

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2003-1371-MLM-E TCEQ ID NO.: RN100216035 CASE NO.: 10237
RESPONDENT NAME: E.I. DUPONT DE NEMOURS & COMPANY, INC.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" 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

SITE WHERE VIOLATION(S) OCCURRED: 5470 Twin City Highway, Nederland, Jefferson County

TYPE OF OPERATION: Industrial organic chemicals plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on May 22, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053;

Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Section III, MC 149, (512) 239-5025

TCEQ Regional Contact: Mr. Keith Anderson, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Mr. Edward K. Reiff, Plant Manager, E.I. DuPont de Nemours and Company, Inc., P. O. Box 3296, Beaumont, Texas 77704-3269

Respondent's Attorney: Mr. Rod Johnson, Esq., Brown McCarroll, L.L.P., 111 Congress Avenue, Suite 1400, Austin, Texas 78701

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Dates of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: June 30 – July 9, 2003, December 8, 2003, April 16 – April 19, 2004, July 22, 2004, September 1, 2004 and December 1, 2004</p> <p>Dates of NOV/NOEs Relating to this Case: January 8, 2004 (NOE), December 15, 2004 (NOV) and March 9, 2005 (NOE)</p> <p>Background Facts:</p> <p>An EDPRP was filed in this case and it was referred to SOAH. After protracted negotiations the parties reached an agreement and the Respondent signed an Agreed Order.</p> <p>MLM:</p> <p>1. Failed to conduct valid stack sampling for nitrogen oxides (“NOx”) on Boiler 7, Emission Point Number (“EPN”) P&S-BLR7, within 60 days, but no later than 180 days after the initial start up of the Plant, which occurred in December 2002 [30 TEX ADMIN. CODE §§ 101.20(l) and 116.115(c), TCEQ Permit No. 2769A - Special Condition 12F, 40. C.F.R. § 60.46b(e)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to comply with permitted effluent limitations on Outfall 001A and 101A [30 TEX. ADMIN. CODE § 305.125(l), Texas Pollutant Discharge Elimination System Permit No. 00473 - Effluent Limitations and Monitoring Requirements and TEX. WATER CODE § 26.121(a)].</p> <p>3. Failed to maintain an emission rate within the allowable emission limits in the Maximum Allowable Emissions Rate Table (“MAERT”) of the permit [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TCEQ Permit No. 1743 - Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Initial Calculated Penalty: \$63,355*</p> <p>Total Assessed: \$53,230</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$53,230</p> <p>The Respondent has paid the administrative penalty in full.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>*Explanation for Reduction in Penalty: The penalty was reduced based on the risks of litigation.</p>	<p>Corrective Actions Taken</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant in response to this enforcement action:</p> <ol style="list-style-type: none"> 1. On August 6, 2003, conducted valid stack sampling for oxides on Boiler 7 (EPN P&S-BLR7), including a conversion efficiency check. 2. On September 1, 2003, began complying with permitted effluent limitations at Outfall 001A and 101A. 3. On October 2, 2004, isolated the leaking dehydrating nitrogen line and made temporary repairs to the leak. 4. On October 5, 2004, installed a clamp over the leak in the dehydrating nitrogen line. 5. On October 14, 2004, took the dehydrating nitrogen line out of service.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to maintain an emission rate within the allowable emission limits in the MAERT of the permit [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TCEQ Permit No. 1743 - Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to maintain an emission rate within the allowable emission limits in the MAERT of the permit [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TCEQ Permit No. 1743 - Special Conditions 1 and 4 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to maintain an emission rate within the allowable emission rate limits in the MAERT of the permit [30 TEX. ADMIN. CODE § 116.115(b)(2)(F)(c), TCEQ Permit No. 1743 - Special Conditions 1 and 4 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7. Failed by allowing unauthorized emissions from a dehydrating nitrogen line at the Aniline Unit on October 2, 2004 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 4351 - Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8. Failed by allowing unauthorized emissions from an absorber vent (EPN ACR VNT 51) at the acrylonitrile process area on December 27, 2004 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 1743 - Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 2/10/2004

DATES

PCW 23-Mar-2004 Screening 18-Mar-2004 Priority Due 17-May-2004 EPA Due 5-Sep-2003

RESPONDENT INFORMATION

Respondent E.I. Du Pont de Nemours and Company, Inc.

Respondent/Site ID No(s) RN100216035

Facility/Site Region 10 - Beaumont

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No(s) Case No. 10237

Docket No. 2003-1371-MLM-E

No. Violations 1

Case Priority 6

Order Type 1660 without deferral

Enf. Coordinator Terry Murphy

EC's Team Enforcement Team 4

Media Program(s) Water Quality

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

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 205% Enhancement Subtotals 2, 3 & 7 \$15,375

Notes: The Respondent has (24) months of self-reported effluent violations, (10) NOVs for unrelated violations, (1) Findings Order, and (2) 1660 Orders.

Culpability 0% Enhancement Subtotal 4 \$0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction Subtotal 5 -\$1,875

Notes: The last violation occurred on 08/31/2003 and the written NOE was issued 01/08/04.

Economic Benefit 0% Enhancement* Subtotal 6 \$0

Notes: Total EB Amounts \$607, Approx. Cost of Compliance \$1,000. *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$21,000

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: N/A

Final Penalty Amount \$21,000

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$21,000

DEFERRAL

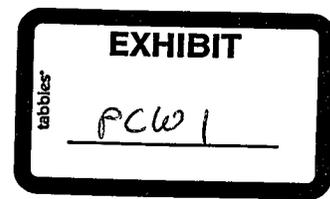
Deferral Reduction Adjustment \$0

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

Notes: No deferral because the respondent was issued an order, Docket No. 2001-1015-MWD, effective date, 02/13/02 for a similar violation and has 24 NOVs for same or similar violations.

PAYABLE PENALTY

\$21,000



Screening Date 18-Mar-2004 **Docket Number** 2003-1371-MLM-E **PCW**
Respondent E.I. Du Pont de Nemours and Company, Inc. **Policy Revision 2 (09/02)**
Case ID No. Case No. 10237 **PCW Revision 2/10/2004**
Respondent/Site ID No. RN100216035
Media [Statute] Water Quality
Enf. Coordinator Terry Murphy
Site Address 5470 Twin City Highway, Nederland, Jefferson Co.

Compliance History Worksheet

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	24	120%
	Other written NOV's	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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%
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) 205%

No < Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

Average Performer < Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Notes

The Respondent has (24) months of self-reported effluent violations, (10) NOV's for unrelated violations, (1) Findings Order, and (2) 1660 Orders.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 205%

Screening Date 18-Mar-04

Docket Number 2003-1371-MLM-E

PCW

Respondent E.I. Du Pont de Nemours and Company, Inc.

Policy Revision 2 (09/02)

Case ID No. Case No. 10237

PCW Revision 2/10/2004

Respondent/Site ID No. RN100216035

Media [Statute] Water Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite TPDES Permit No. 00473, Effluent Limitations and Monitoring Requirements; Texas Water Code § 26.121(a); and 30 Texas Admin. Code § 305.125(1)

Secondary Cite(s)

Violation Description

Failed to comply with permitted effluent limitations at Outfall 001A and 101A as documented by a record review conducted on December 8, 2003 and detailed in the attached Effluent Limit Violation Table.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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

Adjustment

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events

mark only one; use small x

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

Violation Base Penalty \$7,500

Events Notes

Three quarterly events are recommended for the violation dates of February through April 2003, June 2003 and August 2003.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$)

Violation Final Penalty total \$21,000

This Violation Final Assessed Penalty (adjusted for limits) \$21,000

Economic Benefit Worksheet

Respondent E.I. Du Pont de Nemours and Company, Inc.

ID Number(s) Case No. 10237

Media [Statute] Water Quality

Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
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

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	\$1,000	1-Feb-2003	31-Aug-2003	0.6	\$29	\$578	\$607
Supplies/equip				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

The estimated cost for additional oversight and sampling which might have reduced or alleviated the exceedances.

Approx Cost of Compliance

TOTAL

COMPLIANCE HISTORY

Customer/Respondent/Owner-Operator: CN600128284 E. I. Dupont De Nemours and Company Classification: AVERAGE Rating: 2.07

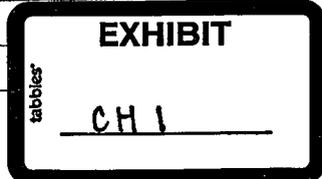
Regulated Entity: RN100216035 E I DUPONT DENEMOURS BEAUMONT WORKS Classification: AVERAGE Site Rating: 1:58

ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	53747
	AIR NEW SOURCE PERMITS	PERMIT	14489
	AIR NEW SOURCE PERMITS	PERMIT	14134
	AIR NEW SOURCE PERMITS	PERMIT	14020
	AIR NEW SOURCE PERMITS	PERMIT	13542
	AIR NEW SOURCE PERMITS	PERMIT	12896
	AIR NEW SOURCE PERMITS	PERMIT	12895
	AIR NEW SOURCE PERMITS	PERMIT	12894
	AIR NEW SOURCE PERMITS	PERMIT	12888
	AIR NEW SOURCE PERMITS	PERMIT	12835
	AIR NEW SOURCE PERMITS	PERMIT	12368
	AIR NEW SOURCE PERMITS	PERMIT	12208
	AIR NEW SOURCE PERMITS	PERMIT	11844
	AIR NEW SOURCE PERMITS	PERMIT	10013
	AIR NEW SOURCE PERMITS	PERMIT	8143
	AIR NEW SOURCE PERMITS	PERMIT	8106
	AIR NEW SOURCE PERMITS	PERMIT	6301
	AIR NEW SOURCE PERMITS	PERMIT	6183
	AIR NEW SOURCE PERMITS	PERMIT	5777
	AIR NEW SOURCE PERMITS	PERMIT	5310
	AIR NEW SOURCE PERMITS	PERMIT	4752
	AIR NEW SOURCE PERMITS	PERMIT	4704
	AIR NEW SOURCE PERMITS	PERMIT	4351
	AIR NEW SOURCE PERMITS	PERMIT	3879
	AIR NEW SOURCE PERMITS	PERMIT	3310
	AIR NEW SOURCE PERMITS	PERMIT	2796A
	AIR NEW SOURCE PERMITS	PERMIT	2672
	AIR NEW SOURCE PERMITS	PERMIT	2340
	AIR NEW SOURCE PERMITS	PERMIT	2324
	AIR NEW SOURCE PERMITS	PERMIT	2316
	AIR NEW SOURCE PERMITS	PERMIT	2053
	AIR NEW SOURCE PERMITS	PERMIT	1743A
	AIR NEW SOURCE PERMITS	PERMIT	1743
	AIR NEW SOURCE PERMITS	PERMIT	1710
	AIR NEW SOURCE PERMITS	PERMIT	1331
	AIR NEW SOURCE PERMITS	PERMIT	318
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0033C
	AIR NEW SOURCE PERMITS	PERMIT	50137
	AIR NEW SOURCE PERMITS	PERMIT	48424
	AIR NEW SOURCE PERMITS	PERMIT	48410
	AIR NEW SOURCE PERMITS	PERMIT	45182
	AIR NEW SOURCE PERMITS	PERMIT	36730
	AIR NEW SOURCE PERMITS	PERMIT	31444
	AIR NEW SOURCE PERMITS	PERMIT	31224
	AIR NEW SOURCE PERMITS	PERMIT	29192
	AIR NEW SOURCE PERMITS	PERMIT	29106
	AIR NEW SOURCE PERMITS	PERMIT	24141
	AIR NEW SOURCE PERMITS	PERMIT	18127
	AIR NEW SOURCE PERMITS	PERMIT	16323
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW391
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW390
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW389
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW388
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW188
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW101
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW100
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
	AIR NEW SOURCE PERMITS	REGISTRATION	71144
	AIR NEW SOURCE PERMITS	REGISTRATION	71190
	AIR NEW SOURCE PERMITS	PERMIT	70875
	AIR NEW SOURCE PERMITS	AFS NUM	0003
	WATER LICENSING	LICENSE	1230066
	AIR OPERATING PERMITS	PERMIT	1961
	AIR OPERATING PERMITS	PERMIT	1960
	AIR OPERATING PERMITS	PERMIT	1959
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C
	WASTEWATER	EPA ID	TPDES0004669
	WASTEWATER	PERMIT	WQ0000473000

Location: PO BOX 3269, BEAUMONT, TX, 77704 Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 22, 2004



Agency Decision Requiring Compliance History : Enforcement

Compliance Period: March 22, 1999 to March 22, 2004

TCEQ staff person to contact for additional information regarding this compliance history:

Name: Miriam Hall Phone: (512) 239-1044

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 (ultimedia) for the Site:

A. Final enforcement orders, court judgments, and consent decrees of the state of Texas and the federal government

Effective Date: 2/24/02 Type of Action: ADMINORDER 2001-1015-MWD-E

Classification: Moderate

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

Violation 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)

Violation 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 reformer (EPN AMN-STK-26)

Effective Date: 5/23/02 Type of Action: 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)

Violation 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: 10/10/03 Type of Action: 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)

Violation 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)

Violation 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)
SC 1 PERMIT

Violation Description: 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)

Violation 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)
SC 1 PERMIT

Violation Description: Failure to maintain an emission rate below the allowable emission limits.
Classification Moderate
Citation : 5C THC Chapter 382, SubChapter A 382.085(b)
Table 1A, Application Representations PERMIT

Violation 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)
SC 18 PERMIT

Violation 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)
SC 1 PERMIT

Violation 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: None

D. The dates of investigations.

1 01/05/2000	40 03/14/2002	79 06/29/2001	118 02/16/2001	157 07/01/2003
2 09/13/2001	41 06/28/2001	80 05/29/2001	119 05/29/2003	158 12/08/2003
3 07/16/2003	42 03/08/2002	81 03/03/2003	120 03/08/2001	159 08/19/2003
4 08/29/2001	43 06/27/2001	82 04/14/2000	121 12/07/2000	160 08/28/2000
5 08/14/2001	44 01/26/2002	83 06/29/2001	122 11/15/2000	161 12/07/2000
6 09/25/2002	45 06/27/2001	84 02/17/2003	123 08/28/2003	162 08/25/2003
7 08/14/2001	46 12/06/2001	85 06/28/2001	124 07/01/2003	163 09/07/2001
8 06/13/2001	47 10/29/2003	86 10/29/2003	125 11/15/2000	164 11/15/2000
9 08/14/2001	48 01/30/2004	87 05/04/2000	126 06/26/2000	165 11/15/2000
10 07/31/2001	49 06/27/2001	88 06/28/2001	127 07/02/2003	166 11/15/2000
11 01/30/2002	50 06/27/2001	89 10/16/2003	128 11/15/2000	167 08/20/2003
12 08/28/2003	51 11/21/2001	90 05/03/2001	129 11/15/2000	168 12/04/2002
13 06/13/2002	52 06/01/2001	91 06/28/2001	130 11/15/2000	169 11/15/2000
14 07/23/2001	53 10/26/2001	92 10/16/2003	131 07/11/2001	170 01/30/2004
15 05/31/2002	54 03/03/2003	93 04/13/2003	132 02/13/2004	171 11/15/2000
16 07/20/2001	55 06/01/2001	94 06/28/2001	133 11/15/2000	172 08/26/2002
17 07/20/2001	56 10/16/2003	95 06/28/2001	134 12/18/2003	173 11/15/2000
18 11/22/1999	57 08/29/2001	96 02/28/2000	135 09/13/2000	174 06/26/2003
19 07/20/2001	58 04/05/2001	97 06/28/2001	136 08/30/2000	175 09/13/2000
20 01/30/2003	59 05/18/2001	98 11/19/2002	137 08/18/2000	176 08/30/2000
21 09/25/2002	60 08/14/2001	99 04/30/2002	138 10/16/2003	177 08/18/2000
22 06/29/2001	61 04/08/2002	100 07/16/2003	139 07/28/2000	178 10/03/2000
23 06/29/2001	62 08/14/2001	101 06/27/2001	140 07/02/2002	179 11/26/2002
24 03/03/2000	63 10/16/2003	102 06/27/2001	141 07/12/2000	180 07/28/2000
25 04/13/2003	64 10/16/2003	103 05/08/2003	142 07/20/2000	181 08/28/2003
26 06/28/2001	65 08/14/2001	104 06/27/2001	143 07/01/2003	182 09/24/2001
27 06/28/2001	66 09/08/2000	105 08/13/2003	144 05/05/2000	183 07/12/2000
28 03/09/2000	67 07/31/2001	106 06/27/2001	145 07/16/2003	184 07/20/2000
29 05/17/2002	68 04/07/2003	107 06/01/2001	146 11/06/2003	185 05/05/2000
30 06/28/2001	69 05/25/2001	108 05/30/2000	147 06/30/2001	186 09/23/2002
31 08/27/2002	70 07/23/2001	109 08/21/2002	148 10/16/2003	187 01/30/2003
32 10/06/2000	71 07/20/2001	110 06/01/2001	149 08/21/2002	188 07/01/2003
33 03/27/2002	72 07/20/2001	111 05/31/2001	150 08/07/2000	189 11/06/2000
34 02/25/2004	73 10/17/2003	112 09/25/2002	151 07/16/2003	190 07/01/2003
35 03/05/2001	74 07/20/2001	113 10/16/2003	152 10/16/2003	191 08/28/2003
36 06/28/2001	75 04/14/2000	114 07/01/2003	153 12/18/2003	192 07/01/2003
37 03/27/2002	76 01/09/2003	115 06/05/2002	154 08/20/2003	193 10/30/2001
38 06/28/2001	77 04/04/2000	116 11/28/2002	155 08/01/2001	194 03/27/2003
39 03/04/2002	78 04/14/2000	117 07/01/2003	156 07/23/2002	195 04/13/2003

196 10/29/2003
 197 10/28/2002
 198 06/13/2002
 199 05/31/2002
 200 01/30/2003
 201 11/01/1999
 202 09/05/2003
 203 08/15/2003
 204 12/05/2000
 205 05/31/2002
 206 07/16/2003
 207 12/05/2000
 208 04/04/2003
 209 05/17/2002
 210 03/27/2003
 211 01/10/2004
 212 01/30/2003
 213 12/14/2001
 214 03/27/2002
 215 12/02/2002
 216 12/03/1999
 217 03/27/2002
 218 01/05/2001
 219 08/26/2002
 220 03/14/2002
 221 12/18/2003
 222 12/08/2003
 223 03/08/2002
 224 08/15/2003
 225 01/04/2002
 226 01/26/2002
 227 12/06/2001
 228 11/21/2001
 229 10/26/2001
 230 12/30/2002

E. Written notices of violation (NOV)

- | | | | | |
|----|------------------|--|-----------------|----------|
| 1. | Date: 11/30/1999 | | | |
| | Self-reported? | 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 | | |
| 2. | Date: 11/22/1999 | | | |
| | Self-reported? | No | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| 3. | Date: 12/31/2001 | | | |
| | Self-reported? | 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 | | |
| 4. | Date: 10/06/2000 | | | |
| | Self-reported? | No | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| 5. | Date: 01/31/2002 | | | |
| | Self-reported? | 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 | | |
| 6. | Date: 09/08/2000 | | | |
| | Self-reported? | No | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | |

	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
7.	Date: 05/16/2001			
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.213(f)[G]		
	Description:	PEMS QUARTERLY REPORT		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.213(f)[G]		
	Description:	PEMS QUARTERLY REPORT		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.213(f)[G]		
	Description:	PEMS QUARTERLY REPORT		
8.	Date: 02/28/2002			
	Self-reported?	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		
9.	Date: 05/29/2001			
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
10.	Date: 02/28/2003			
	Self-reported?	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		
11.	Date: 02/28/2000			
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
12.	Date: 03/31/2001			
	Self-reported?	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		
13.	Date: 03/31/2003			
	Self-reported?	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		
14.	Date: 02/16/2001			
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
15.	Date: 04/30/2000			
	Self-reported?	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		

16.	Date: 02/16/2001			
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)(1)(D)		
	Description:	STACK TEST REPORT		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G]		
	Description:	STACK TEST REPORT INFO		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G]		
	Description:	STACK TEST REPORT INFO		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G]		
	Description:	STACK TEST REPORT INFO		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G]		
	Description:	STACK TEST REPORT INFO		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G]		
	Description:	STACK TEST REPORT INFO		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G]		
	Description:	STACK TEST REPORT INFO		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G]		
	Description:	STACK TEST REPORT INFO		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G]		
	Description:	STACK TEST REPORT INFO		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G]		
	Description:	STACK TEST REPORT INFO		
17.	Date: 04/30/2002			
	Self-reported?	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		
18.	Date: 04/30/2003			
	Self-reported?	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		
19.	Date: 05/31/2000			
	Self-reported?	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		
20.	Date: 05/31/2001			
	Self-reported?	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		

21.	Date: 06/30/2003			
	Self-reported?	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		
22.	Date: 06/30/2000			
	Self-reported?	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		
23.	Date: 01/30/2004			
	Self-reported?	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-reported?	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-reported?	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-reported?	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.		
24.	Date: 06/30/2002			
	Self-reported?	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		
25.	07/31/2001			
	Self-reported?	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		
26.	07/31/2002			
	Self-reported?	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		
27.	08/31/2002			
	Self-reported?	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		
28.	08/31/2003			
	Self-reported?	Yes	Classification:	Moderate

	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
29.	Description:	Failure to meet the limit for one or more permit parameter		
	09/30/2001			
	Self-reported?	Yes	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
30.	Description:	Failure to meet the limit for one or more permit parameter		
	05/31/2002			
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 113, SubChapter C 113.100[G]		
	Description:	SSM PLAN		
	Self-reported?	No	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
31.	Description:	PERMIT BY RULE		
	09/30/1999			
	Self-reported?	Yes	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
32.	Description:	Failure to meet the limit for one or more permit parameter		
	10/31/2000			
	Self-reported?	Yes	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
33.	Description:	Failure to meet the limit for one or more permit parameter		
	11/30/2000			
	Self-reported?	Yes	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
34.	Description:	Failure to meet the limit for one or more permit parameter		
	11/30/2001			
	Self-reported?	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		

F. Environmental audits.

1. Notice of Intent Date:
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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision March 02, 2005

DATES	Assigned	20-Dec-2004	Screening	02-Feb-2005	Priority Due	18-Feb-2005	EPA Due	12-Oct-2005
	PCW	02-May-2004						

RESPONDENT/FACILITY INFORMATION	
Respondent	E. I. du Pont de Nemours and Company, Inc.
Reg. Ent. Ref. No.	RN100216035
Additional ID No(s).	Air Account No. JE0033C
Facility/Site Region	10-Beaumont <
Major/Minor Source	Major Source <

CASE INFORMATION			
Enf./Case ID No.	24508	No. of Violations	2
Docket No.	2005-0109-AIR-E	Order Type	1660 <
Case Priority	2 (SNC/HPV) <	Enf. Coordinator	Lawrence King
Media Program(s)	Air Quality <	EC's Team	Enforcement Team 6 <
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 149% Enhancement Subtotals 2, 3, & 7

Notes: The penalty is increased due to one prior findings order, and two prior 1660 orders and 42 prior NOV's, 24 of which are from self-reported monitoring reports.

Culpability No < 0% Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

Notes: This was a past event with no opportunity for compliance.

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	\$57	*Capped at the Total EB \$ Amount.
Approx. Cost of Compliance	\$1,500	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes:

Final Penalty Amount

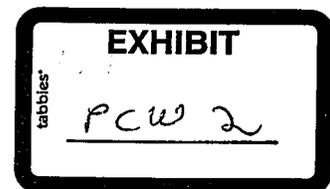
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes: Case did not settle within 60 days.

PAYABLE PENALTY



Screening Date	02-Feb-2005	Docket No.	2005-0109-AIR-E	PCW
Respondent	E. I. du Pont de Nemours and Company, Inc.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	24508			<i>PCW Revision March 02, 2005</i>
Reg. Ent. Reference No.	RN100216035			
Additional ID No(s)	Air Account No. JE0033C			
Media [Statute]	Air Quality			
Enf. Coordinator	Lawrence King			
Site Address	5470 North Twin City Hwy., northwest of Nederland, Jefferson County			

Compliance History Worksheet

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>		0%
	Other written NOVs	42	84%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>		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%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>		0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>		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 disclosed)</i>		0%
	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>		0%
Other	<i>Please Enter Yes or No</i>		
	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) 149%

No

Adjustment Percentage (Subtotal 3) 0%

Average Performer

Adjustment Percentage (Subtotal 7) 0%

Compliance History Notes The penalty is increased due to one prior findings order, and two prior 1660 orders and 42 prior NOVs, 24 of which are from self-reported monitoring reports.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 149%

Screening Date	02-Feb-2005	Docket No.	2005-0109-AIR-E	PCW
Respondent	E. I. du Pont de Nemours and Company, Inc.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	24508			<i>PCW Revision March 02, 2005</i>
Reg. Ent. Reference No.	RN100216035			
Additional ID No(s)	Air Account No. JE0033C			
Media [Statute]	Air Quality			
Enf. Coordinator	Lawrence King			
Violation Number	1			

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and Air Permit No. 4351, Special Condition 1

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description
 The Respondent allowed the release of unauthorized emissions when a pin hole developed in a dehydrating nitration line at the Aniline Unit. The pipe could have been replaced in January 2004, when the plant was shut down for repairs. Therefore, the Respondent failed to meet the demonstrations for an affirmative defense as found in 30 Tex. Admin. Code § 101.222. The emissions event occurred October 2, 2004, from 5:30 pm until 8:30 pm. Total emissions from this incident are estimated to be 39.7 pounds of benzene and 130.2 pounds of nitrobenzene. This violation was documented during a record review conducted December 1, 2004.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes
 As a result of this emissions event an insignificant amount of pollutants were released, not at levels that would effect human health or environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended.

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

Estimated EB Amount \$51 **Violation Final Penalty Total** \$6,225

This violation Final Assessed Penalty (adjusted for limits) \$6,225

E. I. du Pont de Nemours and Company, Inc.	
24508	
RN100216035	
Air Account No. JE0033C	
Air Quality	
1	
	5.0 15

Equipment		0.0	\$0	\$0	\$0
Buildings		0.0	\$0	\$0	\$0
Other (as needed)	\$1,000 15-Jan-2004 05-Oct-2004	0.7	\$2	\$48	\$51
Engineering/construction		0.0	\$0	\$0	\$0
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	The amount listed above is an estimate of the cost of replacing the pipe.				

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	\$1,000				\$51

Screening Date	02-Feb-2005	Docket No.	2005-0109-AIR-E	PCW
Respondent	E. I. du Pont de Nemours and Company, Inc.		Policy Revision 2 (September 2002)	
Case ID No.	24508	PCW Revision March 02, 2005		
Reg. Ent. Reference No.	RN100216035			
Additional ID No(s)	Air Account No. JE0033C			
Media [Statute]	Air Quality			
Enf. Coordinator	Lawrence King			

Violation Number	2
Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and Air Permit No. 1743, Special Condition 1
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	The Respondent allowed the release of unauthorized emissions from an absorber vent (Emission Point Number ACR-VNT 51) at the acrylonitrile process area. The emissions event occurred when an accumulation of moisture in a transmitter caused an erroneous signal to trip down the thermal oxidizer. The event could have been avoided by better design, operation, and maintenance practices, therefore, it failed to meet the demonstrations for an affirmative defense as found in 30 Tex. Admin. Code § 101.222. The emissions event occurred December 27, 2004, from 6:15 pm until 7:14 pm.
Base Penalty	\$10,000

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

OR	Harm			Percent <input type="text" value="25%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
As a result of this emissions event an insignificant amount of pollutants were released, not at levels that would effect human health or environmental receptors.					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events	<input type="text" value="1"/>	Violation Base Penalty <input type="text" value="\$2,500"/>	
mark only one use a small x	daily		<input type="text"/>
	monthly		<input type="text"/>
	quarterly		<input type="text"/>
	semiannual		<input type="text"/>
	annual		<input type="text"/>
	single event	<input checked="" type="checkbox"/>	

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input 2"="" text"="" type="text" value="\$6,225</input></td> </tr> <tr> <td colspan="/> This violation Final Assessed Penalty (adjusted for limits)	

E. I. du Pont de Nemours and Company, Inc.
 24508
 RN100216035
 Air Account No. JE0033C
 Air Quality
 2

5.0 | 15

Equipment		0.0	\$0	\$0	\$0
Buildings		0.0	\$0	\$0	\$0
Other (as needed)	\$500 27-Dec-2004 01-Mar-2005	0.2	\$0	\$6	\$6
Engineering/construction		0.0	\$0	\$0	\$0
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 The amount above is an estimate of the cost of the maintenance to the transmitter.

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

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. Dupont De Nemours and Company	Classification: AVERAGE	Rating: 1.900
Regulated Entity:	RN100216035	E I DUPONT DENEMOURS BEAUMONT WORKS	Classification: AVERAGE	Site Rating: 2.74
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT		14489
	AIR NEW SOURCE PERMITS	PERMIT		14134
	AIR NEW SOURCE PERMITS	PERMIT		14020
	AIR NEW SOURCE PERMITS	PERMIT		13542
	AIR NEW SOURCE PERMITS	PERMIT		12896
	AIR NEW SOURCE PERMITS	PERMIT		12895
	AIR NEW SOURCE PERMITS	PERMIT		12894
	AIR NEW SOURCE PERMITS	PERMIT		12888
	AIR NEW SOURCE PERMITS	PERMIT		12835
	AIR NEW SOURCE PERMITS	PERMIT		12368
	AIR NEW SOURCE PERMITS	PERMIT		12208
	AIR NEW SOURCE PERMITS	PERMIT		11844
	AIR NEW SOURCE PERMITS	PERMIT		10013
	AIR NEW SOURCE PERMITS	PERMIT		8143
	AIR NEW SOURCE PERMITS	PERMIT		8106
	AIR NEW SOURCE PERMITS	PERMIT		6301
	AIR NEW SOURCE PERMITS	PERMIT		6183
	AIR NEW SOURCE PERMITS	PERMIT		5777
	AIR NEW SOURCE PERMITS	PERMIT		5310
	AIR NEW SOURCE PERMITS	PERMIT		4752
	AIR NEW SOURCE PERMITS	PERMIT		4704
	AIR NEW SOURCE PERMITS	PERMIT		4351A
	AIR NEW SOURCE PERMITS	PERMIT		4351
	AIR NEW SOURCE PERMITS	PERMIT		3879
	AIR NEW SOURCE PERMITS	PERMIT		3310
	AIR NEW SOURCE PERMITS	PERMIT		2796A
	AIR NEW SOURCE PERMITS	PERMIT		2672
	AIR NEW SOURCE PERMITS	PERMIT		2340
	AIR NEW SOURCE PERMITS	PERMIT		2324
	AIR NEW SOURCE PERMITS	PERMIT		2316
	AIR NEW SOURCE PERMITS	PERMIT		2053
	AIR NEW SOURCE PERMITS	PERMIT		1743A
	AIR NEW SOURCE PERMITS	PERMIT		1743
	AIR NEW SOURCE PERMITS	PERMIT		1710
	AIR NEW SOURCE PERMITS	PERMIT		1331
	AIR NEW SOURCE PERMITS	PERMIT		318
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		JE0033C
	AIR NEW SOURCE PERMITS	PERMIT		36730
	AIR NEW SOURCE PERMITS	PERMIT		31444
	AIR NEW SOURCE PERMITS	PERMIT		31224
	AIR NEW SOURCE PERMITS	PERMIT		29192
	AIR NEW SOURCE PERMITS	PERMIT		29106
	AIR NEW SOURCE PERMITS	PERMIT		24141
	AIR NEW SOURCE PERMITS	PERMIT		18127
	AIR NEW SOURCE PERMITS	PERMIT		16323
	UNDERGROUND INJECTION CONTROL IHW	PERMIT		WDW391
	UNDERGROUND INJECTION CONTROL IHW	PERMIT		WDW390

EXHIBIT

CH2

UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW389
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW388
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW188
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW101
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW100
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
AIR NEW SOURCE PERMITS	REGISTRATION	73587
AIR NEW SOURCE PERMITS	PERMIT	54705
AIR NEW SOURCE PERMITS	PERMIT	54296
AIR NEW SOURCE PERMITS	PERMIT	71369
AIR NEW SOURCE PERMITS	PERMIT	52358
AIR NEW SOURCE PERMITS	PERMIT	50568
AIR NEW SOURCE PERMITS	PERMIT	52189
AIR NEW SOURCE PERMITS	PERMIT	P753
AIR NEW SOURCE PERMITS	REGISTRATION	71144
AIR NEW SOURCE PERMITS	REGISTRATION	71190
AIR NEW SOURCE PERMITS	AFS NUM	0003
WATER LICENSING	LICENSE	1230066
AIR OPERATING PERMITS	PERMIT	1961
AIR OPERATING PERMITS	PERMIT	1960
AIR OPERATING PERMITS	PERMIT	1959
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C
WASTEWATER	EPA ID	TPDES0004669
WASTEWATER	PERMIT	WQ0000473000

Location: 5470 N TWIN CITY HWY, NEDERLAND, TX, 77627 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 13, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 13, 2000 to January 13, 2005

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

Name: Lawrence King Phone: (512) 239-7037

Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? Yes
- Has there been a (known) change in ownership of the site during the compliance period? No
- If Yes, who is the current owner? N/A
- If Yes, who was/were the prior owner(s)? N/A
- 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.

Effective Date: 2/24/02 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 reformer (EPN AMN-STK-26)

Effective Date: 5/23/02

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: 10/10/03

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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: 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	09/13/2001	(105900)
2	07/16/2003	(134208)
3	08/29/2001	(105899)
4	08/14/2001	(105898)
5	09/25/2002	(11206)
6	08/14/2001	(105897)
7	06/13/2001	(157364)
8	08/14/2001	(105896)
9	07/31/2001	(105895)
10	01/30/2002	(157365)
11	08/28/2003	(152838)
12	06/13/2002	(124628)
13	07/23/2001	(105894)
14	05/31/2002	(124627)
15	07/20/2001	(105893)
16	07/20/2001	(105892)
17	07/20/2001	(105891)
18	01/30/2003	(157366)
19	09/25/2002	(11090)
20	06/29/2001	(105890)
21	06/29/2001	(105889)
22	03/03/2000	(157367)
23	04/13/2003	(31399)
24	06/28/2001	(105888)
25	06/28/2001	(105887)
26	03/09/2000	(157319)
27	05/17/2002	(124625)
28	06/28/2001	(105886)
29	05/23/2002	(285879)
30	08/27/2002	(9194)
31	10/06/2000	(246519)
32	03/27/2002	(124624)
33	02/25/2004	(262312)
34	03/05/2001	(157320)
35	06/28/2001	(105885)
36	03/27/2002	(124623)
37	06/28/2001	(105884)
38	03/04/2002	(157321)
39	03/14/2002	(124622)
40	06/28/2001	(105883)
41	09/23/2004	(291787)
42	03/08/2002	(124621)
43	06/27/2001	(105882)
44	01/26/2002	(124620)
45	06/27/2001	(105881)
46	12/06/2001	(124619)
47	10/29/2003	(253502)

48	01/30/2004	(260913)
49	06/27/2001	(105880)
50	06/27/2001	(105879)
51	11/21/2001	(124618)
52	06/01/2001	(105878)
53	10/26/2001	(124617)
54	03/03/2003	(157322)
55	06/01/2001	(105877)
56	10/16/2003	(251734)
57	08/29/2001	(124615)
58	04/05/2001	(157323)
59	05/18/2001	(39084)
60	08/14/2001	(124614)
61	04/08/2002	(157324)
62	08/14/2001	(124613)
63	10/16/2003	(251808)
64	10/16/2003	(251662)
65	08/14/2001	(124612)
66	09/08/2000	(246518)
67	09/23/2004	(290929)
68	07/31/2001	(124611)
69	04/07/2003	(157325)
70	05/25/2001	(105876)
71	07/23/2001	(124610)
72	05/19/2004	(270221)
73	07/20/2001	(124609)
74	07/20/2001	(124608)
75	10/17/2003	(251784)
76	06/11/2004	(269850)
77	07/20/2001	(124607)
78	04/14/2000	(112632)
79	01/09/2003	(18921)
80	04/04/2000	(157326)
81	04/14/2000	(112631)
82	06/29/2001	(124606)
83	05/29/2001	(246517)
84	03/03/2003	(157327)
85	04/14/2000	(112630)
86	06/29/2001	(124605)
87	02/17/2003	(25086)
88	03/30/2004	(266349)
89	06/28/2001	(124604)
90	10/29/2003	(253508)
91	05/04/2000	(157328)
92	06/28/2001	(124603)
93	10/16/2003	(251656)
94	05/03/2001	(157329)
95	06/28/2001	(124602)
96	10/16/2003	(251736)
97	04/13/2003	(31403)
98	06/28/2001	(124601)
99	06/28/2001	(124600)

100 02/28/2000 (246516)
101 06/28/2001 (124599)
102 11/19/2002 (14959)
103 04/30/2002 (157330)
104 07/16/2003 (134204)
105 06/27/2001 (124598)
106 06/27/2001 (124597)
107 05/08/2003 (157331)
108 06/27/2001 (124596)
109 08/13/2003 (38072)
110 06/27/2001 (124595)
111 06/01/2001 (124594)
112 05/30/2000 (157332)
113 08/21/2002 (6959)
114 06/01/2001 (124593)
115 03/03/2004 (295058)
116 05/31/2001 (157333)
117 09/25/2002 (11218)
118 05/23/2002 (285883)
119 10/16/2003 (251667)
120 07/01/2003 (134047)
121 06/05/2002 (157334)
122 08/31/2004 (262540)
123 05/19/2004 (270228)
124 11/26/2002 (17198)
125 07/01/2003 (134052)
126 01/04/2005 (344102)
127 02/16/2001 (246515)
128 10/06/2004 (334229)
129 05/29/2003 (157335)
130 09/23/2004 (290932)
131 03/08/2001 (105875)
132 12/07/2000 (105874)
133 11/15/2000 (105873)
134 08/28/2003 (152835)
135 07/01/2003 (133984)
136 03/29/2004 (295061)
137 11/15/2000 (105872)
138 06/26/2000 (157336)
139 07/02/2003 (112370)
140 11/15/2000 (105871)
141 04/27/2004 (295062)
142 11/15/2000 (105870)
143 11/15/2000 (105869)
144 07/11/2001 (157337)
145 02/13/2004 (262579)
146 11/15/2000 (105868)
147 12/18/2003 (257374)
148 09/13/2000 (105867)
149 08/30/2000 (105866)
150 06/01/2004 (295064)
151 12/15/2004 (342892)

152	08/18/2000	(105865)
153	10/16/2003	(251668)
154	07/28/2000	(105864)
155	01/06/2005	(345865)
156	07/02/2002	(157338)
157	07/12/2000	(105863)
158	07/20/2000	(105862)
159	05/19/2004	(272204)
160	07/01/2003	(157339)
161	05/05/2000	(105861)
162	06/28/2004	(295066)
163	07/16/2003	(134235)
164	11/06/2003	(248835)
165	06/30/2001	(157340)
166	10/16/2003	(251785)
167	08/21/2002	(6961)
168	08/07/2000	(157341)
169	07/16/2003	(134191)
170	10/16/2003	(251793)
171	08/26/2003	(295069)
172	12/18/2003	(257360)
173	08/20/2003	(148356)
174	08/01/2001	(157342)
175	07/23/2002	(157343)
176	09/30/2003	(295071)
177	07/01/2003	(157344)
178	05/19/2004	(270225)
179	12/08/2003	(255561)
180	10/30/2003	(295073)
181	08/19/2003	(148348)
182	08/28/2000	(157345)
183	12/02/2003	(295074)
184	12/07/2000	(124590)
185	08/25/2003	(149730)
186	09/07/2001	(157346)
187	01/05/2004	(295075)
188	11/15/2000	(124589)
189	11/15/2000	(124588)
190	12/02/2003	(295076)
191	11/15/2000	(124587)
192	12/22/2004	(341799)
193	08/20/2003	(149878)
194	12/04/2002	(14939)
195	11/15/2000	(124586)
196	01/30/2004	(261137)
197	11/15/2000	(124585)
198	08/26/2002	(157347)
199	11/15/2000	(124584)
200	06/26/2003	(35239)
201	09/13/2000	(124583)
202	08/30/2000	(124582)
203	08/18/2000	(124581)

204	10/03/2000	(157348)
205	05/19/2004	(272201)
206	11/26/2002	(17385)
207	07/28/2000	(124580)
208	08/28/2003	(152837)
209	09/24/2001	(157349)
210	07/12/2000	(124579)
211	07/20/2000	(124578)
212	05/05/2000	(124577)
213	04/16/2004	(265198)
214	09/23/2002	(157350)
215	09/23/2004	(290922)
216	01/30/2003	(23299)
217	07/01/2003	(134015)
218	11/06/2000	(157351)
219	07/01/2003	(134013)
220	08/28/2003	(152976)
221	07/01/2003	(134036)
222	10/30/2001	(157352)
223	12/06/2004	(341765)
224	03/27/2003	(25122)
225	04/13/2003	(31394)
226	10/29/2003	(252290)
227	10/28/2002	(157353)
228	06/13/2002	(105913)
229	09/02/2004	(285264)
230	05/31/2002	(105912)
231	01/30/2003	(23300)
232	09/05/2003	(144597)
233	08/15/2003	(148544)
234	12/05/2000	(157355)
235	01/10/2003	(286032)
236	05/31/2002	(105911)
237	07/16/2003	(134218)
238	12/05/2000	(157356)
239	04/04/2003	(28862)
240	05/17/2002	(105910)
241	03/27/2003	(25121)
242	01/10/2004	(257154)
243	01/30/2003	(23302)
244	12/14/2001	(157357)
245	03/27/2002	(105909)
246	05/19/2004	(272699)
247	12/02/2002	(157358)
248	03/27/2002	(105908)
249	01/05/2001	(157360)
250	08/26/2002	(7544)
251	03/14/2002	(105907)
252	12/18/2003	(257365)
253	12/08/2003	(255609)
254	03/08/2002	(105906)
255	08/15/2003	(148560)

256 01/04/2002 (157361)
 257 01/26/2002 (105905)
 258 12/06/2001 (105904)
 259 11/21/2001 (105903)
 260 10/26/2001 (105901)
 261 04/08/2004 (264649)
 262 01/08/2004 (280674)
 263 12/30/2002 (157362)

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

Date: 08/28/2001 (105900) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 101, SubChapter H 101.360[G]
 Description: EMISSION BANKING CERTI

Date: 11/30/1999 (157363) Classification: Moderate
 Self Report? YES
 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: 11/22/1999 (246520) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/31/2001 (157365) Classification: Moderate
 Self Report? YES
 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: 10/06/2000 (246519) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/31/2002 (157321) Classification: Moderate
 Self Report? YES
 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: 01/10/2005 (345865) Classification: Minor
 Self Report? NO
 Rqmt Prov: PERMIT IA
 Description: Failure to properly maintain pond 3 free of excessive solids.

Classification: Moderate
 Self Report? NO
 Rqmt Prov: PERMIT IA
 Description: Failure to contain wastewater from the acrylonitrile plant resulting in an unauthorized discharge.

Classification: Moderate
 Self Report? NO
 Rqmt Prov: PERMIT IA
 Description: Failure to contain steam condensate resulting in an unauthorized discharge along Dock Road.

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

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

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

Classification: Minor
 Self Report? NO

Rqmt Prov: PERMIT IA
Description: Failure to perform total chlorine residual analysis using approved test procedures specified in 30 TAC 319.11 - 319.12.
Date: 09/08/2000 (246518)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/16/2001 (105876)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: PEMS QUARTERLY REPORT

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: PEMS QUARTERLY REPORT

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: PEMS QUARTERLY REPORT

Date: 02/28/2002 (157324)
Self Report? 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: 05/29/2001 (246517)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/28/2003 (157325)
Self Report? 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: 02/28/2000 (246516)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/27/2002 (7544)
Self Report? 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 Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(i)[G]
Description: Failure to provide secondary containment for the aqua ammonia, polymer 1195, and sodium chlorite bulk tanks.

Self Report? 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.

Date: 03/31/2001 (157329)

Self Report?		Classification: Moderate
YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date:	03/31/2003	Description: Failure to meet the limit for one or more permit parameter (157331)
Self Report?		Classification: Moderate
YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date:	02/16/2001	Description: Failure to meet the limit for one or more permit parameter (246515)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	
Date:	04/30/2000	(157332)
Self Report?		Classification: Moderate
YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date:	01/31/2004	Description: Failure to meet the limit for one or more permit parameter (295058)
Self Report?		Classification: Moderate
YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date:	02/28/2001	Description: Failure to meet the limit for one or more permit parameter (105875)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)(1)(D) Description: STACK TEST REPORT	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G] Description: STACK TEST REPORT INFO	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G] Description: STACK TEST RPT INFO	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G] Description: STACK TEST REPORT INFO	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G] Description: STACK TEST REPORT INFO	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G] Description: STACK TEST REPORT INFO	
Self Report?	NO	Classification: Major
Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G] Description: STACK TEST REPORT INFO	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G] Description: STACK TEST REPORT INFO	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.211(g)[G] Description: STACK TEST REPORT INFO	

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: 05/31/2004 (295066) Classification: Moderate
 Self Report? YES

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: 06/30/2000 (157341) Classification: Moderate
 Self Report? YES

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: 08/31/2003 (295071) Classification: Moderate
 Self Report? YES

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: 01/30/2004 (260913) Classification: Moderate
 Self Report? NO

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.
 Classification: Moderate
 Self Report? NO

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.
 Classification: Moderate
 Self Report? NO

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.
 Classification: Moderate
 Self Report? NO

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.
 Date: 06/30/2002 (157343) Classification: Moderate
 Self Report? YES

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: 07/31/2001 (157346) Classification: Moderate
 Self Report? YES

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: 07/31/2002 (157347) Classification: Moderate
 Self Report? YES
 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: 08/31/2002 (157350) Classification: Moderate
 Self Report? YES
 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: 09/30/2001 (157352) Classification: Moderate
 Self Report? YES
 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: 05/31/2002 (105911) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]
 Description: SSM PLAN

Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: PERMIT BY RULE

Date: 09/30/1999 (157354) Classification: Moderate
 Self Report? YES
 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: 10/31/2000 (157356) Classification: Moderate
 Self Report? YES
 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) Classification: Minor
 Self Report? NO
 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 Report? 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 Report? 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 Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain the system's facilities and equipment.

Self Report? 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.

Date: 11/30/2000 (157360) Classification: Moderate
 Self Report? YES
 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: 11/30/2001 (157361)

Self Report?

Classification: Moderate

YES

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

F. Environmental audits.

N/A

Description:

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 6/12/2003

DATES	
PCW	27-May-2004
Screening	29-Oct-2003
Priority Due	28-Dec-2003
EPA Due	1-Jun-2004
RESPONDENT INFORMATION	
Respondent	E.I. Du Pont de Nemours & Company, Inc.
Respondent/Site ID No(s)	RN100216035; Air Account No. JE-0033-C
Facility/Site Region	10 - Beaumont
Major/Minor Source	Major
CASE INFORMATION	
Enf./Case ID No(s)	10237
Docket No.	2003-1371-MLM-E
No. Violations	1
Case Priority	2
Order Type	1660 with deferral
Enf. Coordinator	Laura Clark
EC's Team	Enforcement Team A
Media Program(s)	Air Quality
Admin. Penalty \$ Limit	Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	133% Enhancement	Subtotals 2, 3 & 7
Notes	The Respondent has self-reported 24 NOVs, has received 10 other NOVs, two 1660 orders and one findings order.	\$1,330
Culpability	0% Enhancement	Subtotal 4
Notes	The Respondent does not meet the culpability criteria.	\$0
Good Faith Effort to Comply	25% Reduction	Subtotal 5
Notes	The Respondent achieved compliance on August 6, 2003.	-\$250
Economic Benefit	0% Enhancement*	Subtotal 6
	\$17 Total EB Amounts	\$0
	\$500 Approx. Cost of Compliance	=
SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,080
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
Notes		=
	Final Penalty Amount	\$2,080
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,080
DEFERRAL	Adjustment	\$0
Notes	No deferral is recommended because this is not an expedited case.	=
PAYABLE PENALTY		\$2,080

EXHIBIT
tabbles
pcw 3

Screening Date	29-Oct-2003	Docket Number	2003-1371-MLM-E
Respondent	E.I. Du Pont de Nemours & Company, Inc.	Policy Revision 2	(09/02)
Case ID No.	10237	PCW Revision	6/12/2003
Respondent/Site ID No.	RN100216035; Air Account No. JE-0033-C		
Media Sector	Air Quality		
Env. Coordinator	Laura Clark		
Site Address	3470 Wm. City Highway, Nederland, Jefferson County		

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)	0	0%
	Other written NOVs	11	68%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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		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%
	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%
Convictions	Any criminal convictions of this state or the federal government (number of counts)		0%
Emissions	Chronic excessive emissions events (number of events)		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%
	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%
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%
	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) **133%**

Repeat Violator (Subtotal 3)

No Yes Select Yes/No Adjustment Percentage (Subtotal 3) **0%**

Compliance History Person Classification (Subtotal 7)

Average High Poor Select High, Average or Poor Adjustment Percentage (Subtotal 7) **0%**

Compliance History Summary

Compliance History Notes: The Respondent has self-reported 24 NOVs, has received 10 other NOVs, two (50%) of which are site findings alerts.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 133%

Screening Date 29-Oct-03 **Docket Number** 2003-1371-MLM-E
Respondent E.I. Du Pont de Nemours & Company, Inc. **Policy Revision 2 (09/02)**
Case ID No. 10237 **PCW Revision 6/12/2003**
Respondent/Site ID No. RN100216035; Air Account No. JE-0033-C
Media/Statute Air Quality
Enf. Coordinator Laura Clark

Violation Number [Redacted]
Primary Rule Cite Air Permit No. 2769A - Special Condition 12F and 40 Code of Federal Regulations § 40.466(e)
Secondary Cite(s) 30 Tex. Admin. Code §§ 101.201(i) and 101.106(i) and Tex. Health & Safety Code § 432.035(a)
Violation Description Failure to conduct valid stack sampling for oxides of nitrogen (NOx) on boiler #1 (emission point number (EPN) PWS-BL-57) within 90 days, but no later than 180 days after initial startup of the facility, which occurred in December 2002. Specifically, the data from the performance test and cyclic redundancy test (CRT) conducted on December 3, 2002 could not be used to demonstrate compliance because it could not be verified that the nitrogen oxides (NOx) to nitrogen oxide (NO) conversion efficiency check was performed (1993) according to the test sampling.

Base Penalty \$10,000

Environmental Priority and Human Health Matrix					
		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text" value="10%"/>
	Potential				
Programmatic Matrix					
Falsification		Major	Moderate	Minor	
OR					Percent <input type="text"/>

Matrix Notes Human health or the environment will not be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,000
Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events [Redacted]

mark only one; use small x

Violation Base Penalty \$1,000

Events Notes One single event is recommended for the violation documented during the July 10 through July 31, 2003 investigation as per the penalty policy.

Economic Benefit (EB) for this violation **Standard/Limit Test**

Estimated EB Amount (\$) \$17 **Violation Final Penalty total** \$2,080
This Violation Final Assessed Penalty (adjusted for limits) \$2,080

Economic Benefit Worksheet

Respondent	E.I. Du Pont de Nemours & Company, Inc.		Percent Interest	Years of Depreciation
ID Number(s)	10237		5.0	15
Media [Statute]	Air Quality			
Violation Number	1			

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
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)	\$60	5 Dec 2002	3 Aug 2001	0.7	\$17	n/a	\$17

Notes for DELAYED costs

Estimated cost of additional evaluation required to complete property decontamination and remediation activities identified prior to start sampling. Data required is date of initial site visit and final date of final cleanup.

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/equip				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

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. Dupont De Nemours and Compan	Classification: AVERAGE	Rating: 2.07
Regulated Entity:	RN100216035	E I DUPONT DENEMOURS BEAUMONT WORKS	Classification: AVERAGE	Site Rating: 1.58
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT		53747
	AIR NEW SOURCE PERMITS	PERMIT		14489
	AIR NEW SOURCE PERMITS	PERMIT		14134
	AIR NEW SOURCE PERMITS	PERMIT		14020
	AIR NEW SOURCE PERMITS	PERMIT		13542
	AIR NEW SOURCE PERMITS	PERMIT		12896
	AIR NEW SOURCE PERMITS	PERMIT		12895
	AIR NEW SOURCE PERMITS	PERMIT		12894
	AIR NEW SOURCE PERMITS	PERMIT		12888
	AIR NEW SOURCE PERMITS	PERMIT		12835
	AIR NEW SOURCE PERMITS	PERMIT		12368
	AIR NEW SOURCE PERMITS	PERMIT		12208
	AIR NEW SOURCE PERMITS	PERMIT		11844
	AIR NEW SOURCE PERMITS	PERMIT		10013
	AIR NEW SOURCE PERMITS	PERMIT		8143
	AIR NEW SOURCE PERMITS	PERMIT		8106
	AIR NEW SOURCE PERMITS	PERMIT		6301
	AIR NEW SOURCE PERMITS	PERMIT		6183
	AIR NEW SOURCE PERMITS	PERMIT		5777
	AIR NEW SOURCE PERMITS	PERMIT		5310
	AIR NEW SOURCE PERMITS	PERMIT		4752
	AIR NEW SOURCE PERMITS	PERMIT		4704
	AIR NEW SOURCE PERMITS	PERMIT		4351
	AIR NEW SOURCE PERMITS	PERMIT		3879
	AIR NEW SOURCE PERMITS	PERMIT		3310
	AIR NEW SOURCE PERMITS	PERMIT		2796A
	AIR NEW SOURCE PERMITS	PERMIT		2672
	AIR NEW SOURCE PERMITS	PERMIT		2340
	AIR NEW SOURCE PERMITS	PERMIT		2324
	AIR NEW SOURCE PERMITS	PERMIT		2316
	AIR NEW SOURCE PERMITS	PERMIT		2053
	AIR NEW SOURCE PERMITS	PERMIT		1743A
	AIR NEW SOURCE PERMITS	PERMIT		1743
	AIR NEW SOURCE PERMITS	PERMIT		1710
	AIR NEW SOURCE PERMITS	PERMIT		1331
	AIR NEW SOURCE PERMITS	PERMIT		318
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		JE0033C
	AIR NEW SOURCE PERMITS	PERMIT		50137
	AIR NEW SOURCE PERMITS	PERMIT		48424
	AIR NEW SOURCE PERMITS	PERMIT		48410
	AIR NEW SOURCE PERMITS	PERMIT		45182
	AIR NEW SOURCE PERMITS	PERMIT		36730
	AIR NEW SOURCE PERMITS	PERMIT		31444
	AIR NEW SOURCE PERMITS	PERMIT		31224
	AIR NEW SOURCE PERMITS	PERMIT		29192
	AIR NEW SOURCE PERMITS	PERMIT		29106
	AIR NEW SOURCE PERMITS	PERMIT		24141
	AIR NEW SOURCE PERMITS	PERMIT		18127

EXHIBIT

CH 3

AIR NEW SOURCE PERMITS	PERMIT	16323
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW-391
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW-390
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW-389
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW-388
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW-188
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW-101
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW-100
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
AIR NEW SOURCE PERMITS	AFS NUM	0003
WATER LICENSING	LICENSE	1230066
AIR OPERATING PERMITS	PERMIT	1961
AIR OPERATING PERMITS	PERMIT	1960
AIR OPERATING PERMITS	PERMIT	1959
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C
WASTEWATER	EPA ID	TPDES0004669
WASTEWATER	PERMIT	WQ0000473000

Location: PO BOX 3269, BEAUMONT, TX, 77704 Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 06, 2003

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 06, 1998 to November 06, 2003

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

Name: Laura Clark Phone: 409 899 8760

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.

Effective Date: 2/24/02 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 reformer (EPN AMN-STK-26)

Effective Date: 5/23/02

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: 10/10/03

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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: 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 dates of investigations.

1 01/05/2000
2 09/13/2001
3 07/16/2003
4 08/29/2001
5 08/14/2001
6 09/25/2002
7 08/14/2001
8 06/13/2001
9 08/14/2001
10 07/31/2001
11 01/30/2002
12 08/28/2003
13 06/13/2002
14 07/23/2001
15 05/31/2002
16 07/20/2001
17 07/20/2001
18 11/22/1999
19 07/20/2001
20 01/30/2003
21 09/25/2002
22 06/29/2001
23 06/29/2001
24 03/03/2000
25 04/13/2003
26 06/28/2001
27 06/28/2001
28 03/09/2000
29 05/17/2002
30 06/28/2001
31 08/27/2002
32 10/06/2000
33 03/27/2002
34 03/05/2001
35 06/28/2001
36 03/27/2002
37 06/28/2001
38 03/04/2002
39 03/14/2002
40 06/28/2001
41 03/08/2002
42 06/27/2001
43 01/26/2002
44 06/27/2001
45 12/06/2001
46 10/29/2003
47 06/27/2001
48 06/27/2001
49 11/21/2001
50 06/01/2001
51 10/26/2001
52 03/03/2003
53 06/01/2001

54 10/16/2003
55 08/29/2001
56 04/05/2001
57 05/18/2001
58 08/14/2001
59 04/08/2002
60 08/14/2001
61 10/16/2003
62 10/16/2003
63 08/14/2001
64 09/08/2000
65 07/31/2001
66 04/07/2003
67 05/25/2001
68 07/23/2001
69 07/20/2001
70 07/20/2001
71 10/17/2003
72 07/20/2001
73 04/14/2000
74 01/09/2003
75 04/04/2000
76 04/14/2000
77 06/29/2001
78 05/29/2001
79 03/03/2003
80 04/14/2000
81 06/29/2001
82 02/17/2003
83 06/28/2001
84 10/29/2003
85 05/04/2000
86 06/28/2001
87 10/16/2003
88 05/03/2001
89 06/28/2001
90 10/16/2003
91 04/13/2003
92 06/28/2001
93 06/28/2001
94 02/28/2000
95 06/28/2001
96 11/19/2002
97 04/30/2002
98 07/16/2003
99 06/27/2001
100 06/27/2001
101 05/08/2003
102 06/27/2001
103 08/13/2003
104 06/27/2001
105 06/01/2001
106 05/30/2000

107 08/21/2002
108 06/01/2001
109 05/31/2001
110 09/25/2002
111 10/16/2003
112 07/01/2003
113 06/05/2002
114 11/26/2002
115 07/01/2003
116 02/16/2001
117 05/29/2003
118 03/08/2001
119 12/07/2000
120 11/15/2000
121 08/28/2003
122 07/01/2003
123 11/15/2000
124 06/26/2000
125 07/02/2003
126 11/15/2000
127 11/15/2000
128 11/15/2000
129 07/11/2001
130 11/15/2000
131 09/13/2000
132 08/30/2000
133 08/18/2000
134 10/16/2003
135 07/28/2000
136 07/02/2002
137 07/12/2000
138 07/20/2000
139 07/01/2003
140 05/05/2000
141 07/16/2003
142 06/30/2001
143 10/16/2003
144 08/21/2002
145 08/07/2000
146 07/16/2003
147 10/16/2003
148 08/20/2003
149 08/01/2001
150 07/23/2002
151 07/01/2003
152 08/19/2003
153 08/28/2000
154 12/07/2000
155 08/25/2003
156 09/07/2001
157 11/15/2000
158 11/15/2000
159 11/15/2000

160 08/20/2003
161 12/04/2002
162 11/15/2000
163 11/15/2000
164 08/26/2002
165 11/15/2000
166 06/26/2003
167 09/13/2000
168 08/30/2000
169 08/18/2000
170 10/03/2000
171 11/26/2002
172 07/28/2000
173 08/28/2003
174 09/24/2001
175 07/12/2000
176 07/20/2000
177 05/05/2000
178 09/23/2002
179 01/30/2003
180 07/01/2003
181 11/06/2000
182 07/01/2003
183 08/28/2003
184 07/01/2003
185 10/30/2001
186 03/27/2003
187 04/13/2003
188 10/29/2003
189 10/28/2002
190 06/13/2002
191 05/31/2002
192 01/30/2003
193 11/01/1999
194 09/05/2003
195 08/15/2003
196 12/05/2000
197 05/31/2002
198 07/16/2003
199 12/05/2000
200 04/04/2003
201 05/17/2002
202 03/27/2003
203 01/30/2003
204 12/14/2001
205 03/27/2002
206 12/02/2002
207 12/03/1999
208 03/27/2002
209 01/05/2001
210 08/26/2002
211 03/14/2002
212 03/08/2002

213 08/15/2003
214 01/04/2002
215 01/26/2002
216 12/06/2001
217 11/21/2001
218 10/26/2001
219 12/30/2002

E. Written notices of violations (NOV).

Date: 08/28/2001

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.360[G]
Description: EMISSION BANKING CERTI

Date: 11/30/1999

Self Report? 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: 11/22/1999

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/31/2001

Self Report? 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: 10/06/2000

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/31/2002

Self Report? 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: 09/08/2000

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/31/2003

Self Report? 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: 05/16/2001

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: PEMS QUARTERLY REPORT

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: PEMS QUARTERLY REPORT

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: PEMS QUARTERLY REPORT
Date: 02/28/2002

Self Report? 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: 05/29/2001

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date: 02/28/2003

Self Report? 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: 02/28/2000

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date: 03/31/2001

Self Report? 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: 03/31/2003

Self Report? 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: 02/16/2001

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date: 04/30/2000

Self Report? 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: 02/28/2001

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)(1)(D).
Description: STACK TEST REPORT
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST RPT INFO
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]

Description: STACK TEST REPORT INFO

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Date: 04/30/2002

Self Report? 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: 04/30/2003

Self Report? 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: 05/31/2000

Self Report? 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: 05/31/2001

Self Report? 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: 05/31/2003

Self Report? 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: 06/30/2000

Self Report? 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: 06/30/2002

Self Report? 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: 07/31/2001

Self Report? 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: 07/31/2002

Self Report? 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: 08/31/2002

Self Report? 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: 09/30/2001

Self Report? 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: 05/31/2002

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]
Description: SSM PLAN

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: PERMIT BY RULE

Date: 09/30/1999

Self Report? 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: 10/31/2000

Self Report? 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: 11/30/2000

Self Report? 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: 11/30/2001

Self Report? 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

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

DATES

PCW 09-Sep-2004

Screening 09-Sep-2004

Priority Due 08-Nov-2004

EPA Due 30-May-2005

RESPONDENT/FACILITY INFORMATION

Respondent	E. I. Dupont De Nemours and Company, Inc.		
Reg. Ent. Ref. No.	RN100216035		
Additional ID No(s)	JE0033C		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	10237	No. of Violations	1
Docket No.	2003-1371-MLM-E	Order Type	1660 without deferral
Case Priority	2 (SNC/HPV)	Enf. Coordinator	John Barry
Media Program(s)	Air Quality	EC's Team	Enforcement Team 4
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 141% Enhancement Subtotals 2, 3, & 7

Notes The respondent is an average performer with one findings order, two orders with denial of liability, and 38 NOV's of which 24 are self-reported.

Culpability No Subtotal 4

Notes Does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The violation is a past event with no opportunity to comply.

Economic Benefit 0% Enhancement* Subtotal 6 Total EB Amounts *Capped at the Total EB \$ AmountApprox. Cost of Compliance

SUM OF SUBTOTALS 1-7

Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

DEFERRAL

 ReductionAdjustment

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

Notes

No deferral for direct referral.

PAYABLE PENALTY

EXHIBIT

tabbles

pcw 4

Screening Date	09-Sep-2004	Docket No.	2003-1371-MLM-E	PCW
Respondent	E. I. Dupont De Nemours and Company, Inc.			Policy Revision 2 (September 2002)
Case ID No.	10237			PCW Revision May 17, 2004
Reg. Ent. Reference No.	RN100216035			
Additional ID No(s)	JE0033C			
Media [Statute]	Air Quality			
Enf. Coordinator	John Barry			
Site Address	5470 North Twin City Highway, Nederland, Jefferson County			

Compliance History Worksheet

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	38	76%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements 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)</i>	0	0%
	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>	0	0%
<i>Please Enter Yes or No</i>			
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)			141%
<input type="text" value="No"/> <			Adjustment Percentage (Subtotal 3) 0%
<input type="text" value="Average Performer"/> <			Adjustment Percentage (Subtotal 7) 0%
Compliance History Notes	The respondent is an average performer with one findings order, two orders with denial of liability, and 38 NOVs of which 24 are self-reported.		
Total Adjustment Percentage (Subtotals 2, 3, & 7)			141%

Screening Date	09-Sep-2004	Docket No.	2003-1371-MLM-E	PCW
Respondent	E. I. Dupont De Nemours and Company, Inc.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	10237			<i>PCW Revision May 17, 2004</i>
Reg. Ent. Reference No.	RN100216035			
Additional ID No(s)	JE0033C			
Media (Statute)	Air Quality			
Enf. Coordinator	John Barry			

Violation Number	1
Primary Rule Cite(s)	Tex. Admin. Code § 116.115(b)(2)(F) and (c) and Permit No. 1743 - Special Condition (SC) 1 - Maximum Allowable Emission Rate Table (MAERT)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to maintain an emission rate below the allowable emission limits in the MAERT of the permit. During a reportable event beginning on July 9, 2004, at 2212 hours, and ending at 0453 hours on July 10, 2004, (i.e., for 5 hours 41 minutes), the regulated entity released a total of 407.7 pounds (lb) of Acrylonitrile from Emission Point Number (EPN) ACR-ABS61. This emissions event included 384.9 lb of unauthorized Acrylonitrile emissions above the permitted limit of 4.01 lb/hour on the MAERT. Since this emissions event was avoidable, the regulated entity failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222.
Base Penalty	\$10,000

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

Harm			
Release	Major	Moderate	Minor
Actual			X
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty

One single event is recommended as documented during the July 22, 2004, review.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$100"/>	Violation Final Penalty Total <input type="text" value="\$6,025"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$6,025"/>	

E. I. Dupont De Nemours and Company, Inc.
 10237
 RN100216035
 JE0033C
 Air Quality
 1

5.0 15

Equipment	0.0	\$0	\$0	\$0
Buildings	0.0	\$0	\$0	\$0
Other (as needed)	0.0	\$0	\$0	\$0
Engineering/construction	0.0	\$0	\$0	\$0
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

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]	\$100	09-Jul-2004	11-Jul-2004	\$100
Other (as needed)	0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided costs of checking to determine whether the scrubber was operable before transfer of Acrylonitrile to the storage tank; the date required is the emissions event date; the final date is the date after the emissions event ended.

Approx. Cost of Compliance \$100

\$100

Compliance History

Customer/Respondent/Owner-Operator: CN600128284 E. I. Du Pont De Nemours and Company Classification: AVERAGE Rating: 2.080

Regulated Entity: RN100216035 E I DU PONT DENEMOURS BEAUMONT WORKS Classification: AVERAGE Site Rating: 1.55

ID Number(s):

AIR NEW SOURCE PERMITS	PERMIT	14489
AIR NEW SOURCE PERMITS	PERMIT	14134
AIR NEW SOURCE PERMITS	PERMIT	14020
AIR NEW SOURCE PERMITS	PERMIT	13542
AIR NEW SOURCE PERMITS	PERMIT	12896
AIR NEW SOURCE PERMITS	PERMIT	12895
AIR NEW SOURCE PERMITS	PERMIT	12894
AIR NEW SOURCE PERMITS	PERMIT	12888
AIR NEW SOURCE PERMITS	PERMIT	12835
AIR NEW SOURCE PERMITS	PERMIT	12368
AIR NEW SOURCE PERMITS	PERMIT	12208
AIR NEW SOURCE PERMITS	PERMIT	11844
AIR NEW SOURCE PERMITS	PERMIT	10013
AIR NEW SOURCE PERMITS	PERMIT	8143
AIR NEW SOURCE PERMITS	PERMIT	8106
AIR NEW SOURCE PERMITS	PERMIT	6301
AIR NEW SOURCE PERMITS	PERMIT	6183
AIR NEW SOURCE PERMITS	PERMIT	5777
AIR NEW SOURCE PERMITS	PERMIT	5310
AIR NEW SOURCE PERMITS	PERMIT	4752
AIR NEW SOURCE PERMITS	PERMIT	4704
AIR NEW SOURCE PERMITS	PERMIT	4351A
AIR NEW SOURCE PERMITS	PERMIT	4351
AIR NEW SOURCE PERMITS	PERMIT	3879
AIR NEW SOURCE PERMITS	PERMIT	3310
AIR NEW SOURCE PERMITS	PERMIT	2796A
AIR NEW SOURCE PERMITS	PERMIT	2672
AIR NEW SOURCE PERMITS	PERMIT	2340
AIR NEW SOURCE PERMITS	PERMIT	2324
AIR NEW SOURCE PERMITS	PERMIT	2316
AIR NEW SOURCE PERMITS	PERMIT	2053
AIR NEW SOURCE PERMITS	PERMIT	1743A
AIR NEW SOURCE PERMITS	PERMIT	1743
AIR NEW SOURCE PERMITS	PERMIT	1710
AIR NEW SOURCE PERMITS	PERMIT	1331
AIR NEW SOURCE PERMITS	PERMIT	318
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0033C
AIR NEW SOURCE PERMITS	PERMIT	36730
AIR NEW SOURCE PERMITS	PERMIT	31444
AIR NEW SOURCE PERMITS	PERMIT	31224
AIR NEW SOURCE PERMITS	PERMIT	29192
AIR NEW SOURCE PERMITS	PERMIT	29106
AIR NEW SOURCE PERMITS	PERMIT	24141
AIR NEW SOURCE PERMITS	PERMIT	18127
AIR NEW SOURCE PERMITS	PERMIT	16323
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW391
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW390
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW389
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW388
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW188
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW101
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW100
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
AIR NEW SOURCE PERMITS	REGISTRATION	73587
AIR NEW SOURCE PERMITS	PERMIT	54705
AIR NEW SOURCE PERMITS	PERMIT	54296
AIR NEW SOURCE PERMITS	PERMIT	71369
AIR NEW SOURCE PERMITS	PERMIT	52358
AIR NEW SOURCE PERMITS	PERMIT	50568

EXHIBIT

CH4

AIR NEW SOURCE PERMITS	PERMIT	52189
AIR NEW SOURCE PERMITS	PERMIT	P753
AIR NEW SOURCE PERMITS	REGISTRATION	71144
AIR NEW SOURCE PERMITS	REGISTRATION	71190
AIR NEW SOURCE PERMITS	PERMIT	70875
AIR NEW SOURCE PERMITS	AFS NUM	0003
WATER LICENSING	LICENSE	1230066
AIR OPERATING PERMITS	PERMIT	1961
AIR OPERATING PERMITS	PERMIT	1960
AIR OPERATING PERMITS	PERMIT	1959
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C
WASTEWATER	EPA ID	TPDES0004669
WASTEWATER	PERMIT	WQ0000473000

Location: 5470 N TWIN CITY HWY, NEDERLAND, TX, 77627 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 09, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 02, 1999 to September 02, 2004

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

Name: John Barry Phone: (409) 899-8781

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.

Effective Date: 2/24/02 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 mL 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 reformer (EPN AMN-STK-26)

Effective Date: 5/23/02 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: 10/10/03

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)

Citation: 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)

Citation: 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)
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)

Citation: 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)

Citation: SC 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

N/A

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.)

2 01/05/2000 (157363)
4 09/13/2001 (105900)
6 07/16/2003 (134208)
8 08/29/2001 (105899)

10 08/14/2001 (105898)
12 09/25/2002 (11206)
14 08/14/2001 (105897)
16 06/13/2001 (157364)
18 08/14/2001 (105896)
20 07/31/2001 (105895)
22 01/30/2002 (157365)
24 08/28/2003 (152838)
26 06/13/2002 (124628)
28 07/23/2001 (105894)
30 05/31/2002 (124627)
32 07/20/2001 (105893)
34 07/20/2001 (105892)
36 11/22/1999 (246520)
38 07/20/2001 (105891)
40 01/30/2003 (157366)
42 09/25/2002 (11090)
44 06/29/2001 (105890)
46 06/29/2001 (105889)
48 03/03/2000 (157367)
50 04/13/2003 (31399)
52 06/28/2001 (105888)
54 06/28/2001 (105887)
56 03/09/2000 (157319)
58 05/17/2002 (124625)
60 06/28/2001 (105886)
62 05/23/2002 (285879)
64 08/27/2002 (9194)
66 10/06/2000 (246519)
68 03/27/2002 (124624)
70 02/25/2004 (000000000262312)
72 03/05/2001 (157320)
74 06/28/2001 (105885)
76 03/27/2002 (124623)
78 06/28/2001 (105884)
80 03/04/2002 (157321)
82 03/14/2002 (124622)
84 06/28/2001 (105883)
86 03/08/2002 (124621)
88 06/27/2001 (105882)
90 01/26/2002 (124620)
92 06/27/2001 (105881)
94 12/06/2001 (124619)
96 10/29/2003 (253502)
98 01/30/2004 (260913)
100 06/27/2001 (105880)
102 06/27/2001 (105879)
104 11/21/2001 (124618)
106 06/01/2001 (105878)
108 10/26/2001 (124617)
110 03/03/2003 (157322)
112 06/01/2001 (105877)
114 10/16/2003 (251734)
116 08/29/2001 (124615)
118 04/05/2001 (157323)
120 05/18/2001 (39084)
122 08/14/2001 (124614)
124 04/08/2002 (157324)
126 08/14/2001 (124613)
128 10/16/2003 (251808)
130 10/16/2003 (251662)
132 08/14/2001 (124612)
134 09/08/2000 (246518)
136 07/31/2001 (124611)
138 04/07/2003 (157325)
140 05/25/2001 (105876)
142 07/23/2001 (124610)
144 05/19/2004 (270221)
146 07/20/2001 (124609)
148 07/20/2001 (124608)
150 10/17/2003 (251784)
152 06/11/2004 (000000000269850)
154 07/20/2001 (124607)
156 04/14/2000 (112632)
158 01/09/2003 (18921)

160 04/04/2000 (157326)
162 04/14/2000 (112631)
164 06/29/2001 (124606)
166 05/29/2001 (246517)
168 03/03/2003 (157327)
170 04/14/2000 (112630)
172 06/29/2001 (124605)
174 02/17/2003 (25086)
176 03/30/2004 (266349)
178 06/28/2001 (124604)
180 10/29/2003 (253508)
182 05/04/2000 (157328)
184 06/28/2001 (124603)
186 10/16/2003 (251656)
188 05/03/2001 (157329)
190 06/28/2001 (124602)
192 10/16/2003 (251736)
194 04/13/2003 (31403)
196 06/28/2001 (124601)
198 06/28/2001 (124600)
200 02/28/2000 (246516)
202 06/28/2001 (124599)
204 11/19/2002 (14959)
206 04/30/2002 (157330)
208 07/16/2003 (134204)
210 06/27/2001 (124598)
212 06/27/2001 (124597)
214 05/08/2003 (157331)
216 06/27/2001 (124596)
218 08/13/2003 (38072)
220 06/27/2001 (124595)
222 06/01/2001 (124594)
224 05/30/2000 (157332)
226 08/21/2002 (6959)
228 06/01/2001 (124593)
230 03/03/2004 (295058)
232 05/31/2001 (157333)
234 09/25/2002 (11218)
236 05/23/2002 (285883)
238 10/16/2003 (251667)
240 07/01/2003 (134047)
242 06/05/2002 (157334)
244 08/31/2004 (000000000262540)
246 08/31/2004 (000000000262540)
248 05/19/2004 (270228)
250 11/26/2002 (17198)
252 07/01/2003 (134052)
254 02/16/2001 (246515)
256 05/29/2003 (157335)
258 03/08/2001 (105875)
260 12/07/2000 (105874)
262 11/15/2000 (105873)
264 08/28/2003 (152835)
266 07/01/2003 (133984)
268 03/29/2004 (295061)
270 11/15/2000 (105872)
272 06/26/2000 (157336)
274 07/02/2003 (112370)
276 11/15/2000 (105871)
278 04/27/2004 (295062)
280 11/15/2000 (105870)
282 11/15/2000 (105869)
284 07/11/2001 (157337)
286 02/13/2004 (262579)
288 11/15/2000 (105868)
290 12/18/2003 (257374)
292 09/13/2000 (105867)
294 08/30/2000 (105866)
296 06/01/2004 (295064)
298 08/18/2000 (105865)
300 10/16/2003 (251668)
302 07/28/2000 (105864)
304 07/02/2002 (157338)
306 07/12/2000 (105863)
308 07/20/2000 (105862)

310 05/19/2004 (272204)
312 07/01/2003 (157339)
314 05/05/2000 (105861)
316 06/28/2004 (295066)
318 07/16/2003 (134235)
320 11/06/2003 (248835)
322 06/30/2001 (157340)
324 10/16/2003 (251785)
326 08/21/2002 (6961)
328 08/07/2000 (157341)
330 07/16/2003 (134191)
332 10/16/2003 (251793)
334 08/26/2003 (295069)
336 12/18/2003 (257360)
338 08/20/2003 (148356)
340 08/01/2001 (157342)
342 07/23/2002 (157343)
344 09/30/2003 (295071)
346 10/01/1999 (295072)
348 07/01/2003 (157344)
350 05/19/2004 (270225)
352 12/08/2003 (255561)
354 10/30/2003 (295073)
356 08/19/2003 (148348)
358 08/28/2000 (157345)
360 12/02/2003 (295074)
362 12/07/2000 (124590)
364 08/25/2003 (149730)
366 09/07/2001 (157346)
368 01/05/2004 (295075)
370 11/15/2000 (124589)
372 11/15/2000 (124588)
374 12/02/2003 (295076)
376 11/15/2000 (124587)
378 08/20/2003 (149878)
380 12/04/2002 (14939)
382 11/15/2000 (124586)
384 01/30/2004 (261137)
386 11/15/2000 (124585)
388 08/26/2002 (157347)
390 11/15/2000 (124584)
392 06/26/2003 (35239)
394 09/13/2000 (124583)
396 08/30/2000 (124582)
398 08/18/2000 (124581)
400 10/03/2000 (157348)
402 05/19/2004 (272201)
404 11/26/2002 (17385)
406 07/28/2000 (124580)
408 08/28/2003 (152837)
410 09/24/2001 (157349)
412 07/12/2000 (124579)
414 07/20/2000 (124578)
416 05/05/2000 (124577)
418 04/16/2004 (265198)
420 09/23/2002 (157350)
422 01/30/2003 (23299)
424 07/01/2003 (134015)
426 11/06/2000 (157351)
428 07/01/2003 (134013)
430 08/28/2003 (152976)
432 07/01/2003 (134036)
434 10/30/2001 (157352)
436 03/27/2003 (25122)
438 04/13/2003 (31394)
440 10/29/2003 (252290)
442 10/28/2002 (157353)
444 06/13/2002 (105913)
446 05/31/2002 (105912)
448 01/30/2003 (23300)
450 11/01/1999 (157354)
452 09/05/2003 (144597)
454 08/15/2003 (148544)
456 12/05/2000 (157355)
458 01/10/2003 (286032)

460 05/31/2002 (105911)
 462 07/16/2003 (134218)
 464 12/05/2000 (157356)
 466 04/04/2003 (28862)
 468 05/17/2002 (105910)
 470 03/27/2003 (25121)
 472 01/10/2004 (257154)
 474 01/30/2003 (23302)
 476 12/14/2001 (157357)
 478 03/27/2002 (105909)
 480 05/19/2004 (272699)
 482 12/02/2002 (157358)
 484 12/03/1999 (157359)
 486 03/27/2002 (105908)
 488 01/05/2001 (157360)
 490 08/26/2002 (7544)
 492 03/14/2002 (105907)
 494 12/18/2003 (257365)
 496 12/08/2003 (255609)
 498 03/08/2002 (105906)
 500 08/15/2003 (148560)
 502 01/04/2002 (157361)
 504 01/26/2002 (105905)
 506 12/06/2001 (105904)
 508 11/21/2001 (105903)
 510 10/26/2001 (105901)
 512 04/08/2004 (264649)
 514 01/08/2004 (280674)
 516 12/30/2002 (157362)

Actually 258 investigations

N/A

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

Date: 08/28/2001 (105900) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 101, SubChapter H 101.360[G]
 Description: EMISSION BANKING CERTI

Date: 11/30/1999 (157363) Classification: Moderate
 Self Report? YES
 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: 11/22/1999 (246520) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/31/2001 (157365) Classification: Moderate
 Self Report? YES
 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: 10/06/2000 (246519) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/31/2002 (157321) Classification: Moderate
 Self Report? YES
 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: 09/08/2000 (246518) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/16/2001 (105876)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: PEMS QUARTERLY REPORT

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: PEMS QUARTERLY REPORT

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: PEMS QUARTERLY REPORT

Date: 02/28/2002 (157324)
Self Report? 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: 05/29/2001 (246517)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/28/2003 (157325)
Self Report? 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: 02/28/2000 (246516)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/27/2002 (7544)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (157331)
Self Report? 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: 02/16/2001 (246515)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/30/2000 (157332)
Self Report? 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: 01/31/2004 (295058)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2001 (105875)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)(1)(D)
Description: STACK TEST REPORT

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST RPT INFO

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
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Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(g)[G]
Description: STACK TEST REPORT INFO

Date: 04/30/2002 (157334)
Self Report? 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: 04/30/2003 (157335)
Self Report? 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: 04/07/2003 (28862)

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

Date: 03/31/2004 (295062)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2001 (157337)
Self Report? 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: 04/30/2004 (295064)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (295066)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2000 (157341)
Self Report? 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: 08/31/2003 (295071)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/30/2004 (260913)
Self Report? 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 Report? 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 Report? 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 Report? 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.

Date: 06/30/2002 (157343)
 Self Report? 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: 07/31/2001 (157346)
 Self Report? 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: 07/31/2002 (157347)
 Self Report? 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: 08/31/2002 (157350)
 Self Report? 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: 09/30/2001 (157352)
 Self Report? 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: 05/31/2002 (105911)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C, 113.100[G]
 Description: SSM PLAN

Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: PERMIT BY RULE

Date: 09/30/1999 (157354)
 Self Report? 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: 10/31/2000 (157356)
 Self Report? 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 Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2001 (157361)
 Self Report? 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

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

2007 JUL 26 PM 4: 21

CHIEF CLERKS OFFICE



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DUPONT DE NEMOURS &
COMPANY, INC.
RN100216035

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2003-1371-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. DuPont de Nemours & Company, Inc. ("DuPont") under the authority of TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission. The Executive Director of the TCEQ, represented by the Litigation Division, and DuPont represented by Rod Johnson of the law firm of Brown McCarroll, L.L.P., appear before the Commission and together stipulate that:

1. DuPont owns and operates an industrial organic chemicals plant located at 5470 Twin City Highway, Nederland, Jefferson County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations under TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 26, and TCEQ rules.
3. The Commission and DuPont agree that the Commission has jurisdiction to enter this Agreed Order, and that DuPont is subject to the Commission's jurisdiction.
4. DuPont received notice of the violations alleged in Section II ("Allegations") on or about September 10, 2003, January 15, 2004, June 15, 2004, September 7, 2004, September 28, 2004, October 11, 2004, December 20, 2004 and March 9, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by DuPont of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

E. I. DUPONT DE NEMOURS & COMPANY, INC.

DOCKET NO. 2003-1371-MLM-E

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6. An administrative penalty in the amount of fifty-three thousand two hundred thirty dollars (\$53,230.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). DuPont has paid fifty-three thousand two hundred thirty dollars (\$53,230.00) of the administrative penalty.
7. 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.
8. The Executive Director of the TCEQ and DuPont have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that DuPont has implemented the following corrective measures at the Plant in response to this enforcement action:
 - a. On August 6, 2003, conducted valid stack sampling for oxides on Boiler 7 (EPN P&S-BLR7), including a conversion efficiency check;
 - b. On September 1, 2003, began complying with permitted effluent limitations at Outfall 001A and 101A;
 - c. On October 2, 2004, isolated the leaking dehydrating nitrogen line and made temporary repairs to the leak;
 - d. On October 5, 2004, installed a clamp over the leak in the dehydrating nitrogen line; and
 - e. On October 14, 2004, took the leaking dehydrating nitrogen line out of service.
10. 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 DuPont has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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.

II. ALLEGATIONS

DuPont is alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 101.20(1) and 116.115(c), TCEQ Permit No. 2769A - Special Condition 12F, 40 C. F. R. § 60.46b(e)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to conduct valid stack sampling for nitrogen oxides ("NOx") on Boiler 7, Emission Point Number ("EPN") P&S-BLR7, within 60 days, but no later than 180 days after the initial start up of the Plant, which occurred in December 2002, as documented on June 30, 2003 through July 9, 2003. Specifically, the data from the performance test and relative accuracy test audit ("RATA") conducted on December 5, 2002, could not be used to demonstrate compliance because it could not be verified that the nitrogen dioxide ("NO₂") to NOx Conversion Efficiency Check was performed correctly preceding the stack sampling.
2. 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. 00473 - Effluent Limitations and Monitoring Requirements, and TEX. WATER CODE § 26.121(a) by failing to comply with permitted effluent limitations at Outfall 001A and 101A as documented on December 8, 2003. Specifically, DuPont exceeded Acrylonitrile, Total Chromium, Total Suspended Solids ("TSS"), and pH limits as follows:
 - a. The Acrylonitrile daily average concentration level for Outfall 001A allowed under the permit is 1.41 pounds per day ("lbs/day"). DuPont self reported the following values: April 2003 (2.67 lbs/day) and August 2003 (3.1 lbs/day);
 - b. The Acrylonitrile daily maximum concentration level for Outfall 001A allowed under the permit is 3.48 lbs/day. DuPont self reported the following values: April 2003 (34.72 lbs/day) and August 2003 (40.31 lbs/day);
 - c. The Total Chromium maximum daily concentration level for Outfall 001A allowed under the Permit is 0.2 milligrams per liter ("mg/L"). DuPont self reported a value of 0.23 mg/L for June 2003;
 - d. The Total Suspended Solids daily average concentration level for Outfall 101A allowed under the Permit is 6.5 mg/L. DuPont self reported a value of 21.1 mg/L for March 2003; and
 - e. The Maximum pH allowed under the Permit is 9. DuPont self reported a value of 9.3 for February 2003.

E. I. DUPONT DE NEMOURS & COMPANY, INC.

DOCKET NO. 2003-1371-MLM-E

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3. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TCEQ Permit No. 1743 - Special Condition 1 - Maximum Allowable Emission Rate Table ("MAERT"), and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain an emission rate within the allowable emission limits in the MAERT of the permit as documented on April 16, 2004, thru April 19, 2004. Specifically, during a reportable event on November 24, 2002, Dupont released 14.8 pounds ("lb") of NO_x, 9.4 lb of hydrogen cyanide ("HCN"), and 2.4 lb of ammonia ("NH₃") over authorized limits from an absorber vent in the acrylonitrile process area. This was a nonexempt emissions event that was avoidable and therefore failed to meet the demonstrations for an affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.
4. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TCEQ Permit No. 1743 - Special Condition 1 - MAERT, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain an emission rate within the allowable emission limits in the MAERT of the permit, as documented on July 22, 2004. Specifically, during a reportable event beginning on July 9, 2004, and extending to July 10, 2004, Dupont released a total of 407.7 lb of acrylonitrile from EPN ACR-ABS61. This emission event included 384.9 lb of unauthorized acrylonitrile emissions above the permitted limit of 4.01 lb per hour on the MAERT. This was a nonexempt emissions event that was avoidable and therefore failed to meet the demonstrations for an affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.
5. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TCEQ Permit No. 1743 - Special Conditions 1 - MAERT and 4 - Operational Limitations, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain an emission rate within the allowable emission limits in the MAERT of the permit. Specifically, on July 28, 2004, an emission event occurred at EPN ACR-VNT51 when the Thermal Oxidizer combustion air motor was inadvertently shut off (approximately 7,370 lb of volatile organic compounds ("VOC"), including 100 lb of hazardous air pollutants, 6,047 lb of carbon monoxide ("CO"), 114 lb of NO_x, and about 1 lb of anhydrous NH₃ were released) as documented on September 1, 2004. This was a nonexempt emissions event that was avoidable and therefore failed to meet the demonstrations for an affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.
6. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TCEQ Permit No. 1743 - Special Conditions 1 - MAERT and 4 - Operational Limitations, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain an emission rate within the allowable emission limits in the MAERT of the permit as documented on September 1, 2004. Specifically, on August 10, 2004, emissions from EPN ACR-VNT51 were reported to be 10,846.3 lb for VOC, 3.5 lb for hydrogen cyanide, 9,360.4 lb for CO, and 172.8 lb total for NO_x (additionally, unauthorized emissions of acetaldehyde, acetonitrile, acrolein, and anhydrous ammonia were also reported to have been emitted during the emissions event). This was a nonexempt emissions event that was avoidable and therefore failed to meet the demonstrations for an affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.

E. I. DUPONT DE NEMOURS & COMPANY, INC.

DOCKET NO. 2003-1371-MLM-E

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7. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F); Air Permit No. 4351 - Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), by allowing unauthorized emissions from a dehydrating nitrogen line at the Aniline Unit on October 2, 2004, as documented during a record review conducted on December 1, 2004. This was a nonexempt emissions event that was avoidable and therefore failed to meet demonstrations for an affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.
8. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F); Air Permit No. 1743 - Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), by allowing unauthorized emissions from an absorber vent (EPN ACR-VNT 51) at the acrylonitrile process area on December 27, 2004, as documented by a record review conducted on January 25, 2005. This was a nonexempt emissions event that was avoidable and therefore failed to meet the demonstrations for an affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

DuPont generally denies each allegation in Section II (“Allegations”).

IV. ORDER

1. It is, therefore, ordered by the TCEQ that DuPont pay an administrative penalty as set forth in Section I, Paragraph No. 6 above. The payment of this administrative penalty and DuPont’s compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to “Texas Commission on Environmental Quality” and shall be sent with the notation “Re: E.I. DuPont de Nemours & Company, Inc., Docket No. 2003-1371-MLM-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. The provisions of this Agreed Order shall apply to and be binding upon DuPont. DuPont is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

E. I. DUPONT DE NEMOURS & COMPANY, INC.

DOCKET NO. 2003-1371-MLM-E

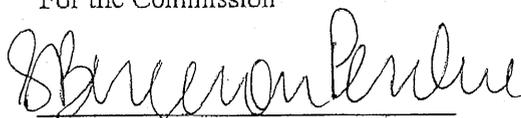
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3. This Agreed Order, issued by the Commission, shall not be admissible against DuPont in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General to: (1) enforce the terms of this Agreed Order; or (2) pursue violations 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to DuPont, or three days after the date on which the Commission mails notice of the Order to DuPont, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/31/06

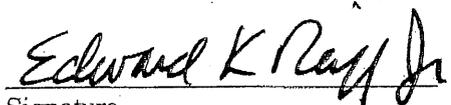
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 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.



Signature

Edward K Reiff, Jr

Name (Printed or typed)

Authorized representative of

E. I. DuPont de Nemours & Company, Inc.

5 Feb 06

Date

Plant Manager

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