

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-2093-AIR-E **TCEQ ID:** RN100225085 **CASE NO.:** 31824
RESPONDENT NAME: E. I. du Pont de Nemours and Company

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 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 type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: La Porte Plant, 12501 Strang Road, La Porte, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 7, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. John R. Laughlin, Plant Manager, E. I. du Pont de Nemours and Company, 12501 Strang Road, La Porte, Texas 77572 Mr. Denver Anderson, EH&S Technologist, E. I. du Pont de Nemours and Company, 12501 Strang Road, La Porte, Texas 77572 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 18, 2006</p> <p>Date of NOE Relating to this Case: October 26, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions during an emissions event that started on June 15, 2006. Specifically, during the June 15, 2006 emissions event 8,700 pounds of unauthorized dichloromethane emissions were released over a period of 122 hours and 46 minutes from a relief valve in the lannate production unit. Since the emissions event was avoidable, Du Pont failed to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [Air Permit No. 1834, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$8,800</p> <p>Total Deferred: \$1,760 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,040</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>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Du Pont has implemented the following corrective measures at the Plant:</p> <p>a. Re-routed the bypass line on August 10, 2006 which vents the bypass line to an alternate control device rather than to the atmosphere;</p> <p>b. A run permissive was added to the methylene chloride compressor on August 10, 2006 which prevents the compressor from starting up if the bypass selector switch is not in the auto position;</p> <p>c. Installed a limit switch and alarm to the bypass valve on September 15, 2006; and</p> <p>d. Conducted employee training on September 30, 2006 covering the revised operating procedure and system information to increase overall knowledge of system functionality.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	6-Nov-2006	PCW	30-Nov-2006	Screening	30-Nov-2006	EPA Due	27-Jul-2007
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RESPONDENT/FACILITY INFORMATION	
Respondent	E. I. du Pont de Nemours and Company
Reg. Ent. Ref. No.	RN100225085
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	31824	No. of Violations	1	
Docket No.	2006-2093-AIR-E	Order Type	1660	
Media Program(s)	Air Quality	Enf. Coordinator	Rebecca Johnson	
Multi-Media		EC's Team	EnforcementTeam 6	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	101% Enhancement	Subtotals 2, 3, & 7	\$5,050
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Notes
Penalty enhancement due to five NOV's issued for same or similar violations, seven NOV's issued for unrelated violations, 25 self reported effluent discharge violations, and one agreed order containing a denial of liability. Penalty reduction due to four Notices of Audits submitted and two Disclosures of Violations submitted.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$1,250
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes
The respondent completed all preventative measures on September 30, 2006.

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$103	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,800
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$8,800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,800
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DEFERRAL	20% Reduction	Adjustment	-\$1,760
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,040
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Screening Date 30-Nov-2006

Docket No. 2006-2093-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 31824

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN100225085

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

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)	5	25%
	Other written NOVs	32	64%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
<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) 101%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to five NOVs issued for same or similar violations, seven NOVs issued for unrelated violations, 25 self reported effluent discharge violations, and one agreed order containing a denial of liability. Penalty reduction due to four Notices of Audits submitted and two Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 101%

Screening Date 30-Nov-2006

Docket No. 2006-2093-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 31824

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN100225085

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Air Permit No. 1834, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during an emissions event that started on June 15, 2006. Specifically, during the June 15, 2006 emissions event 8,700 pounds of unauthorized dichloromethane emissions were released over a period of 122 hours and 46 minutes from a relief valve in the Iannate production unit. Since the emissions event was avoidable, E. I. du Pont de Nemours and Company failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes Human health and the environment have been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health and the environment as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

6 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$103

Violation Final Penalty Total \$8,800

This violation Final Assessed Penalty (adjusted for limits) \$8,800

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company
Case ID No.: 31824
Reg. Ent. Reference No.: RN100225085
Media: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	15-Jun-2006	30-Sep-2006	0.3	\$5	\$98	\$103
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

Estimated cost to implement measures designed to prevent the recurrence of an emissions event due to the dichloromethane recovery system being operated with the relief device in the open position. Date required based on the date of the emissions event. Final date based on the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$103
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Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 2.15
Regulated Entity:	RN100225085	E I DU PONT DE NEMOURS LA PORTE PLANT	Classification: AVERAGE	Site Rating: 1.00

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0218K
	AIR OPERATING PERMITS	PERMIT	1845
	AIR OPERATING PERMITS	PERMIT	1846
	AIR OPERATING PERMITS	PERMIT	1905
	AIR OPERATING PERMITS	PERMIT	1906
	AIR OPERATING PERMITS	PERMIT	1907
	AIR OPERATING PERMITS	PERMIT	1911
	AIR OPERATING PERMITS	PERMIT	1990
	AIR OPERATING PERMITS	PERMIT	1908
	AIR OPERATING PERMITS	PERMIT	1891
	AIR NEW SOURCE PERMITS	REGISTRATION	71966
	AIR NEW SOURCE PERMITS	REGISTRATION	71932
	AIR NEW SOURCE PERMITS	PERMIT	51618
	AIR NEW SOURCE PERMITS	PERMIT	51352
	AIR NEW SOURCE PERMITS	PERMIT	52051
	AIR NEW SOURCE PERMITS	PERMIT	2446A
	AIR NEW SOURCE PERMITS	PERMIT	54634
	AIR NEW SOURCE PERMITS	REGISTRATION	54748
	AIR NEW SOURCE PERMITS	REGISTRATION	55092
	AIR NEW SOURCE PERMITS	REGISTRATION	55169
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0218K
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	25405
	AIR NEW SOURCE PERMITS	PERMIT	55472
	AIR NEW SOURCE PERMITS	PERMIT	53691
	AIR NEW SOURCE PERMITS	PERMIT	53898
	AIR NEW SOURCE PERMITS	PERMIT	53933
	AIR NEW SOURCE PERMITS	PERMIT	54142
	AIR NEW SOURCE PERMITS	PERMIT	55100
	AIR NEW SOURCE PERMITS	PERMIT	55125
	AIR NEW SOURCE PERMITS	REGISTRATION	75780
	AIR NEW SOURCE PERMITS	REGISTRATION	75781
	AIR NEW SOURCE PERMITS	REGISTRATION	75939
	AIR NEW SOURCE PERMITS	REGISTRATION	RN100225085
	AIR NEW SOURCE PERMITS	REGISTRATION	55914
	AIR NEW SOURCE PERMITS	PERMIT	55942
	AIR NEW SOURCE PERMITS	REGISTRATION	75522
	AIR NEW SOURCE PERMITS	PERMIT	20800
	AIR NEW SOURCE PERMITS	REGISTRATION	70090
	AIR NEW SOURCE PERMITS	REGISTRATION	70680
	AIR NEW SOURCE PERMITS	PERMIT	70683
	AIR NEW SOURCE PERMITS	REGISTRATION	71079
	AIR NEW SOURCE PERMITS	REGISTRATION	71485
	AIR NEW SOURCE PERMITS	REGISTRATION	71515
	AIR NEW SOURCE PERMITS	REGISTRATION	71521
	AIR NEW SOURCE PERMITS	REGISTRATION	71555
	AIR NEW SOURCE PERMITS	REGISTRATION	71589
	AIR NEW SOURCE PERMITS	REGISTRATION	71600
	AIR NEW SOURCE PERMITS	REGISTRATION	71637
	AIR NEW SOURCE PERMITS	REGISTRATION	71745
	AIR NEW SOURCE PERMITS	PERMIT	71787
	AIR NEW SOURCE PERMITS	PERMIT	55614
	AIR NEW SOURCE PERMITS	PERMIT	56529
	AIR NEW SOURCE PERMITS	PERMIT	55709
	AIR NEW SOURCE PERMITS	PERMIT	54656
	AIR NEW SOURCE PERMITS	PERMIT	54434
	AIR NEW SOURCE PERMITS	PERMIT	55864
	AIR NEW SOURCE PERMITS	REGISTRATION	72501
	AIR NEW SOURCE PERMITS	REGISTRATION	73137
	AIR NEW SOURCE PERMITS	REGISTRATION	73850

AIR NEW SOURCE PERMITS	REGISTRATION	74445
AIR NEW SOURCE PERMITS	RÉGISTRATION	74547
AIR NEW SOURCE PERMITS	REGISTRATION	74781
AIR NEW SOURCE PERMITS	RÉGISTRATION	75249
AIR NEW SOURCE PERMITS	REGISTRATION	77101
AIR NEW SOURCE PERMITS	REGISTRATION	77245
AIR NEW SOURCE PERMITS	REGISTRATION	77924
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1064
AIR NEW SOURCE PERMITS	REGISTRATION	79091
AIR NEW SOURCE PERMITS	PERMIT	12705
AIR NEW SOURCE PERMITS	PERMIT	12725
AIR NEW SOURCE PERMITS	PERMIT	18253
AIR NEW SOURCE PERMITS	PERMIT	20800
AIR NEW SOURCE PERMITS	PERMIT	21130
AIR NEW SOURCE PERMITS	PERMIT	23740
AIR NEW SOURCE PERMITS	PERMIT	23688
AIR NEW SOURCE PERMITS	PERMIT	25009
AIR NEW SOURCE PERMITS	PERMIT	25657
AIR NEW SOURCE PERMITS	PERMIT	25400
AIR NEW SOURCE PERMITS	PERMIT	27385
AIR NEW SOURCE PERMITS	PERMIT	26222
AIR NEW SOURCE PERMITS	PERMIT	26496
AIR NEW SOURCE PERMITS	PERMIT	26340
AIR NEW SOURCE PERMITS	PERMIT	28315
AIR NEW SOURCE PERMITS	PERMIT	28383
AIR NEW SOURCE PERMITS	PERMIT	24984
AIR NEW SOURCE PERMITS	PERMIT	26592
AIR NEW SOURCE PERMITS	PERMIT	30182
AIR NEW SOURCE PERMITS	PERMIT	30428
AIR NEW SOURCE PERMITS	PERMIT	32351
AIR NEW SOURCE PERMITS	PERMIT	32328
AIR NEW SOURCE PERMITS	PERMIT	34030
AIR NEW SOURCE PERMITS	PERMIT	34178
AIR NEW SOURCE PERMITS	PERMIT	35510
AIR NEW SOURCE PERMITS	PERMIT	36110
AIR NEW SOURCE PERMITS	PERMIT	36341
AIR NEW SOURCE PERMITS	PERMIT	37427
AIR NEW SOURCE PERMITS	PERMIT	37277
AIR NEW SOURCE PERMITS	PERMIT	37750
AIR NEW SOURCE PERMITS	PERMIT	40064
AIR NEW SOURCE PERMITS	PERMIT	39520
AIR NEW SOURCE PERMITS	PERMIT	41316
AIR NEW SOURCE PERMITS	PERMIT	41436
AIR NEW SOURCE PERMITS	PERMIT	41786
AIR NEW SOURCE PERMITS	PERMIT	43111
AIR NEW SOURCE PERMITS	PERMIT	44102
AIR NEW SOURCE PERMITS	PERMIT	44807
AIR NEW SOURCE PERMITS	PERMIT	44835
AIR NEW SOURCE PERMITS	PERMIT	44934
AIR NEW SOURCE PERMITS	PERMIT	45783
AIR NEW SOURCE PERMITS	PERMIT	46250
AIR NEW SOURCE PERMITS	PERMIT	46795
AIR NEW SOURCE PERMITS	PERMIT	47006
AIR NEW SOURCE PERMITS	PERMIT	47657
AIR NEW SOURCE PERMITS	PERMIT	48201
AIR NEW SOURCE PERMITS	PERMIT	48336
AIR NEW SOURCE PERMITS	PERMIT	50145
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0218K
AIR NEW SOURCE PERMITS	PERMIT	157
AIR NEW SOURCE PERMITS	PERMIT	663
AIR NEW SOURCE PERMITS	PERMIT	1834
AIR NEW SOURCE PERMITS	PERMIT	2295A
AIR NEW SOURCE PERMITS	PERMIT	2295B
AIR NEW SOURCE PERMITS	PERMIT	2314
AIR NEW SOURCE PERMITS	PERMIT	2446A
AIR NEW SOURCE PERMITS	PERMIT	2751
AIR NEW SOURCE PERMITS	PERMIT	2925

AIR NEW SOURCE PERMITS	PERMIT	3406
AIR NEW SOURCE PERMITS	PERMIT	4445
AIR NEW SOURCE PERMITS	PERMIT	5034A
AIR NEW SOURCE PERMITS	PERMIT	6502
AIR NEW SOURCE PERMITS	PERMIT	7820
AIR NEW SOURCE PERMITS	PERMIT	7941
AIR NEW SOURCE PERMITS	PERMIT	7986
AIR NEW SOURCE PERMITS	AFS NUM	0011
AIR NEW SOURCE PERMITS	REGISTRATION	79153
AIR NEW SOURCE PERMITS	REGISTRATION	79624
AIR NEW SOURCE PERMITS	REGISTRATION	79682
AIR NEW SOURCE PERMITS	REGISTRATION	79824
AIR NEW SOURCE PERMITS	REGISTRATION	79912
AIR NEW SOURCE PERMITS	REGISTRATION	80234
WASTEWATER	PERMIT	WQ0000474000
WASTEWATER	PERMIT	TPDES0007293
WASTEWATER	PERMIT	TX0007293
UNDERGROUND INJECTION CONTROL	PERMIT	WDW082
UNDERGROUND INJECTION CONTROL	PERMIT	WDW083
UNDERGROUND INJECTION CONTROL	PERMIT	WDW149
UNDERGROUND INJECTION CONTROL	PERMIT	WDW360
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011171
PETROLEUM STORAGE TANK	REGISTRATION	35066
REGISTRATION		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079212
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30046
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50213
WATER LICENSING	LICENSE	1011171
STORMWATER	PERMIT	TXR05P548
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30046

Location: 12501 STRANG RD, LA PORTE, TX, 77571 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 28, 2006

Agency Decision Requiring Compliance Enforcement

Compliance Period: November 08, 2001 to November 08, 2006

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

Name: Rebecca Johnson Phone: (713) 422-8931

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: 03/03/2005 ADMINORDER 2002-1118-IWD-E
Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limit. and Mon. Requirements PERMIT
Description: Failure to comply with permit 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	06/09/2003	(60399)
2	11/22/2002	(160431)
3	11/26/2001	(160430)
4	10/07/2002	(10398)
5	08/27/2003	(152726)
6	08/23/2006	(486603)
7	05/09/2006	(461347)
8	11/28/2005	(468720)
9	06/28/2006	(462251)
10	06/16/2005	(395000)
11	10/23/2002	(160427)
12	06/12/2002	(2347)
13	07/19/2002	(137192)
14	01/17/2006	(468721)
15	05/22/2002	(137191)
16	12/16/2004	(343461)
17	02/13/2004	(262618)
18	09/20/2002	(160424)
19	03/22/2005	(350004)
20	06/04/2002	(137190)
21	06/15/2006	(464682)
22	10/01/2003	(248244)
23	05/18/2002	(137189)
24	04/07/2004	(256711)
25	07/14/2005	(397623)
26	01/17/2006	(468722)
27	04/07/2005	(376192)
28	10/01/2003	(248459)
29	11/14/2003	(250909)
30	05/18/2002	(137188)
31	11/24/2003	(255660)
32	07/20/2004	(275971)
33	05/18/2002	(137187)
34	12/21/2004	(339014)
35	05/15/2002	(137186)
36	08/23/2002	(160421)
37	06/16/2005	(396330)
38	04/18/2002	(137185)
39	01/22/2002	(137184)
40	08/19/2003	(149431)
41	12/14/2001	(137183)
42	06/23/2006	(481674)
43	12/06/2001	(137182)
44	12/04/2001	(137181)
45	07/30/2004	(277027)
46	12/04/2001	(137180)
47	05/05/2003	(34898)
48	07/18/2003	(160418)
49	11/13/2004	(292315)
50	11/30/2001	(137179)
51	05/19/2004	(270868)
52	07/24/2002	(160417)
53	11/30/2001	(137178)
54	04/25/2005	(377502)
55	01/31/2005	(343388)
56	04/18/2005	(350288)

57	12/02/2005	(437474)
58	08/23/2006	(486587)
59	06/24/2003	(160414)
60	09/16/2003	(248235)
61	02/23/2004	(296324)
62	06/24/2002	(160413)
63	02/13/2004	(262614)
64	01/06/2004	(259141)
65	05/15/2006	(465457)
66	04/24/2006	(498402)
67	04/16/2004	(268261)
68	05/23/2006	(498403)
69	04/25/2005	(419877)
70	06/21/2006	(498404)
71	06/18/2002	(2351)
72	08/29/2006	(509906)
73	05/23/2005	(419878)
74	05/25/2006	(467420)
75	08/27/2003	(152724)
76	04/25/2005	(372807)
77	06/21/2005	(419879)
78	08/23/2006	(486595)
79	05/22/2003	(160410)
80	01/27/2006	(432622)
81	12/07/2005	(438530)
82	06/09/2003	(60395)
83	05/22/2002	(160409)
84	05/05/2003	(34905)
85	03/10/2006	(450047)
86	05/15/2006	(465445)
87	04/16/2004	(268264)
88	05/19/2004	(270871)
89	04/25/2005	(377508)
90	08/23/2005	(377109)
91	01/04/2005	(341359)
92	08/03/2004	(278176)
93	05/19/2004	(272282)
94	04/22/2003	(160406)
95	12/07/2005	(438533)
96	03/22/2005	(382025)
97	04/22/2002	(160405)
98	12/07/2005	(438536)
99	10/30/2006	(517651)
100	12/20/2004	(382026)
101	01/20/2006	(449883)
102	08/21/2006	(489548)
103	04/11/2005	(376215)
104	03/22/2003	(352533)
105	01/21/2003	(20308)
106	03/07/2006	(449762)
107	08/27/2003	(152718)
108	07/25/2006	(520408)
109	04/23/2004	(352534)
110	04/25/2005	(372813)
111	08/23/2006	(520409)
112	10/19/2005	(440993)
113	09/22/2006	(520410)
114	05/21/2004	(352535)
115	07/21/2005	(440994)
116	05/10/2004	(271820)
117	01/30/2004	(250497)
118	05/05/2003	(34907)
119	08/19/2005	(440995)

120 09/25/2006 (520411)
121 12/15/2004 (340124)
122 07/14/2005 (397608)
123 06/21/2004 (352536)
124 09/28/2005 (440996)
125 03/24/2003 (160401)
126 05/15/2006 (465437)
127 07/23/2004 (352537)
128 11/14/2003 (254715)
129 03/22/2002 (160400)
130 08/22/2003 (352538)
131 12/07/2005 (438537)
132 04/06/2004 (9880)
133 08/20/2004 (352539)
134 05/19/2004 (270860)
135 07/31/2006 (480156)
136 06/09/2003 (60409)
137 08/02/2006 (480157)
138 08/05/2003 (147695)
139 09/22/2003 (352540)
140 10/13/2006 (515906)
141 10/30/2003 (249902)
142 01/03/2005 (352541)
143 12/19/2005 (449755)
144 03/16/2005 (373933)
145 10/28/2003 (352542)
146 04/25/2005 (377506)
147 11/14/2003 (254795)
148 02/24/2003 (160398)
149 05/19/2004 (272284)
150 07/30/2002 (IE001375400)
151 12/20/2005 (449884)
152 10/22/2004 (352543)
153 04/16/2004 (268256)
154 05/08/2002 (246581)
155 09/16/2003 (247800)
156 06/13/2005 (393264)
157 02/21/2002 (160397)
158 11/24/2003 (352544)
159 07/30/2004 (276699)
160 06/06/2005 (376261)
161 11/22/2004 (352545)
162 11/10/2004 (340381)
163 12/22/2003 (352546)
164 01/20/2004 (352547)
165 04/07/2005 (376218)
166 11/14/2003 (254759)
167 06/26/2003 (126894)
168 02/24/2006 (468717)
169 08/29/2002 (5928)
170 04/25/2005 (372818)
171 09/29/2004 (352548)
172 06/10/2002 (2349)
173 02/13/2004 (262620)
174 10/01/2003 (248494)
175 03/24/2006 (468718)
176 05/30/2006 (480436)
177 01/24/2003 (160439)
178 01/22/2002 (160438)
179 05/06/2005 (379898)
180 06/02/2004 (274059)
181 05/25/2004 (250494)
182 11/21/2005 (435492)

183 10/27/2006 (514269)
184 02/20/2003 (13324)
185 12/19/2002 (160435)
186 05/19/2004 (272286)
187 10/18/2005 (468719)
188 10/30/2006 (482067)
189 07/14/2005 (397619)
190 12/27/2001 (160434)
191 06/18/2002 (2353)

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

Date: 06/30/2003 (160418)
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: 10/31/2005 (468720)
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: 05/21/2002 (137188)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: PERMIT SPECIAL CONDITI

Date: 05/31/2003 (160414)
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: 06/06/2005 (376261)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(iv)
Description: Failure to continuously record the temperature of the flare during the time frames given below.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

Rqmt Prov: PERMIT IA
Description: Failure to maintain pilot flame at all times.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
Description: Failed to conduct an annual visible emission observation within the compliance certification period 12/12/2003 and 12/11/2004.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
Rqmt Prov: PERMIT IA
Description: Failure to maintain the required amount of net heating value in the Velpar flare during the dates and times stated in the report.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)

Rqmt Prov: PERMIT IA
Description: Failure by DuPont to submit the Notification of Compliance Status Report for the Velpar Unit within the 150 day time frame allowed.

Date: 12/31/2004 (352548)
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: 04/30/2005 (419878)
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: 04/30/2002 (160409)
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: 05/31/2005 (419879)
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: 10/01/2003 (248494)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
Description: Failure to include compounds in final report. Classification - Min(3)(C)

Date: 03/31/2002 (160405)
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: 06/15/2006 (464682)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA
Description: Failure to monitor 32 connectors in HON service as required by 40 CFR 63, Subpart H.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Failure to monitor 4 difficult to monitor valves on an annual basis as required by 40 CFR 63.168(i)(3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA
PA IA

Description: Failure to operate the process unit with no open-ended valves or pipelines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA
PA IA

Description: Failure to maintain specified water flow to Scrubbers as required by NSR Permit #4445, SC #6.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA
PA IA

Description: Failure to perform quarterly Method 21 monitoring to 2 accessible valves.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Failure to include new methanol-service components in the annual notification report required by 106.261(a)(7)(B).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Failure to operate flare at an exit velocity less than 60 ft./sec.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Failure to submit a written 45 day notification prior to performing testing as required by 115.726(a)(2).

Date: 02/28/2005 (382025)

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: 08/02/2006 (480157)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(i)(3)

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

Rqmt Prov: OP IA

Description: Failure to perform verification testing to refrigeration equipment after completion of repairs.

Date: 08/23/2005 (377109)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)

Description: Failure to submit a PI-7 Form within 10 days for a Permit by Rule registration under 30 TAC 106.262.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)

Description: Failure to submit an Off-permit notification to the Agency to notify them of a change at the site that met the requirements of 30 TAC 122.222(k).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.700

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)

Description: Failure to submit Notification of compliance status for the Lannate Unit within 150 days after the compliance date of 12/23/2003.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii)

Description: Failure to keep the incinerator temperature above the established minimum temperature of 1700 F required by for 40 CFR 63, Subpart MMM.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(j)(1)

Description: Failure to ensure that the methylene chloride is not released to the atmosphere from the by-pass vent valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(iii)

Description: Failure to record the continuous monitoring data required for the condenser temperature and the scrubber re-circulation rate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700

30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii)

Description: Failure to ensure that the temperature of the incinerator is continuously recorded as required by this rule.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)

Description: Failure to daily sample the caustic scrubber and to ensure that the scrubber solution is maintained above the minimum level established in their Notification

of Compliance Status.

Date: 10/01/2003 (248244)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to control or prevent emissions. Classification-MOD92)(D)

Date: 02/29/2004 (352533)
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: 02/28/2003 (160401)
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: 03/31/2004 (352534)
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 (352535)
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: 07/31/2006 (480156)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA
Description: Failure to perform continuous recording of the Velpar Flare.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(iv)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA
Description: Failure to continuously record the exhaust gas temperature of the NaOMe Flare.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(a)

5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
Description: Failure to perform verification testing to refrigeration equipment after performing maintenance.

Date: 07/31/2004 (352539)
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: 01/31/2003 (160398)
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: 05/08/2002 (246581)
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: 03/31/2003 (160406)
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: 01/31/2002 (160397)
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: 09/30/2003 (352542)
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: 09/30/2004 (352543)
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: 06/28/2006 (462251)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit initial notification in a timely manner.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PA IA
Description: Failure to prevent the unauthorized emission of ethylene from the atmospheric vent valve.

Date: 10/31/2003 (352544)
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: 11/30/2003 (352546)
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: 12/31/2003 (352547)
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: 12/31/2002 (160439)
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: 10/01/2003 (248459)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent or control emissions. Classification - Mod(2)(D)

Date: 11/30/2001 (160434)
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: 02/28/2006 (468718)
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: 04/11/2005 (376215)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(2)
Description: Failure to limit production of hydrogen fluoride to the amount approved in Permit by Rule Registration # 71515, resulting in excess emissions of 0.50 pounds of sulfur dioxide.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(2)
Description: Failure to limit production of hydrogen fluoride to the amount approved in Permit by Rule Registration # 71515, resulting in excess emissions of 0.01 pounds of hydrogen fluoride.

F. Environmental audits.

Notice of Intent Date: 02/11/2004
(263549)

Disclosure Date: 04/29/2004

Viol. Classification: Minor
Citation: Req Prpv: PERMIT
REPORTING REQUIREMENTS

Description: DISCHARGE MONITORING REPORTS DEFICIENT

Viol. Classification: Minor
Citation: Req Prpv: PERMIT
NOTIFICATION REQUIREMENTS

Description: DAILY DISCHARGE VIOLATION NOTIFICATIONS NOT PROVIDED

Viol. Classification: Minor
Citation: Req Prpv: PERMIT
REPORTING REQUIREMENTS

Description: EFFLUENT LIMITATION DEVIATIONS NOT REPORTED WITHIN 5 DAYS

Viol. Classification: Minor
Citation: Req Prpv: PERMIT
REPORTING REQUIREMENTS

Description: CYANIDE AMENABLE TO CHLORINATION DATA NOT REPORTED

Viol. Classification: Moderate
Citation: Req Prpv: PERMIT

Description: permit requirement for lab to run acute mysid screening samples prior to running the compliance acute mysid shrimp toxicity test

Viol. Classification: Minor
Citation: Req Prpv: PERMIT
SAMPLING PLAN

Description: conflict in TPDES permit requirement relating to acute toxicity

Viol. Classification: Minor
Citation: Req Prpv: PERMIT
SAMPLING PLAN

Description: process samples for methomyl data was not reported on the monthly effluent reports

Notice of Intent Date: 02/11/2004
(263971)

No DOV Associated

Citation:

Notice of Intent Date: 02/02/2005
(371581)

Disclosure Date: 08/08/2005

Viol. Classification: Moderate

Citation:

115.354[G] 30 TAC Chapter 115, SubChapter D
115.355[G] 30 TAC Chapter 115, SubChapter D
115.356[G] 30 TAC Chapter 115, SubChapter D
60.485[G] 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV
63.1363[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM
63.168[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H

Description: Fugitive monitoring data includes data with questionable validity due to response time of the instrument.

Viol. Classification: Moderate

Citation:

115.352[G] 30 TAC Chapter 115, SubChapter D
115.353 30 TAC Chapter 115, SubChapter D
115.354 30 TAC Chapter 115, SubChapter D
115.355[G] 30 TAC Chapter 115, SubChapter D
115.356 30 TAC Chapter 115, SubChapter D
115.357[G] 30 TAC Chapter 115, SubChapter D
63.160[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.161 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H

63.162[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.163[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.164[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.165[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.166[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.167[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.169[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.171[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.172[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.173[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.174[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.175[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.176[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.177[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.178[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
63.180[G] 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H

Description: DuPont identified 6250 components that should have been included in the site Leak Detection and Repair Program, but have not previously been.

Notice of Intent Date: 02/07/2005

(371582)

No DOV Associated

Citation:

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.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS AND
COMPANY
RN100225085**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-2093-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("Du Pont") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Du Pont appear before the Commission and together stipulate that:

1. Du Pont owns and operates a chemical manufacturing plant at 12501 Strang Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
3. The Commission and Du Pont agree that the Commission has jurisdiction to enter this Agreed Order, and that Du Pont is subject to the Commission's jurisdiction.
4. Du Pont received notice of the violations alleged in Section II ("Allegations") on or about October 31, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Du Pont of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Eight Hundred Dollars (\$8,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Du Pont has paid Seven Thousand Forty Dollars (\$7,040) of the administrative penalty and One Thousand Seven Hundred Sixty Dollars (\$1,760) is deferred contingent upon Du Pont's timely

and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Du Pont fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Du Pont to pay all or part of the deferred 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 Du Pont 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 Du Pont has implemented the following corrective measures at the Plant:
 - a. Re-routed the bypass line on August 10, 2006 which vents the bypass line to an alternate control device rather than to the atmosphere;
 - b. A run permissive was added to the methylene chloride compressor on August 10, 2006 which prevents the compressor from starting up if the bypass selector switch is not in the auto position;
 - c. Installed a limit switch and alarm to the bypass valve on September 15, 2006; and
 - d. Conducted employee training on September 30, 2006 covering the revised operating procedure and system information to increase overall knowledge of system functionality.
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 Du Pont 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

As owner and operator of the Plant, Du Pont is alleged to have failed to prevent unauthorized

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Sixth paragraph of handwritten text, detailing the aftermath.

Seventh paragraph of handwritten text, reflecting on the situation.

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emissions during an emissions event that started on June 15, 2006, in violation of Air Permit No. 1834, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 18, 2006. Specifically, during the June 15, 2006 emissions event 8,700 pounds of unauthorized dichloromethane emissions were released over a period of 122 hours and 46 minutes from a relief valve in the lannate production unit. Since the emissions event was avoidable, Du Pont failed to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

Du Pont generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Du Pont pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Du Pont'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 requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2006-2093-AIR-E" to:

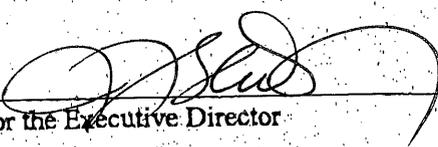
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon Du Pont. Du Pont is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Du Pont in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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), the effective date is the date of hand-delivery of the Order to Du Pont, or three days after the date on which the Commission mails notice of the Order to Du Pont, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

E. I. du Pont de Nemours and Company
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/27/07

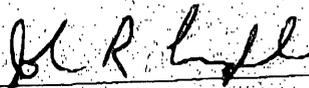
Date

I, the undersigned, have read and understand the attached Agreed Order. 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

February 5, 2007

Date

John R. Laughlin

Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

Plant Manager

Title

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

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