$101

## Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 2.15
Regulated Entity:	RN100216035	E I DUPONT DENEMOURS BEAUMONT WORKS	Classification: AVERAGE	Site Rating: 4.02
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C	
	AIR OPERATING PERMITS	PERMIT	1959	
	AIR OPERATING PERMITS	PERMIT	1960	
	AIR OPERATING PERMITS	PERMIT	1961	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081101	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30010	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50166	
	AIR NEW SOURCE PERMITS	PERMIT	16323	
	AIR NEW SOURCE PERMITS	PERMIT	18127	
	AIR NEW SOURCE PERMITS	PERMIT	24141	
	AIR NEW SOURCE PERMITS	PERMIT	29106	
	AIR NEW SOURCE PERMITS	PERMIT	29192	
	AIR NEW SOURCE PERMITS	PERMIT	31224	
	AIR NEW SOURCE PERMITS	PERMIT	31444	
	AIR NEW SOURCE PERMITS	PERMIT	36730	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0033C	
	AIR NEW SOURCE PERMITS	PERMIT	318	
	AIR NEW SOURCE PERMITS	PERMIT	1331	
	AIR NEW SOURCE PERMITS	PERMIT	1710	
	AIR NEW SOURCE PERMITS	PERMIT	1743	
	AIR NEW SOURCE PERMITS	PERMIT	1743A	
	AIR NEW SOURCE PERMITS	PERMIT	2053	
	AIR NEW SOURCE PERMITS	PERMIT	2324	
	AIR NEW SOURCE PERMITS	PERMIT	2340	
	AIR NEW SOURCE PERMITS	PERMIT	2672	
	AIR NEW SOURCE PERMITS	PERMIT	2796A	
	AIR NEW SOURCE PERMITS	PERMIT	3310	
	AIR NEW SOURCE PERMITS	PERMIT	3879	
	AIR NEW SOURCE PERMITS	PERMIT	4351	
	AIR NEW SOURCE PERMITS	PERMIT	4351A	
	AIR NEW SOURCE PERMITS	PERMIT	4704	
	AIR NEW SOURCE PERMITS	PERMIT	4752	
	AIR NEW SOURCE PERMITS	PERMIT	5310	
	AIR NEW SOURCE PERMITS	PERMIT	5777	
	AIR NEW SOURCE PERMITS	PERMIT	6183	
	AIR NEW SOURCE PERMITS	PERMIT	6301	
	AIR NEW SOURCE PERMITS	PERMIT	8106	
	AIR NEW SOURCE PERMITS	PERMIT	8143	
	AIR NEW SOURCE PERMITS	PERMIT	10013	
	AIR NEW SOURCE PERMITS	PERMIT	11844	
	AIR NEW SOURCE PERMITS	PERMIT	12208	
	AIR NEW SOURCE PERMITS	PERMIT	12368	
	AIR NEW SOURCE PERMITS	PERMIT	12835	
	AIR NEW SOURCE PERMITS	PERMIT	12888	
	AIR NEW SOURCE PERMITS	PERMIT	12894	
	AIR NEW SOURCE PERMITS	PERMIT	12895	
	AIR NEW SOURCE PERMITS	PERMIT	12896	
	AIR NEW SOURCE PERMITS	PERMIT	13542	
	AIR NEW SOURCE PERMITS	PERMIT	14020	
	AIR NEW SOURCE PERMITS	PERMIT	14134	
	AIR NEW SOURCE PERMITS	PERMIT	14489	
	AIR NEW SOURCE PERMITS	REGISTRATION	75823	
	AIR NEW SOURCE PERMITS	REGISTRATION	75778	
	AIR NEW SOURCE PERMITS	REGISTRATION	75676	
	AIR NEW SOURCE PERMITS	AFS NUM	0003	
	AIR NEW SOURCE PERMITS	REGISTRATION	71190	
	AIR NEW SOURCE PERMITS	REGISTRATION	71144	
	AIR NEW SOURCE PERMITS	PERMIT	52189	
	AIR NEW SOURCE PERMITS	PERMIT	50568	
	AIR NEW SOURCE PERMITS	PERMIT	52358	
	AIR NEW SOURCE PERMITS	PERMIT	71369	
	AIR NEW SOURCE PERMITS	PERMIT	54296	

AIR NEW SOURCE PERMITS	PERMIT	54705
AIR NEW SOURCE PERMITS	REGISTRATION	73587
AIR NEW SOURCE PERMITS	EPA ID	PSDTX753
UNDERGROUND INJECTION CONTROL	PERMIT	WDW100
UNDERGROUND INJECTION CONTROL	PERMIT	WDW101
UNDERGROUND INJECTION CONTROL	PERMIT	WDW188
UNDERGROUND INJECTION CONTROL	PERMIT	WDW388
UNDERGROUND INJECTION CONTROL	PERMIT	WDW389
UNDERGROUND INJECTION CONTROL	PERMIT	WDW390
UNDERGROUND INJECTION CONTROL	PERMIT	WDW391
WASTEWATER	PERMIT	WQ0000473000
WASTEWATER	EPA ID	TPDES0004669
WASTEWATER	PERMIT	TPDES0004669
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
WATER LICENSING	LICENSE	1230066
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30010
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50166
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50166

Location: 5470 N TWIN CITY HWY, NEDERLAND, TX, 77627 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 30, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 30, 2002 to January 30, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Colin Barth Phone: 512 239 0086

#### Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

#### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A Effective Date: 02/24/2002 ADMINORDER 2001-1015-MWD-E  
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the permitted effluent limit of 0.13 m/L for carbon tetrachloride  
Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.211(f)[G]  
30 TAC Chapter 117, SubChapter B 117.211(g)(1)(C)

- 30 TAC Chapter 117, SubChapter B 117.211(g)(1)(D)
- 30 TAC Chapter 117, SubChapter B 117.211(g)(1)(E)
- 30 TAC Chapter 117, SubChapter B 117.211(g)(2)(A)
- 30 TAC Chapter 117, SubChapter B 117.211(g)(2)(B)
- 30 TAC Chapter 117, SubChapter B 117.211(g)(2)(D)
- 30 TAC Chapter 117, SubChapter B 117.211(g)(3)(A)
- 30 TAC Chapter 117, SubChapter B 117.211(g)(5)(B)
- 30 TAC Chapter 117, SubChapter B 117.211(g)(5)(D)
- 30 TAC Chapter 117, SubChapter B 117.211(g)(7)(C)
- 30 TAC Chapter 117, SubChapter B 117.211(g)(8)(A)
- 30 TAC Chapter 117, SubChapter B 117.213(f)(5)(B)[G]
- 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a complete stack test report for the third successive quarter to further demonstrate predictive emissions monitoring system (PEMS) accuracy and precision at the ammonia

Effective Date: 05/23/2002

ADMINORDER 2001-0996-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.373(g)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit the Form DEC-2, Notice of Intent to Use Discrete Emission Credits within 45 days prior to the first day of the use period for stationary sources.

Effective Date: 05/12/2006

ADMINORDER 2005-1978-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1743 PERMIT  
1743/Special Condition 4 PERMIT

Description: Failure to comply with emissions limits found in the Maximum Allowable Emissions Rate Table (MAERT) in TCEQ Permit 1743.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1743 PERMIT  
1743/Special Conditions 4 PERMIT

Description: Failure to comply with emissions limits found in the Maximum Allowable Emissions Rate Table (MAERT) in TCEQ Permit 1743.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1743 PERMIT  
1743/Special Condition 4 PERMIT

Description: Failure to comply with Special Condition 1 and the limits specified in the MAERT constitutes violations of 30 TAC 116.115(c) and 30 TAC 116.115(b)(2)(F).

Effective Date: 10/10/2003

ADMINORDER 2002-1012-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.7(b)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office prior to the shutdown/maintenance activity at the Acrylonitrile Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office the actions taken or being taken to correct a reportable upset at the Acrylonitrile Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hrs after the discovery of a reportable upset at the Acrylonitrile Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Table 1A, Application Representations PERMIT  
Description: Failure to prevent unauthorized emissions released at the Acrylonitrile Unit.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 18 PERMIT  
Description: Failure to operate the Inside Battery Limits flare w/a pilot flame present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limits.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	07/16/2003	(134208)
N/A		
2	09/25/2002	(11206)
3	01/30/2002	(157365)
4	08/28/2003	(152838)
5	06/13/2002	(124628)
6	05/31/2002	(124627)
7	01/30/2003	(157366)
8	09/25/2002	(11090)
9	04/13/2003	(31399)
10	05/17/2002	(124625)
11	05/23/2002	(285879)
12	08/27/2002	(9194)
13	04/25/2005	(377491)
14	03/27/2002	(124624)
15	02/25/2004	(262312)
16	03/27/2002	(124623)
17	08/31/2006	(449843)
18	03/04/2002	(157321)
19	03/14/2002	(124622)
20	04/18/2006	(439023)
21	09/23/2004	(291787)
22	03/08/2002	(124621)
23	08/30/2006	(487349)
24	10/29/2003	(253502)
25	01/30/2004	(260913)
26	01/25/2007	(537695)
27	03/03/2003	(157322)
28	05/12/2006	(465540)
29	08/30/2005	(440751)
30	07/20/2006	(484761)
31	10/16/2003	(251734)
32	10/18/2005	(440752)
33	03/02/2006	(468288)
34	04/08/2002	(157324)
35	06/08/2006	(465140)
36	08/23/2006	(486519)
37	10/16/2003	(251808)
38	10/16/2003	(251662)
39	11/16/2005	(468290)
40	11/15/2006	(515866)
41	09/23/2004	(290929)

42 03/04/2005 (348330)  
43 04/07/2003 (157325)  
44 05/19/2004 (270221)  
45 12/12/2005 (468291)  
46 10/17/2003 (251784)  
47 06/11/2004 (269850)  
48 01/09/2003 (18921)  
49 01/10/2006 (468292)

50 03/03/2003 (157327)  
51 02/17/2003 (25086)  
52 03/30/2004 (266349)  
53 10/29/2003 (253508)  
54 08/23/2006 (486526)  
55 02/15/2006 (468293)  
56 10/16/2003 (251656)  
57 10/16/2003 (251736)  
58 11/23/2005 (435758)  
59 04/13/2003 (31403)  
60 10/21/2005 (419148)  
61 11/19/2002 (14959)  
62 04/30/2002 (157330)  
63 07/16/2003 (134204)  
64 03/02/2005 (381780)  
65 08/31/2006 (438112)  
66 05/08/2003 (157331)  
67 05/16/2006 (465147)  
68 03/29/2005 (381781)  
69 08/13/2003 (38072)  
70 11/15/2005 (435807)  
71 08/21/2002 (6959)  
72 01/03/2005 (381782)  
73 01/25/2005 (381783)  
74 03/29/2006 (498099)  
75 03/03/2004 (295058)  
76 09/25/2002 (11218)  
77 05/23/2002 (285883)  
78 10/16/2003 (251667)  
79 05/01/2006 (498100)  
80 06/13/2005 (377480)  
81 07/01/2003 (134047)  
82 06/05/2002 (157334)  
83 08/31/2004 (262540)  
84 06/23/2006 (481385)  
85 08/30/2005 (398952)  
86 05/19/2004 (270228)  
87 11/26/2002 (17198)  
88 07/01/2003 (134052)  
89 01/04/2005 (344102)  
90 05/26/2006 (498101)  
91 10/06/2004 (334229)  
92 05/29/2003 (157335)  
93 06/27/2006 (498102)  
94 06/23/2006 (483323)  
95 09/23/2004 (290932)  
96 07/27/2005 (398824)  
97 11/22/2005 (436056)  
98 06/27/2006 (498103)  
99 08/31/2006 (497541)  
100 08/28/2003 (152835)  
101 07/01/2003 (133984)  
102 03/29/2004 (295061)  
103 08/31/2006 (463773)  
104 07/02/2003 (112370)  
105 04/27/2004 (295062)  
106 02/13/2004 (262579)  
107 12/18/2003 (257374)  
108 06/01/2004 (295064)  
109 12/15/2004 (342892)

110 10/16/2003 (251668)  
111 01/06/2005 (345865)  
112 07/02/2002 (157338)  
113 05/19/2004 (272204)  
114 07/01/2003 (157339)  
115 08/30/2005 (398843)  
116 06/28/2004 (295066)  
117 07/16/2003 (134235)

118 08/31/2005 (349444)  
119 04/25/2005 (377489)  
120 11/06/2003 (248835)  
121 11/17/2006 (513262)  
122 10/16/2003 (251785)  
123 08/21/2002 (6961)  
124 07/16/2003 (134191)  
125 03/04/2005 (372053)  
126 06/28/2004 (351959)  
127 10/16/2003 (251793)  
128 08/26/2003 (295069)  
129 12/18/2003 (257360)  
130 07/20/2006 (481088)  
131 08/20/2003 (148356)  
132 07/23/2002 (157343)  
133 09/30/2003 (295071)  
134 04/17/2006 (462368)  
135 08/30/2004 (351960)  
136 06/09/2006 (464979)  
137 07/14/2005 (397732)  
138 07/01/2003 (157344)  
139 05/19/2004 (270225)  
140 12/08/2003 (255561)  
141 10/30/2003 (295073)  
142 02/23/2006 (454153)  
143 11/08/2006 (518131)  
144 08/19/2003 (148348)  
145 11/22/2005 (436069)  
146 12/02/2003 (295074)  
147 08/31/2006 (509139)  
148 08/25/2003 (149730)  
149 01/05/2004 (295075)  
150 09/28/2004 (351961)  
151 12/02/2003 (295076)  
152 12/22/2004 (341799)  
153 08/20/2003 (149878)  
154 12/04/2002 (14939)  
155 01/30/2004 (261137)  
156 08/26/2002 (157347)  
157 10/29/2004 (351962)  
158 06/26/2003 (35239)  
159 08/30/2005 (398956)  
160 11/10/2006 (518881)  
161 05/19/2004 (272201)  
162 11/26/2002 (17385)  
163 07/27/2005 (398839)  
164 08/28/2003 (152837)  
165 10/30/2006 (511265)  
166 12/03/2004 (351963)  
167 04/16/2004 (265198)  
168 09/23/2002 (157350)  
169 09/23/2004 (290922)  
170 01/30/2003 (23299)  
171 07/01/2003 (134015)  
172 08/23/2006 (486528)  
173 07/01/2003 (134013)  
174 08/28/2003 (152976)  
175 07/01/2003 (134036)  
176 04/28/2005 (378691)  
177 12/06/2004 (341765)

178 03/27/2003 (25122)  
 179 06/13/2005 (267115)  
 180 04/13/2003 (31394)  
 181 12/29/2006 (344561)  
 182 10/29/2003 (252290)  
 183 05/16/2006 (461492)  
 184 10/28/2002 (157353)  
 185 06/13/2002 (105913)

186 09/02/2004 (285264)  
 187 06/08/2006 (461493)  
 188 05/31/2002 (105912)  
 189 01/30/2003 (23300)  
 190 12/19/2006 (531150)  
 191 09/05/2003 (144597)  
 192 05/24/2005 (380302)  
 193 08/15/2003 (148544)  
 194 08/25/2006 (520117)  
 195 09/25/2006 (520118)  
 196 12/20/2006 (514400)  
 197 01/10/2003 (286032)  
 198 05/31/2002 (105911)  
 199 10/25/2006 (520119)  
 200 07/16/2003 (134218)  
 201 04/04/2003 (28862)  
 202 05/17/2002 (105910)  
 203 03/27/2003 (25121)  
 204 02/27/2006 (453635)  
 205 01/10/2004 (257154)  
 206 04/27/2005 (419609)  
 207 01/30/2003 (23302)  
 208 11/22/2005 (438124)  
 209 05/31/2005 (419610)  
 210 03/27/2002 (105909)  
 211 05/19/2004 (272699)  
 212 12/02/2002 (157358)  
 213 06/28/2005 (419611)  
 214 03/27/2002 (105908)  
 215 05/31/2005 (419612)  
 216 11/08/2005 (419146)  
 217 08/26/2002 (7544)  
 218 03/14/2002 (105907)  
 219 12/18/2003 (257365)  
 220 12/08/2003 (255609)  
 221 03/08/2002 (105906)  
 222 02/25/2005 (347899)  
 223 08/15/2003 (148560)  
 224 07/13/2005 (398792)  
 225 07/27/2005 (400272)  
 226 04/08/2004 (264649)  
 227 01/08/2004 (280674)  
 228 12/30/2002 (157362)

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

N/A

Dat 01/31/2002 (157321)

Self YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Dat 01/10/2005 (345865)

Self NO

Classification: Moderate

Rqmt Prov: PERMIT IA

Description: Failure to contain wastewater from the acrylonitrile plant resulting in an unauthorized discharge.

Self NO

Classification: Moderate

Rqmt Prov: PERMIT IA

Description: Failure to contain steam condensate resulting in an unauthorized discharge along Dock Road.

Self NO Classification: Moderate  
 Rqmt Prov: PERMIT IA  
 Description: Failure to contain steam condensate at the acrylonitrile dock in an unauthorized discharge.

Self NO Classification: Moderate  
 Rqmt Prov: PERMIT IA  
 Description: Failure to contain diesel and hydrocarbon resulting in an unauthorized discharge.

Self NO Classification: Minor  
 Rqmt Prov: PERMIT IA  
 Description: Failure to report TSS 40% noncompliances to the TNRCC within the required notification period.

Self NO Classification: Minor  
 Rqmt Prov: PERMIT IA  
 Description: Failure to perform total chlorine residual analysis using approved test procedures specified in 30 TAC 319.11 - 319.12.  
 Dat 01/31/2006 (468288)

Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 02/28/2002 (157324)

Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 02/28/2003 (157325)

Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 10/31/2005 (468291)

Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 11/30/2005 (468292)

Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 08/27/2002 (7544)

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]  
 Description: Failure to maintain the paint of the interior on the ground storage tank.  
  
 During the investigation, it was noted that the annual tank inspection stated there are areas of corrosion on the inside of the ground storage tank that need to be cleaned and repainted.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]  
 Description: Failure to provide secondary containment for the aqua ammonia, polymer 1195, and sodium chlorite bulk tanks.

Self NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]  
 Description: Failure to maintain the coatings on the interior of the rapid mix tank and both sedimentation basins.  
  
 During the investigation, the operator stated that there were areas of corrosion on the interior of the rapid mix tank and both sedimentation basins that need to be cleaned and repainted.  
 Dat 12/31/2005 (468293)

Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 01/31/2005 (381780)

Self YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 03/31/2003 (157331)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 02/28/2005 (381781)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 06/30/2006 (498103)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 12/31/2004 (381783)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 02/28/2006 (498099)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 01/31/2004 (295058)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 03/31/2006 (498100)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 04/30/2002 (157334)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 05/31/2006 (498102)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 04/30/2003 (157335)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Dat 04/07/2003 (28862)  
 Self NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description: Failure to install the required backflow prevention assembly on the water line to a medical clinic.  
 Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]

Description: Failure to maintain the interior of the surface water treatment plant (the number 1 mix tank, the sedimentation basins, and the filters) and the interior of the ground storage tank.  
 Self NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)[G]

Description: Failure to have the monthly operating reports for January, February, and March 2002, signed by a certified water works operator.

Self NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failure to provide an air gap on the filter-to-waste pipe.

During the investigation, it was noted that the filter-to-waste pipe emptied into a wet well controlled by a float valve.

Self NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(iii)

Description: Failure to provide a theoretical detention time of at least two hours in the sludge-blanket clarifiers.

Dat 03/31/2004 (295062)

Self YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Dat 07/13/2005 (398792)

Self NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failure to provide an air gap on the filter-to-waste pipe.

Self NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the interior of the surface water treatment plant (the number 1 mix tank, the sedimentation basins, and the filters) and the interior of the ground storage tank. This is a repeat violation from the February 18, 2003, investigation.

Self NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(iii)

Description: Failure to provide a theoretical detention time of at least two hours in the solids contact (tube settler) clarifier.

Dat 04/30/2004 (295064)

Self YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Dat 05/31/2004 (295066)

Self YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Dat 08/31/2003 (295071)

Self YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Dat 01/30/2004 (260913)

Self NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PA IA

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve.

Self NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.356(2)(A)  
30 TAC Chapter 115, SubChapter D 115.356(2)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)

Rqmt Prov: PA IA

Description: Failure to include all equipment on a list of identification numbers for equipment subject to 40 CFR 63, Subpart H.

Self NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.149(a)

Rqmt Prov: PA IA  
 Description: Failure to install a tightly fitting solid cover (TFSC) on drains.  
 Self NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.130  
  
 30 TAC Chapter 115, SubChapter D 115.354(7)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(3)

Rqmt Prov: PA IA  
 Description: Failure to monitor valves at least once during the semiannual monitoring period.  
 Dat 06/30/2002 (157343)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Dat 07/31/2002 (157347)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Dat 08/31/2002 (157350)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Dat 06/30/2003 (157344)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Dat 10/31/2004 (351963)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Dat 05/31/2002 (105911)  
 Self NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]

Description: SSM PLAN  
 Self NO Classification: Major  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: PERMIT BY RULE  
 Dat 07/21/2006 (481088)  
 Self NO Classification: Minor  
 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 THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
 PA IA  
 Description: Failure to equip open-ended lines with a cap, blind flange, plug, or a second valve for lines  
 in Volatile Organic Compound service.  
 Self 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 Db 60.43b(f)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
 PA IA  
 Description: Failure to conduct an alternate method of monitoring when the Continuous Emission  
 Monitoring System (CEMS) of Nitrous Oxides at the Number 7 Boiler was malfunctioning.  
 Dat 05/31/2005 (419611)  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
Date: 11/06/2003 (248835)

Self NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failure to provide an air gap on the filter-to-waste pipe.

Self NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(iii)

Description: Failure to provide a theoretical detention time of at least two hours in the sludge-blanket clarifiers.

Self NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the interior of the surface water treatment plant (the number 1 mix tank, the sedimentation basins, and the filters) and the interior of the ground storage tank. This is a repeat violation from the February 18, 2003, investigation.

Self NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the system's facilities and equipment.

Self NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain records of the dates that dead-end mains were flushed.

F. Environmental audits.

N/A

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  
E.I. DU PONT DE NEMOURS AND  
COMPANY  
RN100216035**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-0155-IHW-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding E.I. du Pont de Nemours and Company (“Du Pont”) under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Du Pont presented this agreement to the Commission.

Du Pont understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Du Pont agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Du Pont.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. Du Pont owns a petrochemical plant at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the “Facility”).
2. The Facility involves or involved the management of industrial solid waste as defined in TEX. HEALTH & SAFETY CODE CH. 361.



3. During an investigation on October 12, 2006, TCEQ staff documented the discharge of industrial hazardous waste into or adjacent to waters in the state. Specifically, 4,930 gallons of acrylonitrile hazardous wastewater was released from a settler tank and flowed to the West Marsh Area resulting in a fish kill.
4. Du Pont received notice of the violation on December 25, 2006.
5. The Executive Director recognizes that some quantity of contaminated soil and wastewater was removed from storm waterfall outfall 015 and surrounding areas on October 12, 2006. Also, on November 9, 2006, a 30 day emergency response report was submitted; and on February 16, 2007 an additional report was submitted detailing current and future corrective actions at the Facility.

## **II. CONCLUSIONS OF LAW**

1. Du Pont is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Du Pont failed to prevent the discharge of industrial hazardous waste into or adjacent to waters in the state, in violation of 30 TEX. ADMIN. CODE § 335.4 and TEX. WATER CODE 26.121(a).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Du Pont for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of One Hundred Thirty-Seven Thousand Six Hundred Dollars (\$137,600) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Du Pont has paid the One Hundred Thirty-Seven Thousand Six Hundred Dollar (\$137,600) administrative penalty.

## **III. ORDERING PROVISIONS**

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

1. Du Pont is assessed an administrative penalty in the amount of One Hundred Thirty-Seven Thousand Six Hundred Dollars (\$137,600) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Du Pont's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E.I. du Pont de Nemours and Company, Docket No. 2007-0155-IHW-E" to:



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

2. Du Pont shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, submit a RCRA Facility Investigation ("RFI") to address the release of wastewater from the settler tank that occurred on October 10, 2006 and continue corrective action in accordance with Compliance Plan No. 50166 Provision No. 1.E. Submit copies of the RFI to the addresses listed in Ordering Provisions 2.b. and submit the RFI to:

Environmental Cleanup Section  
Remediation Division, MC 127  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, 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 notarized by a State of Texas Notary Public and 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 fine 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:



Waste Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Du Pont. Du Pont is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Du Pont fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Du Pont's failure to comply is not a violation of this Agreed Order. Du Pont shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Du Pont shall notify the Executive Director within seven days after Du Pont becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Du Pont shall be made in writing to the Executive Director. Extensions are not effective until Du Pont receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Du Pont if the Executive Director determines that Du Pont has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against Du Pont in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Bradley  
For the Executive Director

9/16/07  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of E.I. du Pont de Nemours and Company. I am authorized to agree to the attached Agreed Order on behalf of E.I. du Pont de Nemours and Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, E.I. du Pont de Nemours and Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

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

Edward K. Reiff, Jr.  
Signature

4 Sep 07  
Date

Edward K. Reiff, Jr.  
Name (Printed or typed)

Beaumont Plant Manager.  
Title

Authorized Representative of  
E.I. du Pont de Nemours and Company

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

