

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0499-AIR-E **TCEQ ID:** RN100542711 **CASE NO.:** 35595
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: Dupont Sabine River Works, 3055 Farm-to-Market Road 1006, Orange, Orange County</p> <p>TYPE OF OPERATION: Petrochemical Plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are five additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0971-AIR-E, 2008-0037-AIR-E, 2007-1755-PWS-E, 2004-1135-MLM-E, and 2008-1167-AIR-E.</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 September 1, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, R-10, (409) 899-8784; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Michael Sanchez, Site Manager, E. I. du Pont de Nemours and Company, P. O. Box 1089, Orange, Texas 77631 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: January 14, 2008</p> <p>Date of NOV/NOE Relating to this Case: March 14, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions (Incident Number 100151). Specifically, 570 pounds ("lbs") of ethylene were released from HPS Dump Valve, Emissions Point Number ("EPN") PL-5D, and the Reactor Dump Valve, EPN PL-5B, of C-Unit without authorization on November 16, 2007, for approximately one minute. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria necessary for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit 9176, Special Condition ("SC") 1, and Federal Operating Permit ("FOP") O-02001, General Terms and Conditions ("GTC") and SC 8].</p> <p>2. Failure to prevent unauthorized emissions (Incident Number 101920). Specifically, 11,069 lbs of ethylene and 127 lbs propane were released without authorization from C-Unit HPS Rupture Disc (EPN PLUM-C) on January 1, 2008, for approximately one minute. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria necessary for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit 9176, SC 1, and FOP O-02001, GTC and SC 8].</p>	<p>Total Assessed: \$13,350</p> <p>Total Deferred: \$2,670 <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: \$10,680</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>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant by:</p> <p>a. Training personnel in proper operation of the HPS Dump Valve and Reactor Dump Valve on November 17, 2007 (Incident Number 100151); and</p> <p>b. Insulating the High Pressure Separator Off-Gas RV pipe to prevent acid condensation on January 13, 2008 (Incident Number 101920).</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, complete training of personnel to insure proper operation of the C-Unit High Pressure Separator (Incident Number 101920); and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

TCEQ

DATES	Assigned	17-Mar-2008	Screening	24-Mar-2008	EPA Due	19-Dec-2008
	PCW	27-Mar-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	E. I. du Pont de Nemours and Company		
Reg. Ent. Ref. No.	RN100542711		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	35595	No. of Violations	2	
Docket No.	2008-0499-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Aaron Houston	
Multi-Media		EC's Team	Enforcement Team 5	
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 **Subtotals 2, 3, & 7**

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes

Approx. Cost of Compliance **Subtotal 6**

Total EB Amounts	\$27
Approx. Cost of Compliance	\$2,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 24-Mar-2008

Docket No. 2008-0499-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35595

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Aaron Houston

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)	2	10%
	Other written NOVs	28	56%
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) 78%

>> 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: two (2) NOVs with same or similar violations, twenty-eight (28) NOVs for unrelated violations including five (5) self-reported effluent violations, and one (1) Agreed Order containing a denial of liability. Penalty reduction due to: four (4) letters of intended audits and two (2) in which violations were disclosed.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 78%

Screening Date 24-Mar-2008 **Docket No.** 2008-0499-AIR-E **PCW**
Respondent E. I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*
Case ID No. 35595 *PCW Revision February 29, 2008*
Reg. Ent. Reference No. RN100542711
Media [Statute] Air
Enf. Coordinator Aaron Houston
Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit 9176, Special Condition ("SC") 1, Federal Operating Permit ("FOP") O-02001, General Terms and Conditions ("GTC") and SC 8

Violation Description Failed to prevent unauthorized emissions (Incident Number 100151) . Specifically, 570 pounds ("lbs") of ethylene were released from HPS Dump Valve, Emissions Point Number ("EPN") PL-5D, and the Reactor Dump Valve, EPN PL-5B, of C-Unit without authorization on November 16, 2007, for approximately one minute. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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
				0%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$4,450

This violation Final Assessed Penalty (adjusted for limits) \$4,450

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 35595
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	16-Nov-2007	17-Nov-2007	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 of training personnel in proper operation of PL-5B and PL-5D. Date required was the date of the emissions event; final date is 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

\$500	TOTAL	\$0
-------	--------------	-----

Screening Date 24-Mar-2008

Docket No. 2008-0499-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35595

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Aaron Houston

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit 9176, SC 1, FOP O-02001, GTC and SC 8

Violation Description

Failed to prevent unauthorized emissions (Incident Number 101920). Specifically, 11,069 lbs of ethylene and 127 lbs propane were released without authorization from C-Unit HPS Rupture Disc (EPN PLUM-C) on January 1, 2008, for approximately one minute. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 .

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input checked="" type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 35595
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 2

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	\$1,000	1-Jan-2008	13-Jan-2008	0.0	\$0	\$2	\$2
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	\$1,000	1-Jan-2008	29-Jun-2008	0.5	\$25	n/a	\$25
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 of insulating the pipes and training personnel. Date required is the date of the emissions event; final date is when insulation was installed and estimated date for completion of training personnel.

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

\$2,000

TOTAL

\$27

Compliance History

Customer/Respondent/Owner-Operator: CN600128284 E. I. du Pont de Nemours and Company Classification: AVERAGE Rating: 2.29

Regulated Entity: RN100542711 DUPONT SABINE RIVER WORKS Classification: AVERAGE Site Rating: 1.17

ID Number(s):	ACCOUNT NUMBER	OC0007J
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1895
AIR OPERATING PERMITS	PERMIT	1896
AIR OPERATING PERMITS	PERMIT	1897
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	1899
AIR OPERATING PERMITS	PERMIT	1900
AIR OPERATING PERMITS	PERMIT	1901
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	2001
AIR OPERATING PERMITS	PERMIT	2055
AIR OPERATING PERMITS	PERMIT	2074
AIR OPERATING PERMITS	PERMIT	2331
AIR OPERATING PERMITS	PERMIT	1882
AIR NEW SOURCE PERMITS	REGISTRATION	72030
AIR NEW SOURCE PERMITS	PERMIT	9629
AIR NEW SOURCE PERMITS	PERMIT	914
AIR NEW SOURCE PERMITS	PERMIT	914A
AIR NEW SOURCE PERMITS	PERMIT	1302
AIR NEW SOURCE PERMITS	PERMIT	1303
AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	PERMIT	1423
AIR NEW SOURCE PERMITS	PERMIT	1423A
AIR NEW SOURCE PERMITS	PERMIT	1423B
AIR NEW SOURCE PERMITS	PERMIT	1423C
AIR NEW SOURCE PERMITS	PERMIT	1468
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	PERMIT	2004
AIR NEW SOURCE PERMITS	PERMIT	2116
AIR NEW SOURCE PERMITS	PERMIT	2490
AIR NEW SOURCE PERMITS	PERMIT	5745
AIR NEW SOURCE PERMITS	PERMIT	7021
AIR NEW SOURCE PERMITS	PERMIT	9176
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	10447
AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	12967
AIR NEW SOURCE PERMITS	PERMIT	16327
AIR NEW SOURCE PERMITS	PERMIT	17157
AIR NEW SOURCE PERMITS	PERMIT	20204
AIR NEW SOURCE PERMITS	PERMIT	21236
AIR NEW SOURCE PERMITS	PERMIT	22977
AIR NEW SOURCE PERMITS	PERMIT	23646
AIR NEW SOURCE PERMITS	PERMIT	24252
AIR NEW SOURCE PERMITS	PERMIT	26132
AIR NEW SOURCE PERMITS	PERMIT	25167
AIR NEW SOURCE PERMITS	PERMIT	26158
AIR NEW SOURCE PERMITS	PERMIT	26325
AIR NEW SOURCE PERMITS	PERMIT	26410
AIR NEW SOURCE PERMITS	PERMIT	28148
AIR NEW SOURCE PERMITS	PERMIT	32733
AIR NEW SOURCE PERMITS	PERMIT	36046
AIR NEW SOURCE PERMITS	PERMIT	37488
AIR NEW SOURCE PERMITS	PERMIT	41263
AIR NEW SOURCE PERMITS	PERMIT	42054
AIR NEW SOURCE PERMITS	PERMIT	44528
AIR NEW SOURCE PERMITS	PERMIT	46790
AIR NEW SOURCE PERMITS	PERMIT	47671

AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J
AIR NEW SOURCE PERMITS	PERMIT	71863
AIR NEW SOURCE PERMITS	REGISTRATION	75999
AIR NEW SOURCE PERMITS	REGISTRATION	75839
AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	AFS NUM	4836100002
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	PERMIT	53324
AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	REGISTRATION	73921
AIR NEW SOURCE PERMITS	REGISTRATION	73779
AIR NEW SOURCE PERMITS	REGISTRATION	74503
AIR NEW SOURCE PERMITS	REGISTRATION	76581
AIR NEW SOURCE PERMITS	REGISTRATION	76955
AIR NEW SOURCE PERMITS	REGISTRATION	76719
AIR NEW SOURCE PERMITS	REGISTRATION	76580
AIR NEW SOURCE PERMITS	REGISTRATION	76726
AIR NEW SOURCE PERMITS	REGISTRATION	76690
AIR NEW SOURCE PERMITS	REGISTRATION	76686
AIR NEW SOURCE PERMITS	REGISTRATION	78770
AIR NEW SOURCE PERMITS	REGISTRATION	78820
AIR NEW SOURCE PERMITS	REGISTRATION	79048
AIR NEW SOURCE PERMITS	REGISTRATION	78445
AIR NEW SOURCE PERMITS	REGISTRATION	79512
AIR NEW SOURCE PERMITS	REGISTRATION	80163
AIR NEW SOURCE PERMITS	REGISTRATION	80331
AIR NEW SOURCE PERMITS	REGISTRATION	79817
AIR NEW SOURCE PERMITS	REGISTRATION	80113
AIR NEW SOURCE PERMITS	REGISTRATION	80067
AIR NEW SOURCE PERMITS	REGISTRATION	80740
AIR NEW SOURCE PERMITS	REGISTRATION	80742
AIR NEW SOURCE PERMITS	REGISTRATION	80739
AIR NEW SOURCE PERMITS	REGISTRATION	80738
AIR NEW SOURCE PERMITS	REGISTRATION	80736
AIR NEW SOURCE PERMITS	REGISTRATION	80747
AIR NEW SOURCE PERMITS	REGISTRATION	80712
AIR NEW SOURCE PERMITS	REGISTRATION	80930
AIR NEW SOURCE PERMITS	REGISTRATION	80784
AIR NEW SOURCE PERMITS	REGISTRATION	81074
AIR NEW SOURCE PERMITS	REGISTRATION	80705
AIR NEW SOURCE PERMITS	REGISTRATION	80706
AIR NEW SOURCE PERMITS	REGISTRATION	80707
AIR NEW SOURCE PERMITS	REGISTRATION	80708
AIR NEW SOURCE PERMITS	REGISTRATION	80709
AIR NEW SOURCE PERMITS	REGISTRATION	80711
AIR NEW SOURCE PERMITS	REGISTRATION	80743
AIR NEW SOURCE PERMITS	REGISTRATION	81410
AIR NEW SOURCE PERMITS	REGISTRATION	81411
AIR NEW SOURCE PERMITS	REGISTRATION	81429
AIR NEW SOURCE PERMITS	REGISTRATION	81431
AIR NEW SOURCE PERMITS	REGISTRATION	81430
AIR NEW SOURCE PERMITS	REGISTRATION	81292
AIR NEW SOURCE PERMITS	REGISTRATION	81828
AIR NEW SOURCE PERMITS	REGISTRATION	81587
AIR NEW SOURCE PERMITS	REGISTRATION	82031
AIR NEW SOURCE PERMITS	REGISTRATION	83760
AIR NEW SOURCE PERMITS	REGISTRATION	83519
AIR NEW SOURCE PERMITS	REGISTRATION	82838

PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079642
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30019
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50230
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50230
STORMWATER	PERMIT	TXR05L392
WATER RIGHTS	ID NUMBER	4664
WATER LICENSING	LICENSE	1810114
WASTEWATER	PERMIT	WQ0000475000
WASTEWATER	PERMIT	TPDES0006327
WASTEWATER	PERMIT	TX0006327
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30019
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50230

Location: 3055 FM 1006, ORANGE, TX, 77631 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 17, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 17, 2003 to March 17, 2008

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

Name: Aaron T. Houston Phone: (409) 899-8784

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: 04/25/2003 ADMINORDER 2002-0440-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 4 PERMIT

Description: Failure to conduct monthly fugitive monitoring on 3 pumps in benzene service during April, May, June, August, and September 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 4 PERMIT

Description: Failure to conduct two successive leak free monthly fugitive monitoring events on 23 valves in benzene service from April through December of 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 4 PERMIT

Description: Failure to mark one valve in benzene service to distinguish them readily from other pieces of equipment.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 15E PERMIT
 Permit 914, SC4 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 14I PERMIT

Description: Failure to tag leaking components in VOC service which cannot be fixed until a unit shutdown.

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	03/21/2003	(159091)
2	03/27/2003	(28363)
3	04/13/2003	(31391)
4	04/13/2003	(31376)
5	04/13/2003	(31386)
6	04/13/2003	(31383)
7	04/15/2003	(159096)
8	04/16/2003	(28146)
9	04/16/2003	(33743)
10	05/16/2003	(28165)
11	05/19/2003	(159100)
12	06/25/2003	(112308)
13	06/27/2003	(159108)
14	06/27/2003	(159104)
15	07/01/2003	(134042)
16	07/01/2003	(133983)
17	07/01/2003	(134010)
18	07/15/2003	(38074)
19	07/15/2003	(112514)
20	07/15/2003	(112516)
21	07/15/2003	(112518)
22	07/15/2003	(112519)
23	07/22/2003	(295812)
24	08/04/2003	(125899)
25	08/18/2003	(295810)
26	08/22/2003	(144190)
27	08/27/2003	(152757)
28	08/27/2003	(152763)
29	08/27/2003	(152759)
30	08/27/2003	(152760)
31	08/27/2003	(152752)
32	08/29/2003	(152995)
33	08/29/2003	(153012)

34	10/17/2003	(252339)
35	10/21/2003	(295815)
36	10/29/2003	(251998)
37	11/13/2003	(295816)
38	12/08/2003	(255358)
39	12/08/2003	(255362)
40	12/08/2003	(255366)
41	12/11/2003	(295817)
42	12/15/2003	(255071)
43	12/29/2003	(258574)
44	12/29/2003	(258639)
45	12/29/2003	(258593)
46	12/29/2003	(258585)
47	12/29/2003	(258553)
48	01/20/2004	(295819)
49	01/28/2004	(261078)
50	01/28/2004	(260132)
51	01/29/2004	(258780)
52	02/06/2004	(257858)
53	02/13/2004	(262593)
54	02/13/2004	(262596)
55	02/13/2004	(262585)
56	02/23/2004	(295799)
57	02/25/2004	(263758)
58	03/04/2004	(264387)
59	03/04/2004	(263186)
60	03/26/2004	(295802)
61	03/30/2004	(264141)
62	03/30/2004	(264137)
63	04/02/2004	(332777)
64	04/20/2004	(269279)
65	04/20/2004	(269271)
66	04/20/2004	(269276)
67	04/20/2004	(264114)
68	04/26/2004	(295803)
69	04/28/2004	(266290)
70	05/13/2004	(271900)
71	05/19/2004	(270883)
72	05/19/2004	(270872)
73	05/19/2004	(270885)
74	05/19/2004	(270887)
75	05/21/2004	(267872)
76	05/24/2004	(295805)
77	05/26/2004	(266492)
78	06/10/2004	(269300)
79	06/16/2004	(271873)
80	06/16/2004	(274638)
81	06/17/2004	(272995)
82	06/21/2004	(295807)
83	06/21/2004	(295813)
84	06/22/2004	(274776)
85	06/22/2004	(274848)
86	06/22/2004	(274709)
87	06/24/2004	(269645)
88	07/07/2004	(352267)
89	07/09/2004	(273112)
90	07/23/2004	(274856)
91	07/26/2004	(279807)
92	07/30/2004	(285129)
93	08/13/2004	(352268)
94	08/20/2004	(276576)
95	08/23/2004	(288711)
96	08/31/2004	(253065)
97	08/31/2004	(253079)
98	09/02/2004	(289441)
99	09/13/2004	(282801)
100	10/13/2004	(336687)
101	10/13/2004	(336664)

102	10/18/2004	(352269)
103	10/20/2004	(292086)
104	10/20/2004	(291761)
105	10/20/2004	(291770)
106	10/20/2004	(292048)
107	10/20/2004	(291861)
108	10/20/2004	(292076)
109	10/20/2004	(291763)
110	10/20/2004	(293180)
111	10/20/2004	(292069)
112	10/20/2004	(291767)
113	10/20/2004	(292578)
114	10/20/2004	(291769)
115	10/20/2004	(292063)
116	11/08/2004	(339532)
117	11/22/2004	(338251)
118	11/29/2004	(352270)
119	11/29/2004	(338082)
120	12/09/2004	(285339)
121	12/09/2004	(337881)
122	12/09/2004	(337904)
123	12/22/2004	(381921)
124	01/09/2005	(342372)
125	01/09/2005	(342410)
126	01/21/2005	(381922)
127	02/21/2005	(348629)
128	02/22/2005	(381920)
129	03/03/2005	(350005)
130	03/04/2005	(371431)
131	03/04/2005	(371423)
132	03/04/2005	(371426)
133	03/29/2005	(419759)
134	03/30/2005	(375164)
135	03/30/2005	(375158)
136	04/01/2005	(349907)
137	04/08/2005	(373226)
138	04/20/2005	(373311)
139	04/25/2005	(419760)
140	04/25/2005	(419763)
141	04/28/2005	(378722)
142	04/28/2005	(378717)
143	04/29/2005	(348352)
144	04/29/2005	(379040)
145	05/16/2005	(374625)
146	05/31/2005	(419761)
147	05/31/2005	(393307)
148	06/13/2005	(379238)
149	06/28/2005	(419762)
150	07/12/2005	(397336)
151	07/12/2005	(397233)
152	07/13/2005	(397746)
153	07/13/2005	(397015)
154	07/13/2005	(397437)
155	07/15/2005	(397147)
156	07/15/2005	(397700)
157	07/15/2005	(396777)
158	08/17/2005	(404042)
159	08/18/2005	(402083)
160	08/19/2005	(440895)
161	08/26/2005	(402989)
162	10/21/2005	(431191)
163	10/27/2005	(468549)
164	10/27/2005	(440896)
165	11/15/2005	(436523)
166	11/28/2005	(468550)
167	12/05/2005	(437856)
168	12/27/2005	(468551)
169	01/13/2006	(451620)

170	01/30/2006	(468552)
171	01/30/2006	(438126)
172	02/04/2006	(452772)
173	02/04/2006	(452809)
174	02/23/2006	(452806)
175	02/28/2006	(454800)
176	02/28/2006	(468547)
177	02/28/2006	(456864)
178	03/23/2006	(454880)
179	03/27/2006	(498278)
180	04/05/2006	(453563)
181	04/13/2006	(468548)
182	04/25/2006	(461211)
183	05/01/2006	(459960)
184	05/01/2006	(459864)
185	05/01/2006	(460085)
186	05/11/2006	(462874)
187	05/16/2006	(498279)
188	05/24/2006	(467236)
189	05/30/2006	(467025)
190	06/20/2006	(498280)
191	07/12/2006	(498281)
192	07/31/2006	(484359)
193	08/22/2006	(520290)
194	08/22/2006	(520291)
195	08/24/2006	(487772)
196	08/31/2006	(458269)
197	10/23/2006	(520292)
198	11/15/2006	(575471)
199	12/06/2006	(532890)
200	12/11/2006	(514581)
201	12/12/2006	(575472)
202	12/28/2006	(270174)
203	01/03/2007	(534464)
204	01/23/2007	(593178)
205	01/25/2007	(575473)
206	02/01/2007	(538491)
207	02/21/2007	(575463)
208	03/14/2007	(575464)
209	04/12/2007	(575465)
210	04/12/2007	(575466)
211	05/04/2007	(542914)
212	05/10/2007	(555087)
213	05/21/2007	(556693)
214	06/07/2007	(575467)
215	06/27/2007	(565892)
216	06/29/2007	(564203)
217	07/10/2007	(575468)
218	07/10/2007	(575469)
219	07/10/2007	(562896)
220	07/17/2007	(575470)
221	07/19/2007	(565918)
222	07/19/2007	(565912)
223	07/19/2007	(565922)
224	07/20/2007	(565938)
225	07/20/2007	(565947)
226	07/20/2007	(565942)
227	07/24/2007	(564002)
228	07/30/2007	(564905)
229	08/03/2007	(568577)
230	08/28/2007	(573506)
231	08/30/2007	(567177)
232	09/07/2007	(572061)
233	09/25/2007	(607568)
234	10/03/2007	(595357)
235	10/10/2007	(607567)
236	10/12/2007	(567973)
237	10/23/2007	(607569)

238 10/24/2007 (594503)
 239 11/20/2007 (596110)
 240 12/07/2007 (619563)
 241 12/07/2007 (619564)
 242 12/18/2007 (598952)
 243 01/11/2008 (598658)
 244 01/17/2008 (610417)
 245 03/03/2008 (613811)
 246 03/03/2008 (615669)
 247 03/14/2008 (613893)

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

Date: 04/17/2003 (26146)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)

Description: Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)

Description: Failure to protect the public drinking water supply system from potential contamination hazards.

During the investigation, it was noted that the water system did not have the required backflow prevention assemblies on the water lines to a medical clinic, a dock, and a public swimming pool.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)

Description: Failure to notify the Commission by the next business day of a combined filter effluent turbidity level exceeding 1.0 NTU.

During the investigation, it was noted that the water system had a combined filter effluent turbidity level of 2.5 NTUs on April 18, 2002.

Self Report? NO Classification: Minor

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

Description: Failure to provide vacuum breakers on five hose bibbs within the surface water treatment plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to provide the manual disinfectant residual analyzer calibration log during the investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Failure to provide concrete sealing blocks on Well # 1 and Well # 2 that extend at least 36 inches in all directions from the well casings.

During the investigation, it was noted that the sealing blocks on Well # 1 and Well # 2 extended about 21 inches from the well casings.

Self Report? NO Classification: Minor

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

Description: Failure to maintain the surface water treatment plant.

During the investigation, it was noted that the interiors of both clarifiers have areas of corrosion, and the water system manager told the investigator she believed that the underdrain on filter # 2 is damaged.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(E)

Description: Failure to provide facilities to monitor the depth of the sludge-blanket.

Date: 08/31/2003 (295812)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

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

Date: 02/29/2004 (295802)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/02/2004 (332777)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 04/20/2004 (264114)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: Failure to provide written notification of the container storage area for the hazardous waste railcar.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.4
 Description: Failure to prevent an unauthorized discharge near the 15 psi steam condensate pump next to Bldg#261 of the HMD unit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(1)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
 Description: Failure to place the name of the inspector on the container storage area (CSA) inspection log for Building #568.
 Date: 06/10/2004 (269300)
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT WQ 0475-000
 Description: Numerous willows and tallows were observed growing in the embankments on the pond system.
 Date: 06/16/2004 (271873)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)
 Description: Failure to protect the public drinking water supply system from potential contamination hazards.
 During the investigation, it was noted that the water system did not have the required backflow prevention assemblies on the water lines to a medical clinic, a dock, and a public swimming pool.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain the surface water treatment plant.
 During the investigation, it was noted that the interiors of both clarifiers have areas of corrosion, and the water system manager told the investigator she believed that the underdrain on filter # 2 is damaged.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain perform needed maintenance.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)
 Description: Failure to protect the public drinking water supply system from a potential contamination hazard.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)
 Description: Failure to provide containment on the overhead bulk polymer tank.
 Date: 08/23/2004 (288711)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 1468, Special Condition 7B
 OP O-02075, Special Condition 4F
 OP O-02075, Special Condition 9
 Description: Failure to conduct quarterly Cylinder Gas Audit (CGA) and Calibration Error (CE) testing on the Continuous Emissions Monitoring System (CEMS) for the

Adiponitrile (ADN) North Boiler, Emission Point Number (EPN) PP-40B.

Date: 09/02/2004 (289441)

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT 21236, Special Condition 5E
OP O-01895, Special Condition 6

Description: Failure to submit a final sampling report within 30 days of performing the stack sampling.

Date: 04/08/2005 (373226)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent an unauthorized discharge.

Date: 08/18/2005 (404042)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)

Description: Failure to provide containment on the overhead bulk polymer tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failure to properly vent gas chlorination facilities.

Self Report? NO Classification: Minor

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

Description: Failure to provide filter to waste connections with an air gap.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(I)

Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known concentrations.

Date: 11/30/2005 (468551)

Self Report? YES Classification: Moderate

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

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

Date: 01/30/2006 (438126)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)

Description: Failure to maintain records of weekly container storage area inspections.

Date: 02/24/2006 (565912)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: December 2005 - 4 days with a low concentration time for more than 4 consecutive hours.

Date: 02/24/2006 (565892)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: November 2004 - 4 days with a low CT for more than 4.0 consecutive hours.
Treatment Technique Violation.

Date: 02/28/2006 (498278)

Self Report? YES Classification: Moderate

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

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

Date: 05/11/2006 (565922)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: February 2006 - 1 day with a low concentration time for more than 4 consecutive

hours.
Date: 05/24/2006 (467236)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 0475-000
Description: Numerous willows and tallows were observed growing in the embankments on the pond system.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT M&RR 2
Description: Failure by E. I. Dupont De Nemours and Company-Sabine River Works to include correction factors obtained during thermometer verification in temperature measurements.

Date: 05/30/2006 (467025)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)
Description: Failure to provide containment on the overhead bulk polymer tank.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
Description: Failure to properly vent gas chlorination facilities.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)
Description: Failure to provide filter to waste connections with an air gap.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known concentrations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)
Description: Failure to provide a well blow -off that is not subject to submergence.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
Description: Failure to maintain calibration records for laboratory equipment.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)
Description: Failure to restandardized the secondary standards each time the Bench top turbidity meter is calibrated with primary standards.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)
Description: Failure to perform primary calibrations on the on-line turbidity meters with primary standards.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
Description: Failure to maintain complete records of on-line pH meter calibrations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to properly inspect the potable filter well.

Date: 07/07/2006 (565938)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)
Description: May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)
Description: May 2006 - 32.7% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
Description: May 2006 - 1 day when concentration time data were not collected.

Date: 08/24/2006 (487772)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 9176
 OP O-02001, General Terms and Conditions
 OP O-02001, Special Condition 8A

Description: Failure to re-monitor replaced valves and compressor seals as required by permit.

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

Rqmt Prov: PERMIT 9176
 OP O-02001, General Terms and Conditions
 OP O-02001, Special Condition 1A
 OP O-02001, Special Condition 8A

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 113, SubChapter C 113.520
 30 TAC Chapter 113, SubChapter C 113.560
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 1E
 OP O-02074, Special Condition 1H

Description: Failure to equip each sampling connection system with a closed-purge, closed-loop, or closed vent system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 113, SubChapter C 113.520
 30 TAC Chapter 113, SubChapter C 113.560
 30 TAC Chapter 113, SubChapter E 113.3050
 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 914
 OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 15A
 OP O-02074, Special Condition 1A
 OP O-02074, Special Condition 1E
 OP O-02074, Special Condition 1H
 OP O-02074, Special Condition 1I

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 113, SubChapter C 113.560
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 1E
 OP O-02074, Special Condition 1G

Description: Failure to take a minimum of three sets of samples at each entrance and exit of the heat exchanger system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 113, SubChapter C 113.560
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 1E
 OP O-02074, Special Condition 1G

Description: Failure to use a method listed in 40 CFR Part 136 to determine the concentration of the monitored substance in the heat exchange cooling water.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02074

Description: Failure to report the occurrence of a deviation in a semiannual deviation report.

Date: 11/17/2006 (565918)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: January 2006 - 3 days with a low concentration time for more than 4 consecutive hours.

Date: 12/12/2006 (514581)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
 30 TAC Chapter 116, SubChapter H 116.820
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 49076
 OP O-01901

Description: Failure to obtain a permit amendment prior to a modification of the facility.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02055

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 49076
 OP O-01901

Description: Failure to keep records of visible emissions observations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit an accurate deviation report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02055

Description: Failure to conduct a floating roof tank inspection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 20204
 OP O-02055

Description: Failure to install a continuous flow monitor and a Btu Analyzer and have them operational within 180 days from the approval of the permit amendment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 20204
 OP O-02055

Description: Failure to record Abater emissions in maximum pounds per hour and tons per year at least quarterly for review by TCEQ personnel.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-02055
 Description: Failure to monitor a pressure relief valve, that has vented to the atmosphere, within 24 hours of the release.
 Date: 01/23/2007 (593178)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 01/30/2007 (565942)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
 Description: December 2006 - 52.2% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.
 Date: 03/07/2007 (565947)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
 Description: January 2007 - 32.5% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.
 Date: 05/10/2007 (555087)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)
 Description: Failure to provide filter to waste connections with an air gap.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)
 Description: Failure to provide a well blow -off that is not subject to submergence.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)
 Description: Failure to provide appropriate labels on several of the water lines and chemical feed lines.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
 Description: Failure to complete the December 2006 surface water monthly operating report (SWMOR) with the proper contact time (CT) numbers.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
 Description: Failure to monitor and record the quantity of water used each day for backwashing as required by the water system's exception to the rule for a backwash flow meter.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)
 Description: Failure to calibrate the benchtop pH meter according to manufacturer's specifications at least once a day.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)
 Description: Failure to check the calibration of the benchtop turbidimeter with secondary standards each time a series of samples is tested.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)
 Description: Failure to calibrate the online turbidimeters with primary standards at least once every 90 days.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)
 Description: Failure to provide unexpired buffer solutions to calibrate the benchtop pH meter.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
 Description: Failure to install and test an appropriate backflow prevention assembly before the bulk water loading station at Well #3.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain an adequate free chlorine residual.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)
 Description: Failure to calibrate the online pH meter according to manufacturer's specifications at least once every 30 days.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iv)
 Description: Failure to check the calibration of the online pH meter at least once each week with a primary standard or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.
 Date: 08/31/2007 (567177)
 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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 9176, Special Condition 3E
 OP O-02001, Special Condition 1A
 OP O-02001, Special Condition 8
 Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-02001, Special Condition 1A
 Description: Failure to monitor a pressure relief device (PRD) within 24 hours after the PRD has failed as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.
 Date: 12/31/2007 (607569)
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/11/2008 (598658)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT 49076, Special Condition 5A
 OP O-01901, General Terms and Conditions
 OP O-01901, Special Condition 1A
 OP O-01901, Special Condition 7
 Description: Failure to conduct daily opacity inspections of filters required by TCEQ Permit 49076 Special Condition 5 as reported in the Deviation Reports for FOP O-01901 covering the reporting periods of October 11, 2006, to April 10, 2007.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.520
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 1A
 OP O-02074, Special Condition 1H
 Description: Failure to conduct the initial monitoring of 1455 connectors located in the Ethylene Area as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, through April 10, 2007.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.520
 30 TAC Chapter 113, SubChapter E 113.3050
 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 UU 63.1033(b)
 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(1)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT 914, Special Condition 10E

OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 15
 OP O-02074, Special Condition 1A
 OP O-02074, Special Condition 1H
 OP O-02074, Special Condition 1I

Description: Failure to install a cap, blind flange, plug or second valve on 28 open-ended lines in the Ethylene Unit as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, to April 10, 2007.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 914, Special Condition 14B(2)
 OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 15
 OP O-02074, Special Condition 1A

Description: Failure to perform Cylinder Gas Audits (CGA) at Cracking Header BA-99 (EPN PK-14) for the second, third, and fourth quarters of 2006, and the first quarter of 2007 as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, to April 10, 2007.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(B)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(e)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(11)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 1A

Description: Failure to comply with the percent limit as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, to April 10, 2007.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 1A

Description: Failure to report a deviation in the submitted Deviation Report for the reporting periods of April 11, 2006, through October 10, 2006, and October 11, 2006, through April 10, 2007.

F. Environmental audits.

Notice of Intent Date: 05/25/2005 (281209)
 No DOV Associated

Notice of Intent Date: 06/28/2005 (403043)
 No DOV Associated

Notice of Intent Date: 03/21/2006 (461674)
Disclosure Date: 06/16/2006

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(A)

Description: Failure to complete annual monitoring for fixed-roof.

Notice of Intent Date: 03/28/2006 (462849)
Disclosure Date: 09/01/2006

Viol. Classification: Moderate
Rqmt Prov: PERMIT Operating Permit 02074

Description: Failure to use certified opacity reader and meet all requirements of Test Method 9.

Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR Permit 49076

Description: Failure to monitor air filter vents daily.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)

Description: Failure to monitor valves quarterly.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)

Description: Failure to monitor and record filter backwash used.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.14(c)
30 TAC Chapter 335, SubChapter F 335.152(a)(1)

Description: Failure to post "Danger-Unathorized Personnel Keep Out" signs at 4 permitted facilities.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6
30 TAC Chapter 335, SubChapter C 335.69(a)
30 TAC Chapter 335, SubChapter C 335.69(d)

Description: Failure to update NOR.

Viol. Classification: Minor

Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)
30 TAC Chapter 335, SubChapter O 335.431(c)(1)

Description: Failure to properly complete land disposal restriction forms

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)
30 TAC Chapter 335, SubChapter C 335.69(a)
30 TAC Chapter 335, SubChapter C 335.69(d)

Description: Failure to timely transport hazardous waste from satellite accumulation location to approved NOR location.

Viol. Classification: Moderate

Rqmt Prov: PERMIT RCRA Permit HW-50230-001

Description: Failure to update waste characterization forms.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6
30 TAC Chapter 335, SubChapter C 335.69(a)

Description: Failure to dispose of one dumpster hazardous waste within 90 days.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS AND
COMPANY
RN100542711

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0499-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 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical plant at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in the TEX. HEALTH and SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 19, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand Three Hundred Fifty Dollars (\$13,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Six Hundred Eighty Dollars (\$10,680) of the administrative penalty and Two Thousand Six Hundred Seventy Dollars (\$2,670) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent 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 the Respondent has implemented the following corrective measures at the Plant by:
 - a. Training personnel in proper operation of the HPS Dump Valve and Reactor Dump Valve on November 17, 2007 (Incident Number 100151); and
 - b. Insulating the High Pressure Separator Off-Gas RV pipe to prevent acid condensation on January 13, 2008 (Incident Number 101920).
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 the Respondent 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, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions (Incident Number 100151), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit 9176, Special Condition ("SC") 1, and Federal Operating Permit ("FOP") O-02001, General Terms and Conditions ("GTC") and SC 8, as documented during a record review conducted on January 14, 2008. Specifically, 570 pounds ("lbs") of ethylene were released from HPS Dump Valve, Emissions Point Number ("EPN") PL-5D, and the Reactor Dump Valve, EPN PL-5B, of C-Unit without authorization on November 16, 2007, for approximately one minute. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria necessary for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions (Incident Number 101920), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE

§ 382.085(b), NSR Permit 9176, SC 1, and FOP O-02001, GTC and SC 8, as documented during a record review conducted on January 14, 2008. Specifically, 11,069 lbs of ethylene and 127 lbs propane were released without authorization from C-Unit HPS Rupture Disc (EPN PLUM-C) on January 1, 2008, for approximately one minute. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria necessary for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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. 2008-0499-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, complete training of personnel to insure proper operation of the C-Unit High Pressure Separator (Incident Number 101920); and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.
7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

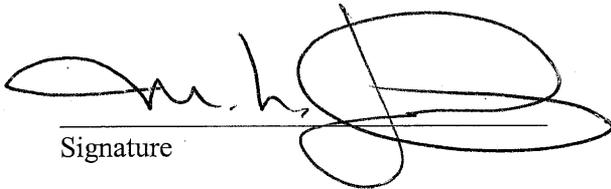
8/25/2008
Date

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

6-16-08
Date

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

Site 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.

