

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2004-1135-MLM-E TCEQ ID NO.: RN100542711 CASE NOS.: 8541, 12087,
17869 AND 22542**

**RESPONDENT NAME: E.I. DU PONT DE NEMOURS AND COMPANY
DBA DU PONT SABINE RIVER WORKS**

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 3055 Farm-to-Market Road 1006, Orange, Orange County

TYPE OF OPERATION: Chemical manufacturing plant with a public water system

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on November 20, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Robert R. Mosley, Litigation Division, MC 175, (512) 239-0627;
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Mr. Terry Murphy, Air Enforcement Section, MC 149, (512) 239-5025 and
Ms. Pam Campbell, Water Enforcement Section, MC 169, (512) 239-4493
TCEQ Regional Contact: Mr. Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838 and
Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838
Respondent: Mr. Gerald R. Ehrman, E.I. Du Pont De Nemours and Company, 3305 Farm-to-Market Road 1006, Orange,
Texas 77630
Respondent's Attorney: Mr. Danny Worrell, Brown McCarroll, L.L.P., 111 Congress Avenue, Suite 1400, Austin, Texas 78701

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS INITIAL CALCULATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Dates of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: March 20, 2002, January 10, 2003, January 23, 2003, May 21, 2003, June 8, 2003, July 8, 14, 15 and 22, 2003, October 20, 2003, February 23, 24, 2004, March 10, 2004, April 16 through 30, 2004, June 1 through 18, 21, 22, 24 and 25, 2004, October 20, 2004 through November 3, 2004, February 2 through 11, 2005 and July 25, 2005</p> <p>Dates of NOEs Relating to this Case: January 17, 2003, June 25, 2003, August 22, 2003, December 15, 2003, February 6, 2004, March 12, 2004, June 24, 2004, August 20, 2004, November 29, 2004, March 3, 2005 and July 13, 2005</p> <p>Background Facts:</p> <p>EDPRPs were filed on February 8, 2005 and July 6, 2005. A signed Agreed Order was received on September 17, 2006.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>MLM:</p> <p>1. Failed to comply with an emissions limitation by allowing 11 unauthorized emissions events [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TCEQ Air Permit Nos. 9176 and 20204, Maximum Allowable Emission Rate Table ("MAERT") and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to comply with an emissions limitation on June 25, 2003 from 12:28 to 12:37 hours when a Plant wide incident caused an electrical upset resulting in equipment shutdowns which caused several reportable emissions events including the release of 49,050 pounds of propylene from the Propylene Feed Header, Emissions Point Number ("EPN") DA01401 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TCEQ Air Permit No. 914, MAERT and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to properly notify the TCEQ regional office of reportable emissions events [30 TEX. ADMIN. CODE § 101.201(a)(1), (a)(1)(B) and (b)(4) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Initial Calculated Penalty: \$184,068**</p> <p>Total Assessed: \$176,575</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$88,287</p> <p>Total Paid to General Revenue: \$88,288</p> <p>The Respondent has paid \$88,288 of the administrative penalty. The amount of \$88,287 shall be conditionally offset by the completion of Supplemental Environmental Project (SEP).</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>**The penalty was reduced due to litigation risks.</p>	<p>Corrective Action Taken</p> <p>The Executive Director recognizes that the Respondent sold major portions of the Plant on or about April 30, 2004.</p> <p>Ordering Provisions</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 45 days, correct and implement the revised Energy Control (ENCO) mechanics' procedures on taking the G-Unit Fire Protection System out of service to note requirements on the Number 4 Recycle Compressor, if in service, to avoid events similar to the March 29, 2005, emissions event. 2. Within 60 days, submit written certification including detailed supporting documentation, to demonstrate compliance with Ordering Provision No. 1. 3. Within 180 days, provide documentation of compliance with the running annual average of 0.060 mg/l for haloacetic acid. 4. The Respondent shall implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to notify the TCEQ regional office of two reportable emissions events within 24 hours [30 TEX. ADMIN. CODE § 101.201(a)(1) and (a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to maintain an emission rate below the MAERT limits [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TCEQ Air Permit No. 1790, Special Condition No. 1, MAERT and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to maintain an emission rate below the allowable plant wide oxides of nitrogen ("NOx") limit. Specifically, the established NOx emissions plant wide limit on the GE PG711 83 MW Turbine, EPN PG-14, is 180.100 pounds/hour. On May 23, 2003, from 07:15 - 08:15 hours, a reportable emissions event occurred at the Cogeneration Area which resulted in the release of 532.590 pounds of nitric oxide ("NO") and 266.140 pounds of nitrogen dioxide ("NO₂") from EPN PG-14, approximately 619 pounds of NOx (344%) above the limit [30 TEX. ADMIN. CODE § 117.207(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7. Failed to maintain an emissions rate below the allowable emission limit. Specifically, on June 25, 2003, from 12:15 to 13:45 hours, the Plant released 7,789 pounds of carbon monoxide ("CO"), 1,359.45 pounds of NO₂ and 1 pound of NOx from the Ethylene Operating Flare CB-801 for a duration of 1 hour 30 minutes. Additionally, the Respondent reported that the Ethylene Operating Flare CB-801 smoked for approximately 1 hour 30 minutes during the June 25, 2003 emissions event which is more than the five minutes allowed in any consecutive two hour period [30 TEX. ADMIN. CODE § 101.20(1) and (2), 111.111(a)(4)(A) and 116.115(b)(2)(F), TCEQ Air Permit No. 914, Special conditions Nos. 1, 2 and 4, 40 CFR §§ 60.18(c) and 61.349(a)(2)(iii) and TEX. HEALTH & SAFETY CODE § 382.085].</p> <p>8. Failed to properly operate a flare. Specifically, on June 25, 2003, from 12:15 to 12:30 hours, an emissions event occurred that resulted in the ADN Operating Flare, EPN PP-3, smoking for a duration of 15 minutes which is more than the five minutes allowed in any consecutive two hour period [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 111.111(a)(4)(A), 113.110 and 116.115(c), TCEQ Air Permit No. 1302, Special Condition No. 2, 40 CFR §§ 60.112b(a)(3)(ii) and 61.349(a)(2)(iii) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9. Failed to comply with an emissions limitation [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		

**RESPONDENT NAME: E.I. DU PONT DE NEMOURS AND COMPANY
 DBA DU PONT SABINE RIVER WORKS
 DOCKET NO.: 2004-1135-MLM-E**

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>10. Failed to maintain emission rate below the permitted limit [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 111.111(a)(4)(A)(i), TCEQ Air Permit Nos. 1302, 1790, and 9629, General Condition MAERT and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>11. Failed to include all required information on the final report of an emissions event. Specifically, the authorized emission limits, individually listed compounds and facility identification number ("FIN") were not included in the final report for an unauthorized emission event that occurred on October 20, 2002. Additionally, there was a failure to notify the TCEQ within 24 hours of the event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B), (a)(2)(H), (b)(4) and (b)(7) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>12. Failed to include all required information on the final reports of emissions events. Specifically, the authorized emission limits and facility identification number ("FIN") were not included in the final report for an unauthorized emission event that occurred on November 4, 2002, December 20, 2002 and December 30, 2002 [30 TEX. ADMIN. CODE § 101.201(a)(2)(H), (b)(4) and (b)(7) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>13. Exceeded the Maximum Contaminant Level of 0.060 milligrams per liter based on a running annual average for haloacetic acids (HAA5) during the First Quarter 2004. Specifically, the level for the first quarter 2004 was 0.684 milligrams per liter with a running average of 0.171 milligrams per liter for 2004 [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>14. Failed to maintain an emission rate below the allowable emission limits. Specifically, on September 29, 2004, unauthorized emissions occurred during a reportable emissions event at the Building 572 High Pressure Separator Stack and Reactor Dump Stack. Simultaneously during a one minute period starting at 09:27 hours, 1,890 pounds of volatile organic compounds ("VOC") and 210 pounds of VOC were emitted above limits at the respective stacks [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>15. Failed to prevent unauthorized emissions. Specifically, on July 26, 2004 during a reportable emissions event at the Blender Fines Collector Vent EPN PLUM-C, unauthorized emissions of 340 pounds of ethylene and 42 pounds of particulate matter ("PM") resulted during a 17 hour 3 minute period [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), TCEQ Air Permit No. 9176, Emission Standard No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>16. Failed to properly notify the TCEQ regional office of a reportable emissions event within 24 hours. The emissions</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>event of July 26, 2004 began at 13:27 hours but was not reported until July 29, 2004 at 14:45 hours [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>17. Failed to comply with the final record requirements for an emissions event. The final report for the April 8, 2005 emissions event did not identify or quantify the amount of CO released, the NOx emissions were not speciated and the authorized limits were not properly reported for EPN PP-3 [30 TEX. ADMIN. CODE § 101.201(b)(7) and (b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>18. Failed to maintain an emission rate limit. Specifically, on April 8, 2004 during a two hour emissions event 840.06 pounds of NOx and 307 pounds of hydrogen cyanide were released in excess of permit limits from EPN PP-3 [30 TEX. ADMIN. CODE § 116.115(b)(2) and (b)(2)(F), TCEQ Air Permit No. 1302, General Condition No. 8 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>19. Failed to prevent unauthorized emissions. Specifically, on March 29, 2005, during an emissions event at the G-Unit, unauthorized emissions of 502.3 pounds of ethylene and 195.7 pounds of vinyl acetate were released from the Number 4 Recycle Compressor Fire Protection Dump, EPN PL-5H, during a three minute period [30 TEX. ADMIN. CODE 116.115(b)(2)(F), TCEQ Permit No. 20204, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>20. Failed to properly identify the authorized emissions limits for the compounds released during an emissions event occurring November 28, 2003 to November 30, 2003. Additionally, the final report listed the EPN as PH-3 rather than PP-3 and did not list CO among the air contaminants released [30 TEX. ADMIN. CODE § 101.201(a)(2)(H) and (b)(4) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>21. Failed to properly report an emissions event that began on November 28, 2003. Specifically, the authorized emissions limits for NOx from the Operating Flare EPN PP-3 were 20 pounds per hour and the flare emitted 35.7 pounds per hour of NOx over a period of 19 hours [30 TEX. ADMIN. CODE § 116.115(b), TCEQ Air Permit No. 1302, General Condition 8 MAERT and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>22. Failed to prevent the release of unauthorized emissions at the D-Unit. The facility released 366 pounds of ethylene and 80 pounds of vinyl acetate emissions during an emissions event on September 6, 2003 [TEX. HEALTH & SAFETY CODE § 382.085(a)].</p> <p>23. Failed to maintain an emissions rate below the authorized emission rate for an emissions event that occurred on October 20, 2003. Specifically, the Plant released 3,259 pounds of</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>NOx, 16,946 pounds of CO, 7,686 pounds of ethylene, 962 pounds of 1, 3 butadiene, 471 pounds of benzene, 41 pounds of butane, 75 pounds of pentane, 43 pounds of propane, 187 pounds of propylene, 14 pounds of propadiene, 38 pounds of butylenes, 78 pounds of acetylene, 27 pounds of toluene, 3 pounds of styrene and 1 pound of xylene during an emissions event that lasted 10 hours and 15 minutes [30 TEX. ADMIN. CODE §§ 101.20(2), 111.111(a)(4)(A) and 116.115(b)(2)(F) and (c), TCEQ Air Permit No. 914 Special Conditions Nos. 1, 2, and 4, 40 CFR § 61.349(a)(2)(iii) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>24. Failed to repair 72 components (valves) in VOC service during the April 23, 2003 to May 27, 2003 shutdown. Specifically, from April 14, 1998 through April 23, 2003 approximately 100 components had been placed on the shutdown list, however, 72 components were not repaired during the shutdown. The investigator estimates that these valves released 2.02 tons of emissions [30 TEX. ADMIN. CODE §§ 115.352(2) and 116.115(c), TCEQ Air Permit No. 914 Special Condition No. 15.I and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>25. Failed to use an approved EPA method to determine the concentration of substances in the cooling water of the Adiponitrile ("ADN") unit [30 TEX. ADMIN. CODE § 113.110 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>26. Failed to comply with effluent limits for outfalls 101A and 201A [30 TEX. ADMIN. CODE § 305.125(1), TCEQ Water Quality Permit No. 00475, TPDES Permit No. 00475 Effluent Limitations and Monitoring Requirement No. 1 and NPDES Permit No. TX0006327].</p> <p>27. Failed to comply with the permit limit for pH range excursions for more than 60 minutes at outfall 001 [TEX. WATER CODE § 26.121(a) and NPDES Permit No. TX0006327, Effluent Limitations and Monitoring Requirements].</p>		

Attachment A
Docket Number: 2004-1135-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company dba Du Pont Sabine River Works
Amount of Penalty:	One hundred seventy-six thousand five hundred and seventy-five dollars (\$176,575.00)
Amount of Offset for the SEP:	Eighty-eight thousand two hundred eighty-seven dollars (\$88,287.00)
Type of SEP:	Pre-approved
Third-Party Recipient:	Ducks Unlimited
Location of SEP:	Orange, Texas (Orange County)

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. **Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Ducks Unlimited Reforestation and Enhancement of Tony Houseman State Park and Wildlife-Management Area at Blue Elbow Swamp. Restoration and enhancement of the forested wetlands located at Tony Houseman State Park & Wildlife Management Area at Blue Elbow Swamp between the Sabine River and Orange, Texas. The wetland has historically been impacted by heavy logging. Ducks Unlimited, Inc. will begin reforestation by planting 2.0 acres of Bald Cypress and Water Tupelo trees at a density of about 300 trees per acre. Planted trees will be approximately three feet in height, spaced 12 feet apart, and will be protected from herbivores using tree guards.

Undesirable exotic plants such as the Chinese Tallow tree will be removed. SEP monies will be used to pay for the cost of trees and for the equipment needed to plant trees and remove exotics, and for the labor associated with planting the trees and removing exotics.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

The restored forested wetland will serve as a filter for nutrients and heavy metals from runoff. Habitat for animals associated with forested wetlands, which are animals that depend upon tree cavities for nesting, such as squirrels and birds, will be restored. The trees planted in the restored wetland will sequester approximately 400 tons of CO2 emissions over a forty year period.

C. Minimum Expenditure

The SEP is based upon the Respondent's agreement to spend at least **eighty-eight thousand two hundred eighty-seven dollars (\$88,287.00)** to complete the project described above and to comply with all other provisions of this SEP.

2. **Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall make the required contribution to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Ducks Unlimited
Attention: Ed Ritter
1620 FM 2218
Richmond, Texas 77469
(832) 595-0663

3. **Records and Reporting**

Concurrent with the payment of the SEP contribution, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the contribution to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP. The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

DATES

PCW 05-Jan-2006 Screening 02-Sep-2004 Priority Due 01-Nov-2004 EPA Due 17-May-2005

RESPONDENT/FACILITY INFORMATION

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Reg. Ent. Ref. No. RN100542711
 Additional ID No(s). Air Account No. OC0007J
 Facility/Site Region 10-Beaumont Major/Minor Source Major Source

CASE INFORMATION

Enf./Case ID No.	17869	No. of Violations	12
Docket No.	2004-1135-MLM-E	Order Type	1660 without deferral <input checked="" type="checkbox"/>
Case Priority	2 (SNC/HPV) <input checked="" type="checkbox"/>	Enf. Coordinator	John Barry
Media Program(s)	Air Quality <input checked="" type="checkbox"/>	EC's Team	Enforcement Team 6 <input checked="" type="checkbox"/>
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$71,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 74% Enhancement Subtotals 2, 3, & 7 **\$52,614**

Notes: The respondent is an average performer with 2 final enforcement orders with denial of liability, 2 same or similar NOV's, 15 other NOV's (including 8 self-reported NOV's), one notice of intent to audit, and voluntary participation in a pollution reduction program.

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

Notes: Does not meet the culpability criteria.

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

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

Notes: The violations include past events with no opportunity for the respondent to comply.

Economic Benefit 0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts	\$13,401	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$30,500	

SUM OF SUBTOTALS 1-7 Final Subtotal **\$123,714**

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

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

Notes:

Final Penalty Amount **\$123,714**

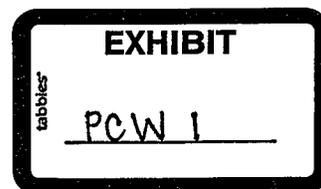
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$123,714**

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

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

Notes: No deferral is recommended due to prior same or similar NOV's.

PAYABLE PENALTY **\$123,714**



Sabine AIRPCW6R.wb3

Screening Date 02-Sep-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Site Address 3055 Farm-to-Market Road 1006, Orange, Orange County

Compliance History Worksheet

>> Compliance History *Site Enhancement (Subtotal 2)*

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 74%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History *Person Classification (Subtotal 7)*

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent is an average performer with 2 final enforcement orders with denial of liability, 2 same or similar NOVs, 15 other NOVs (including 8 self-reported NOVs), one notice of intent to audit, and voluntary participation in a pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 74%

Sabine AIRPCW6R-wb3

Screening Date 02-Sep-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 1

Primary Rule Cite(s)

Air Permit Nos. 9176 and 20204, Maximum Allowable Emission Rate table ("MAERT")

Secondary Rule Cite(s)

30 Tex. Admin. Code § 116.115(b)(2)(F) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to comply with an emissions limitation - no emissions were authorized. See the attached Table One for details of each of the 11 unauthorized emissions events. Since the emissions events were avoidable or not properly reported, the respondent failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

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

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 11

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

Violation Base Penalty \$27,500

Eleven single events are recommended, one for each emissions event, as documented during the June 16-18, 21-22, and 25, 2004, investigation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$5,250

Violation Final Penalty Total \$47,850

This violation Final Assessed Penalty (adjusted for limits) \$47,850

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Case ID No. 17869
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s) Air Account No. OC0007J
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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)	\$5,000	23-Apr-2003	19-Dec-2003	1.0	\$250	\$5,000	\$5,250
Notes for AVOIDED costs							
Estimated avoided costs of avoiding emission incidents; date required was date of first emissions event; final date is date of the last emissions event.							

Approx. Cost of Compliance \$5,000

TOTAL \$5,250

Sabine AIRPCW6R.wb3

Screening Date 02-Sep-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number

2

Primary Rule Cite(s)

Air Permit No. 914, MAERT

Secondary Rule Cite(s)

30 Tex. Admin. Code § 116.115(b)(2)(F) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to comply with an emissions limitation - no emissions were authorized. On June 25, 2003, a facility wide incident occurred that caused an electrical upset resulting in equipment shutdowns that caused several reportable emissions events including an emissions event that occurred from from 1228-1237 hrs and resulted in the release of 49,050.00 lb propylene from the Propylene Feed Header, EPN DA01401. Since the emissions event was avoidable, the respondent failed to meet the demonstrations as found 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		50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

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 as a result of the violation.

Adjustment -\$5,000

Base Penalty Subtotal \$5,000

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$5,000

One single event is recommended, as documented during the June 16-18, 21-22, and 25, 2004, investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,700

This violation Final Assessed Penalty (adjusted for limits) \$8,700

Sabine AIRPCW6R.wb3

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Case ID No. 17869
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s) Air Account No. OC0007J
 Media [Statute] Air Quality
 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: See Violation No.1 for economic benefit.

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

TOTAL

Sabine AIRPCW6R.wb3

Screening Date 02-Sep-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 101.201(a)(1), (a)(1)(B), and (b)(4)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to properly notify the regional office of reportable emissions events. See Table Two for details of the eight events.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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 checked="" type="checkbox"/>	<input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Eight single events are recommended, one for each emissions event not properly reported, as documented during the June 16-18, 21-22, and 25, 2004, investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Sabine-AIRPCWGR-wb3

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Case ID No. 17869
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s): Air Account No. OC0007J
 Media [Statute]: Air Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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)	\$500	23-Apr-2003	25-Jun-2003	1.0	\$25	\$500	\$525
Notes for AVOIDED costs							
Estimated costs of properly reporting emission events; date required is date of first reportable event; final date is date of the last emissions event.							

Approx. Cost of Compliance

TOTAL

Sabine AIRPCW6R.wb3

Screening Date 02-Sep-2004 **Docket No.** 2004-1135-MLM-E **PCW**

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1) and (a)(1)(B)

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

Violation Description Failure to properly notify the regional office of reportable emissions events within 24 hours. See Table Two for details of the two events.

Base Penalty

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

OR

		Harm			
Release		Major	Moderate	Minor	
Actual		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Potential		<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Two single events are recommended, one for each emissions event not properly reported, as documented during the June 16-18, 21-22, and 25, 2004, investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$105"/>	Violation Final Penalty Total <input type="text" value="\$8,700"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$8,700"/>	

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Case ID No. 17869
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s). Air Account No. OC0007J
 Media [Statute] Air Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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)	\$100	25-Jun-2003	19-Dec-2003	1.0	\$5	\$100	\$105
Notes for AVOIDED costs							
Estimated costs of properly reporting emission events; date required is date of first reportable event; final date is date of the last emissions event.							

Approx. Cost of Compliance

TOTAL

Sabine AIRPCW6R.wb3

Screening Date 02-Sep-2004 **Docket No.** 2004-1135-MLM-E **PCW**

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), and Air Permit No. 1790, Special Condition ("SC") 1- MAERT

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

Violation Description Failure to maintain an emission rate below the MAERT limits. See Table Three for the details. Since the emissions event was avoidable, the respondent failed to meet the demonstrations as found 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 type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended, as documented during the June 16-18, 21-22, and 25, 2004, investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1,575"/>	Violation Final Penalty Total <input type="text" value="\$4,350"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,350"/>	

Sabine AIRPCW6P.wb3

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Case ID No. 17869
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s) Air Account No. OC0007J
 Media [Statute] Air Quality
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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)	\$1,500	16-Apr-2003	12-Mar-2004	1.0	\$75	\$1,500	\$1,575

Notes for AVOIDED costs

Avoided costs of operating within permitted emission limits; date required is date of first exceedance; final date is date of the last emissions event.

Approx. Cost of Compliance

TOTAL

Screening Date 02-Sep-2004 **Docket No.** 2004-1135-MLM-E **PCW**
Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *Revision 2 (September 2002)*
Case ID No. 17869 *PCW Revision May 17, 2004*
Reg. Ent. Reference No. RN100542711
Additional ID No(s). Air Account No. OC0007J
Media [Statute] Air Quality
Enf. Coordinator John Barry

Violation Number
Primary Rule Cite(s) 30 Tex. Admin. Code § 117.207(a)
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)
Violation Description
 Failure to maintain an emission rate below the allowable plant wide oxides of nitrogen ("NO_x") emission limit. The established NO_x emissions plant-wide limit on the GE PG711 83 MW Turbine, Emission Point Number ("EPN") PG-14, is 180.100 pounds/hour (lb/hr). On May 23, 2003, from 0715-0815 hours (hrs), a reportable emissions event occurred at the Cogeneration Area which resulted in the release of 532.590 lb nitric oxide ("NO") and 266.140 lb nitrogen dioxide ("NO₂") from EPN PG-14, approximately 619 lb of NO_x (344%) above the limit. Since the emissions event was not reported properly, the respondent failed to meet the demonstration as found in 30 Tex. Admin. Code § 101.222.
Base Penalty

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

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

>> **Programmatic Matrix**

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

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

Adjustment
Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended, as documented during the June 16-18, 21-22, and 25, 2004, investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$500"/>	Violation Final Penalty Total <input type="text" value="\$4,350"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,350"/>	

Sabine AIRPCWGP wb3

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Case ID No. 17869
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s). Air Account No. OC0007J
 Media [Statute] Air Quality
 Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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)	\$500	23-May-2003	23-May-2003	0.0	\$0	\$500	\$500

Notes for AVOIDED costs
 Avoided costs of operating with permitted emission limits; date required is date of first exceedance; final date is the date of the last emissions event.

Approx. Cost of Compliance TOTAL

Sabine AIRPCW6R.wb3

Screening Date 02-Sep-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (2), 111.111(a)(4)(A), 116.115(b)(2)(F) and (c), and Air Permit No. 914, SC 1, 2, and 4

Secondary Rule Cite(s)

40 Code of Federal Regulations (CFR) §§ 60.18(c) and 61.349(a)(2)(iii), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to maintain an emissions rate below the allowable emission limit. On June 25, 2003, from 1215-1345 hrs, the facility released 7,789.00 lb carbon monoxide ("CO"), 1,359.45 lb NO, 71.55 lb NO₂, and 1.00 lb NO_x from the Ethylene Operating Flare CB-801 for a duration of 1 hour 30 minutes. See Table Four. Also, the respondent reported that the Ethylene Operating Flare CB-801 smoked for approximately 1 hour 30 minutes during the June 25, 2003, emissions event, i.e., more than the five minutes allowed in any consecutive two-hour period. Since the emissions event was avoidable, the respondent failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222.

Base Penalty

Environmental, Property and Human Health Matrix

OR

		Harm		
Release		Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Programmatic Matrix

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

Percent

Matrix Notes

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended, as documented during the June 16-18, 21-22, and 25, 2004, investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Sabine AIRPCWGP.wb3

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Case ID No. 17869
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s) Air Account No. OC0007J
 Media [Statute] Air Quality
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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]	\$500	25-Jun-2003	25-Jun-2003	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided costs of operating with permitted emission limits; date required is date of first exceedance; final date is the date of the last emissions event.

Approx. Cost of Compliance **\$500**

TOTAL \$500

Sabine AIRPCW6R.wb3

Screening Date 02-Sep-2004 **Docket No.** 2004-1135-MLM-E **PCW**

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869 **PCW Revision** May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and (2), 111.111(a)(4)(A), 113.110, and 116.115(c), and Air Permit No. 1302, SC 2

Secondary Rule Cite(s) 40 CFR §§ 60.112b(a)(3)(ii) and 61.349(a)(2)(iii), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to properly operate a flare. On June 25, 2003, from 1215-1230 hrs, an emissions event occurred that resulted in the ADN Operating Flare, EPN PP-3, smoking for a duration of 15 minutes, i.e., more than the five minutes allowed in any consecutive two-hour period.

Base Penalty \$10,000

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

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

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One single event is recommended, as documented during the June 16-18, 21-22, and 25, 2004, investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$500	Violation Final Penalty Total \$4,350
This violation Final Assessed Penalty (adjusted for limits) \$4,350	

Sabine AIRPCWGR wb3

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
Case ID No. 17869
Reg. Ent. Reference No. RN100542711
Additional ID No(s). Air Account No. OC0007J
Media [Statute] Air Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Description 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				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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]	\$500	25-Jun-2003	25-Jun-2003	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Avoided costs of operating with permitted emission limits; date required is date of first exceedance; final date is the date of the last emissions event.							

Approx. Cost of Compliance \$500 **TOTAL** \$500

Sabine AIRPCW6R.wb3

Screening Date	02-Sep-2004	Docket No.	2004-1135-MLM-E	PCW
Respondent	E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works <i>ision 2 (September 2002)</i>			
Case ID No.	17869	<i>PCW Revision May 17, 2004</i>		
Reg. Ent. Reference No.	RN100542711			
Additional ID No(s)	Air Account No. OC0007J			
Media [Statute]	Air Quality			
Enf. Coordinator	John Barry			
Violation Number	9			
Primary Rule Cite(s)	Air Permit No. 20204, MAERT			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with an emissions limitation - none of the emissions were authorized. Since the emissions events were avoidable or not properly reported, the respondent failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222. See the attached Table Five.			

Base Penalty \$10,000

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

OR	Harm			Percent 25%	
	Release	Major	Moderate		Minor
	Actual				X
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

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

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 3

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

Violation Base Penalty \$7,500

Three single events are recommended based on the unauthorized emissions events as documented during the April 16, 2004 through April 30, 2004 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,574

Violation Final Penalty Total \$13,050

This violation Final Assessed Penalty (adjusted for limits) \$13,050

Sabine AIRPCW6R.wb3

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Case ID No. 17869
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s): Air Account No. OC0007J
 Media [Statute] Air Quality
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment	\$3,000	04-Oct-2002	10-Mar-2003	0.4	\$4	\$86	\$90
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to make required repairs; the date required is the date of first exceedance; final date is the date of the last emissions event.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel	\$1,000	04-Oct-2002	10-Mar-2003	0.4	\$22	\$430	\$452
Inspection/Reporting/Sampling	\$4,500	04-Oct-2002	10-Mar-2003	0.4	\$97	\$1,936	\$2,032
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: Estimated avoided cost of additional oversight and maintenance that would have been necessary to prevent the unauthorized emissions; the date required is the date of first exceedance; final date is the date of the last emissions event.

Approx. Cost of Compliance **\$8,500** TOTAL **\$2,574**

Screening Date 02-Sep-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 10

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 Tex. Admin. Code §§ 116.115 (b)(2)(F) and (c), 111.111(a)(4)(A)(i); Air Permit Nos. 1302, 1790 and 9629, GC - MAERT

Tex. Health and Safety Code § 382.085(b)

Failure to maintain emission rate below permitted limit. Since the emissions events were avoidable or not properly reported, the respondent failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222. See the attached Table Five.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

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

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 5

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

Violation Base Penalty \$12,500

Five single events are recommended based on the permit exceedance events as documented during the April 16, 2004 through April 30, 2004 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,472

Violation Final Penalty Total \$21,750

This violation Final Assessed Penalty (adjusted for limits) \$21,750

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
Case ID No. 17869
Reg. Ent. Reference No. RN100542711
Additional ID No(s) Air Account No. OC0007J
Media [Statute] Air Quality
Violation No. 10

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

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$5,000	20-Oct-2002	30-Dec-2002	0.2	\$3	\$65	\$68
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to make required repairs; the date required is the date of first exceedance; final date is the date of the last emissions event.

Avoided Costs

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

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel	\$2,000	20-Oct-2002	20-Dec-2002	0.2	\$17	\$334	\$351
Inspection/Reporting/Sampling	\$6,000	20-Oct-2002	20-Dec-2002	0.2	\$50	\$1,003	\$1,053
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: Estimated avoided cost of additional oversight and maintenance that would have been necessary to prevent the unauthorized emissions or properly demonstrate exemption requirements; the date required is the date of first exceedance; final date is the date of the last emissions event.

Approx. Cost of Compliance **\$13,000** **TOTAL** **\$1,472**

Screening Date 02-Sep-2004 Sabine AIRPCW6R.wb3 Docket No. 2004-1135-MLM-E PCW
Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*
Case ID No. 17869 PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711
Additional ID No(s). Air Account No. OC0007J
Media [Statute] Air Quality
Enf. Coordinator John Barry

Violation Number 11

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B), (a)(2)(H), (b)(4), and (b)(7)
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to include all required information on the final report of an emissions event. Specifically, the authorized emission limits, individually listed compounds and facility identification number ("FIN") were not included in the final report for an unauthorized emission event that occurred on October 20, 2002. Additionally there was failure to notify the TCEQ within 24 hours of the event.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes 100% of the rule with respect to timely reporting was not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One single event is recommended for the incomplete reporting, as documented during the April 16, 2004 through April 30, 2004 investigation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$100 Violation Final Penalty Total \$4,350

This violation Final Assessed Penalty (adjusted for limits) \$4,350

Sabine AIRPCW6P.wb3

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
Case ID No.: 17869
Reg. Ent. Reference No.: RN100542711
Additional ID No(s): Air Account No. OC0007J
Media [Statute]: Air Quality
Violation No.: 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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)	\$100	20-Oct-2002	21-Oct-2002	0.0	\$0	\$100	\$100

Notes for AVOIDED costs: Estimated costs of properly reporting emission events; date required is date of the reportable event; final date is date of the emissions event reported late.

Approx. Cost of Compliance **TOTAL**

Sabine AIRPCW6R-wb3

Screening Date 02-Sep-2004

Docket No: 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No: 17869

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(2)(H), (b)(4), and (b)(7)

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

Violation Description
Failure to include all required information on final reports of emission events. Specifically, the authorized emission limits and the FIN were not included in the final reports for unauthorized emission events that occurred on November 4, December 20, and December 30, 2002.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<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 checked="" type="checkbox"/>	<input type="text" value="1%"/>

Matrix Notes
At least 70% of the rule requirement was met. Two reports were missing two of the 12 required elements and one report was missing one of the 12 required elements.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Three single events are recommended, one for each of the three incomplete reports, as documented during the April 16, 2004 through April 30, 2004 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Sabine AIRPCW\GP\wb3

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works
 Case ID No. 17869
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s). Air Account No. OC0007J
 Media [Statute] Air Quality
 Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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)	\$300	04-Nov-2002	03-Dec-2002	0.0	\$0	\$300	\$300

Notes for AVOIDED costs

Estimated costs of properly reporting emission events; date required is date of first reportable event; final date is date of the last emissions event.

Approx. Cost of Compliance

TOTAL

TABLE ONE - DuPont Sabine River Works

Violation 1: 11 Emission Events - No Emissions Authorized

Unit/EPN	Emission Date(s)	Time	Approx. Duration	Emitted Substance	Emissions (pounds)
Purge Compressor Discharge RV	04/23/03	0950-0956	6 min	Ethylene Vinyl Acetate	630.00 37.00
High pressure Off Gas RV	05/10/03	1010- 1011	1 min	Ethylene	153.00
LPS Dump Valves and RV # 1684 EPN	05/20/03	0212-0216	4 min	Ethylene Glycidyl Methacrylate Normal Butyl Acrylate	299.50 1.00 37.10
LPS Rupture Disks and Dump Valves	05/30/03	0800-0812	12 min	Ethylene	4,400.00
LPS Vent Stack EPN PL-7A	05/30/03	0545-0645	1 hour	Ethylene	400.00
Makeup Ethylene Header RV EPN PL-	06/25/03	0700-0742	42 min	Ethylene	975.00
Buildings 530, 539, and 166 EPN PL-	06/25/03	1215-1223	8 min	Ethylene Vinyl Acetate	4,700.00 300.00
4th St. and East Methanol Ave. EPN F	10/14/03	0845-1539	6 hours 54 min	Mineral Spirits Unknown Material	121.00 7.00
#2 Purge Compressor RV EPN PL-2A	11/13/03	0958-1000	2 min	Ethylene Vinyl Acetate	127.75 0.64
#2 Hyper Rupture Disc EPN PL-7A	12/03/03	0900-0905	5 min	Ethylene CO VOC	2,948.00 110.00 222.00
East Dryer Vent EPN PL-7A	12/19/03	1600-1630	30 min	Ethylene	249.00

TABLE TWO DuPont Sabine River Works

Violation 3 & 4: Failure to Properly Notify - Ten Events

Event Date (Incident No.)	Hours Duration	Violation
04/23/03 (19828)	0950-0956	Failure to include Facility ID Number (FIN) -"PL2A"
05/10/03 (20541)	1010-1011	Failure to include FIN "PL7A" and the Emission Point Number (EPN) "PL-7A"
05/20/03 (21141)	0121-01216	Failure to include correct Facility Common Name (FCN) "LPS" and FIN "PL7A" and Emission Point Common Name "LPS Dump Valves and Relief Valve #1684"
05/30/03 (21731)	0800-0812	Failure to include correct Facility Common Name (FCN) "LPS" and FIN "PL7A"
05/30/03 (21735)	0545-0645	Failure to include correct Facility Identification Name "LPS" and FIN "PL7A"
05/23/03 (21430)	0715-0815	Failure to include FIN "11TRB014"
06/25/03 (23397)	0740-0742	Failure to include FIN "PL2A"
06/25/03 (23443)	1215-1223	Failure to include FIN "PL3A"
06/25/03 (23450)	1228-1237	Failed to report within required time frame
12/19/03 (32895)	1600-1630	Failed to report within required time frame

TABLE THREE: DuPont Sabine River Works

Violation 5: One Emission Event - Pounds (#) Of Upset Emissions - % Exceedances

Permit/EPN	Date	Time	Emitted Compounds	MAERT Limits*	Emissions**	% above limits
<u>Permit 1790</u> Nitrous Oxide(N ₂ O)/NO _x Abater EPN PD-50	03/12/04	1340-1444	N ₂ O	3,405.00	3,740.00	2.97%

* pounds/hour

** pounds

TABLE FOUR: DuPont Sabine River Works

Violation 7: One Emission Event - Pounds (#) Of Upset Emissions - % Exceedances

Permit/EPN	Date	Time	Emitted Compounds	MAERT Limits*	Emissions**	% above limits
<u>Permit 914</u> Ethylene Operating Flare CB-801	06/25/03	1215-1345	CO	741.00	7789.00	600.76%
			NO, NO ₂ , NO _x	240.00	1432.00	297.78%

* pounds/hour

** pounds

Unauthorized Emission Events Violation Table Five

Respondent	E. I. du Pont de Nemours and Company	
ID Number(s)	TCEQ Air Account No. OC-0007-J; CN600128284; RN100542711	
Docket Number	2004-1135-MLM-E	
Enf. Coordinator	John Barry	
Corresponds to Violation Number:	9	

(Numeric Sequence) Tracking No.	Date	Unit	Permit	Permit Allowable (lbs./hr.)	Actual Emission (total in lbs.)
(1) 160270	10/04/02	D-Unit (Emission Point B572)	Air Permit No. 20204	n/a	ethylene (923)
(2) 160294	01/16/03	D-Unit (Emission Point B572)	Air Permit No. 20204	n/a	ethylene (260)
(3) 160296	03/10/03	D-Unit (Emission Point B572)	Air Permit No. 20204	n/a	ethylene (351); vinyl acetate (137)
Corresponds to Violation Number:	10				

(Numeric Sequence) Tracking No.	Date	Unit	Permit	Permit Allowable (lbs./hr.)	Actual Emission (lbs./hr.)	Actual Emission (total in lbs.)
(1) 160272	10/20/02	Turbine (EPN PG-14)	Air Permit No. 9629	NO _x 166	207	414
(2) 160278	11/04/02	Operating Flare (EPN PP-3)	Air Permit No. 1302	VOC 24	36	60
(3) 160281	11/04/02	Operating Flare (EPN PP-3)	Air Permit No. 1302	no visible emissions > 5 min. in 2 hr. period	visible emissions for 1 hr. and 30 min.	
(4) 160289	12/20/02	High Pressure Scrubber (EPN 5ABS-005) and Low Pressure Scrubber (EPN 5ABS-013)	Air Permit No. 1790	VOC 0	148	2,244
				CO 0	1,086	16,474
(5) 160293	12/30/02	Turbine (EPN PG-14)	Air Permit No. 9629	NO _x 166	228	244



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

(For Penalty Purposes Only)

DATES

PCW Screening Priority Due EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent
 Reg. Ent. Ref. No.
 Additional ID No(s).
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No. No. of Violations
 Docket No. Order Type
 Case Priority Enf. Coordinator
 Media Program(s) EC's Team
 Multi-Media
 Admin. Penalty \$ Limit Minimum Maximum

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 71% Enhancement Subtotals 2, 3, & 7

Notes: The respondent received 1 previous same or similar NOV, 16 Other NOVs (including 8 self-reported ones), 2 agreed final enforcement orders with denial of liability, 1 notice of intent to perform an audit, and participated in a voluntary pollution reduction program.

Culpability No 0% Enhancement Subtotal 4

Notes: Does not meet culpability criteria.

Good Faith Effort to Comply 0% Reduction 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	<input checked="" type="checkbox"/>	<i>(mark with a small x)</i>

Notes: The respondent is not yet in compliance.

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	<input type="text" value="\$214"/>
Approx. Cost of Compliance	<input type="text" value="\$5,000"/>

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment

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

Notes:

Final Penalty Amount

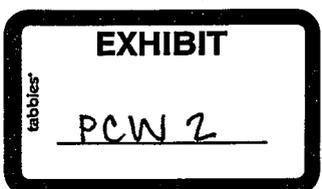
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 0% Reduction Adjustment

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

Notes: No deferral is recommended due to prior same or similar NOV.

PAYABLE PENALTY



Sabine PWSPCWR.wb3

Screening Date 09-Aug-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Public Water Supply ID No. 1810114

Media [Statute] Public Water Supply

Enf. Coordinator John Barry

Site Address 3055 Farm-to-Market Road 1006, Orange, Orange County

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)		0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)		0%
Emissions	Chronic excessive emissions events (number of events)		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 71%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The respondent received 1 previous same or similar NOV, 16 Other NOVs (including 8 self-reported ones), 2 agreed final enforcement orders with denial of liability, 1 notice of intent to perform an audit, and participated in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 71%

Sabine_PWSPCWR.wb3

Screening Date 09-Aug-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works *ision 2 (September 2002)*

Case ID No. 17869

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Public Water Supply ID No. 1810114

Media [Statute] Public Water Supply

Enf. Coordinator John Barry

Violation Number

1

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.113(f)(5)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 341.0315(c)

Violation Description

Exceeded Maximum Contaminant Level of 0.060 milligrams per liter (mg/l) based on a running annual average for haloacetic acids (HAA5) during the First Quarter 2004. The level for the First Quarter 2004 was 0.684 mg/l with a running average of 0.171 mg/l for 2004.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

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

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$250

One quarterly event is recommended based on the First Quarter 2004 exceedance documented during the March 10, 2004 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$214

Violation Final Penalty Total \$428

This violation Final Assessed Penalty (adjusted for limits) \$428

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company dba Du Pont Sabine River Works

Case ID No. 17869

Reg. Ent. Reference No. RN100542711

Additional ID No(s): Public Water Supply ID No. 1810114

Media [Statute]: Public Water Supply

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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	24-Feb-2004	01-Jan-2005	0.9	\$214	n/a	\$214

Notes for DELAYED costs: Estimated cost to implement an alternative method of disinfection; date required is date of first exceedance; final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN600128284 E. I. Dupont De Nemours and Company Classification: AVERAGE Rating: 1.89

Regulated Entity: RN100542711 DUPONT SABINE RIVER WORKS Classification: AVERAGE Site Rating: 1.95

ID Number(s):

AIR OPERATING PERMITS	PERMIT	1882
AIR OPERATING PERMITS	PERMIT	2331
AIR OPERATING PERMITS	PERMIT	2075
AIR OPERATING PERMITS	PERMIT	2074
AIR OPERATING PERMITS	PERMIT	2055
AIR OPERATING PERMITS	PERMIT	2001
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1901
AIR OPERATING PERMITS	PERMIT	1900
AIR OPERATING PERMITS	PERMIT	1899
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	1897
AIR OPERATING PERMITS	PERMIT	1896
AIR OPERATING PERMITS	PERMIT	1895
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0007J
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50230
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30019
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079642
STORMWATER	PERMIT	TXR05L392
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50230
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50230
WATER LICENSING	LICENSE	1810114
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW282
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW191
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW055
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW054
AIR NEW SOURCE PERMITS	PERMIT	53326
AIR NEW SOURCE PERMITS	PERMIT	52687
AIR NEW SOURCE PERMITS	PERMIT	43041
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J
AIR NEW SOURCE PERMITS	PERMIT	47720
AIR NEW SOURCE PERMITS	PERMIT	47678
AIR NEW SOURCE PERMITS	PERMIT	47671
AIR NEW SOURCE PERMITS	PERMIT	46790
AIR NEW SOURCE PERMITS	PERMIT	45956
AIR NEW SOURCE PERMITS	PERMIT	45958
AIR NEW SOURCE PERMITS	PERMIT	45950
AIR NEW SOURCE PERMITS	PERMIT	45766
AIR NEW SOURCE PERMITS	PERMIT	44528
AIR NEW SOURCE PERMITS	PERMIT	44499
AIR NEW SOURCE PERMITS	PERMIT	44206
AIR NEW SOURCE PERMITS	PERMIT	42060
AIR NEW SOURCE PERMITS	PERMIT	43816
AIR NEW SOURCE PERMITS	PERMIT	43815
AIR NEW SOURCE PERMITS	PERMIT	42054
AIR NEW SOURCE PERMITS	PERMIT	41263
AIR NEW SOURCE PERMITS	PERMIT	40371
AIR NEW SOURCE PERMITS	PERMIT	38906
AIR NEW SOURCE PERMITS	PERMIT	38853
AIR NEW SOURCE PERMITS	PERMIT	38402
AIR NEW SOURCE PERMITS	PERMIT	37818
AIR NEW SOURCE PERMITS	PERMIT	37488
AIR NEW SOURCE PERMITS	PERMIT	36877
AIR NEW SOURCE PERMITS	PERMIT	36731

EXHIBIT

CH 1+2

AIR NEW SOURCE PERMITS	PERMIT	36872
AIR NEW SOURCE PERMITS	PERMIT	36046
AIR NEW SOURCE PERMITS	PERMIT	36608
AIR NEW SOURCE PERMITS	PERMIT	35863
AIR NEW SOURCE PERMITS	PERMIT	33521
AIR NEW SOURCE PERMITS	PERMIT	33081
AIR NEW SOURCE PERMITS	PERMIT	32733
AIR NEW SOURCE PERMITS	PERMIT	28148
AIR NEW SOURCE PERMITS	PERMIT	26410
AIR NEW SOURCE PERMITS	PERMIT	26325
AIR NEW SOURCE PERMITS	PERMIT	26158
AIR NEW SOURCE PERMITS	PERMIT	25167
AIR NEW SOURCE PERMITS	PERMIT	26132
AIR NEW SOURCE PERMITS	PERMIT	24252
AIR NEW SOURCE PERMITS	PERMIT	23646
AIR NEW SOURCE PERMITS	PERMIT	22977
AIR NEW SOURCE PERMITS	PERMIT	22895
AIR NEW SOURCE PERMITS	PERMIT	21236
AIR NEW SOURCE PERMITS	PERMIT	20204
AIR NEW SOURCE PERMITS	PERMIT	17157
AIR NEW SOURCE PERMITS	PERMIT	16327
AIR NEW SOURCE PERMITS	PERMIT	12967
AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	10447
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	9176
AIR NEW SOURCE PERMITS	PERMIT	7021
AIR NEW SOURCE PERMITS	PERMIT	5745
AIR NEW SOURCE PERMITS	PERMIT	4583
AIR NEW SOURCE PERMITS	PERMIT	2490
AIR NEW SOURCE PERMITS	PERMIT	2116
AIR NEW SOURCE PERMITS	PERMIT	2004
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	PERMIT	1468
AIR NEW SOURCE PERMITS	PERMIT	1423C
AIR NEW SOURCE PERMITS	PERMIT	1423B
AIR NEW SOURCE PERMITS	PERMIT	1423A
AIR NEW SOURCE PERMITS	PERMIT	1423
AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	PERMIT	1303
AIR NEW SOURCE PERMITS	PERMIT	1302
AIR NEW SOURCE PERMITS	PERMIT	914A
AIR NEW SOURCE PERMITS	PERMIT	914
AIR NEW SOURCE PERMITS	PERMIT	9629
WATER RIGHTS	ID NUMBER	4664
WASTEWATER	PERMIT	WQ0000475000
AIR NEW SOURCE PERMITS	REGISTRATION	72989
AIR NEW SOURCE PERMITS	REGISTRATION	51530
AIR NEW SOURCE PERMITS	REGISTRATION	51405
AIR NEW SOURCE PERMITS	REGISTRATION	51509
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	54185
AIR NEW SOURCE PERMITS	PERMIT	54855
AIR NEW SOURCE PERMITS	PERMIT	53847
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	PERMIT	53853
AIR NEW SOURCE PERMITS	PERMIT	53329
AIR NEW SOURCE PERMITS	PERMIT	53328
AIR NEW SOURCE PERMITS	PERMIT	53327
AIR NEW SOURCE PERMITS	PERMIT	53325
AIR NEW SOURCE PERMITS	PERMIT	53324
AIR NEW SOURCE PERMITS	PERMIT	56029
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56027
AIR NEW SOURCE PERMITS	PERMIT	56030
AIR NEW SOURCE PERMITS	PERMIT	56002
AIR NEW SOURCE PERMITS	PERMIT	56007
AIR NEW SOURCE PERMITS	PERMIT	52334
AIR NEW SOURCE PERMITS	PERMIT	52381
AIR NEW SOURCE PERMITS	PERMIT	56241
AIR NEW SOURCE PERMITS	PERMIT	52341
AIR NEW SOURCE PERMITS	PERMIT	52340
AIR NEW SOURCE PERMITS	PERMIT	50464
AIR NEW SOURCE PERMITS	PERMIT	52212

AIR NEW SOURCE PERMITS	PERMIT	56327
AIR NEW SOURCE PERMITS	PERMIT	52194
AIR NEW SOURCE PERMITS	PERMIT	52193
AIR NEW SOURCE PERMITS	PERMIT	52192
AIR NEW SOURCE PERMITS	PERMIT	52186
AIR NEW SOURCE PERMITS	PERMIT	52185
AIR NEW SOURCE PERMITS	PERMIT	52183
AIR NEW SOURCE PERMITS	PERMIT	52181
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	PERMIT	52187
AIR NEW SOURCE PERMITS	PERMIT	52184
AIR NEW SOURCE PERMITS	PERMIT	52182
AIR NEW SOURCE PERMITS	PERMIT	56576
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	71720
AIR NEW SOURCE PERMITS	REGISTRATION	71444
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	REGISTRATION	56106
AIR NEW SOURCE PERMITS	AFS NUM	0002
AIR NEW SOURCE PERMITS	PERMIT	56297
AIR NEW SOURCE PERMITS	PERMIT	56309
AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	REGISTRATION	55356
AIR NEW SOURCE PERMITS	REGISTRATION	55395
AIR NEW SOURCE PERMITS	REGISTRATION	55351
AIR NEW SOURCE PERMITS	REGISTRATION	55091
AIR NEW SOURCE PERMITS	REGISTRATION	55029
AIR NEW SOURCE PERMITS	REGISTRATION	54959
AIR NEW SOURCE PERMITS	REGISTRATION	54974
AIR NEW SOURCE PERMITS	PERMIT	71863
AIR NEW SOURCE PERMITS	REGISTRATION	72030

Location: 3055 FM 1006, ORANGE, TX, 77631 Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 10-- BEAUMONT

Date Compliance History Prepared: August 31, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 20, 199 to August 20, 2004

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

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

Site Compliance History Components

- 1. Has the site been in existence and/or operation for the full five year compliance period? No
- 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.

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 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)

Citation: 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 V 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)

Citation: 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 V 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)

Citation: 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 V 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)

Citation: Permit 914, SC 15E PERMIT

Permit 914, SC 4 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)

Citation: Permit 914, SC 14I PERMIT

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

Effective Date: 4/6/02

ADMINORDER 2001-0925-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: 1790, SC 14D PERMIT

Description: Failure to conduct an annual visual inspection on the internal floating roofs of Tanks 41 and 42 for 2000.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.319(c)[G]
30 TAC Chapter 117, SubChapter E 117.530[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit written quarterly reports for all periods of excess emissions at the Adipic Acid Unit.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: The facility failed to provide flow measuring devices for the filter backwash water and recycled decant water.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)

Description: The facility failed to calibrate the online pH meter at least once each day.

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

N/A

C. Chronic excessive emissions events.

N/A

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

2	07/19/2000	(130018)
4	07/07/2000	(130017)
6	06/23/2000	(130016)
8	06/23/2000	(130015)
10	06/23/2000	(130014)
12	06/18/2000	(130013)
14	01/10/2002	(246561)
16	08/20/2002	(8387)
18	06/18/2000	(130012)
20	07/01/2003	(134042)
22	06/18/2000	(130011)
24	06/18/2000	(130010)
26	06/18/2000	(130009)
28	06/18/2000	(130008)
30	06/18/2000	(130007)
32	06/18/2000	(130006)
34	04/13/2003	(31391)
36	06/18/2000	(130005)
38	06/18/2000	(130004)
40	06/18/2000	(130003)
42	12/08/2003	(255358)
44	06/06/2000	(130002)
46	06/01/2000	(130001)
48	06/16/2004	(271873)
50	06/22/2004	(274776)
52	01/28/2000	(159130)
54	12/18/2002	(18737)
56	01/16/2003	(159129)
58	09/26/2002	(11826)
60	12/08/2003	(255362)
62	11/08/2002	(16114)
64	01/24/2002	(159128)
66	07/23/2004	(274856)
68	07/19/2000	(130019)
70	01/29/2001	(159127)
72	07/19/2000	(130020)
74	04/20/2004	(269279)
76	05/19/2004	(270883)
78	06/01/2000	(130000)
80	07/19/2000	(130021)
82	12/21/1999	(159126)
84	07/19/2000	(130022)
86	12/20/2002	(159125)
88	07/19/2000	(130023)
90	07/20/2000	(130024)
92	08/01/2000	(130025)
94	08/04/2003	(125899)
96	06/24/2004	(000000000269645)
98	06/24/2004	(000000000269645)
100	06/24/2004	(000000000269645)
102	06/24/2004	(000000000269645)
104	06/24/2004	(000000000269645)
106	06/24/2004	(000000000269645)
108	06/24/2004	(000000000269645)
110	06/24/2004	(000000000269645)
112	06/24/2004	(000000000269645)
114	06/24/2004	(000000000269645)
116	06/24/2004	(000000000269645)
118	06/24/2004	(000000000269645)
120	06/24/2004	(000000000269645)
122	06/24/2004	(000000000269645)

124 12/17/2001 (159124)
126 06/16/2004 (274638)
128 08/01/2000 (130026)
130 06/22/2004 (274848)
132 05/16/2003 (28165)
134 12/18/2000 (159123)
136 08/01/2000 (130027)
138 03/04/2004 (264387)
140 08/02/2000 (130028)
142 11/22/1999 (159122)
144 05/05/1998 (IE0001028002001)
146 04/13/2003 (31376)
148 03/20/2002 (IE0017847001001)
150 03/04/2004 (263186)
152 08/18/2000 (130029)
154 02/25/2004 (263758)
156 05/26/2000 (129999)
158 08/18/2000 (130030)
160 11/21/2002 (159121)
162 05/26/2004 (000000000266492)
164 05/05/2000 (129998)
166 12/15/2003 (000000000255071)
168 08/18/2000 (130031)
170 03/27/2003 (26363)
172 05/05/2000 (129997)
174 05/21/2004 (000000000267872)
176 08/18/2000 (130032)
178 11/19/2001 (159120)
180 05/05/2000 (129996)
182 07/15/2003 (38074)
184 08/24/2000 (130033)
186 05/05/2000 (129995)
188 02/13/2004 (262593)
190 08/24/2000 (130034)
192 05/05/2000 (129994)
194 08/24/2000 (130035)
196 11/27/2000 (159119)
198 06/17/2004 (272995)
200 08/27/2003 (152757)
202 05/05/2000 (129993)
204 08/24/2000 (130036)
206 05/05/2000 (129992)
208 08/25/2000 (130037)
210 10/18/1999 (159118)
212 05/05/2000 (129991)
214 05/05/2000 (129990)
216 03/30/2004 (264141)
218 05/05/2000 (129989)
220 10/25/2002 (159117)
222 08/30/2000 (130038)
224 04/13/2003 (31386)
226 05/05/2000 (129988)
228 08/30/2000 (130039)
230 07/09/2004 (273112)
232 01/21/2000 (129987)
234 08/30/2000 (130040)
236 12/22/1999 (129986)
238 09/21/2000 (130041)
240 12/22/1999 (129985)
242 09/21/2000 (130042)
244 11/01/2001 (159116)
246 12/22/1999 (129984)
248 09/21/2000 (130043)
250 10/28/2002 (10886)
252 08/20/2002 (8425)
254 12/22/1999 (129983)
256 10/24/2000 (159115)
258 12/22/1999 (129982)
260 04/16/2003 (26146)
262 12/22/1999 (129981)
264 07/15/2003 (112514)
266 09/18/2002 (159114)
268 12/22/1999 (129980)
270 12/22/1999 (129979)
272 07/26/2004 (279807)

274 12/22/1999 (129978)
276 12/22/1999 (129977)
278 09/21/2001 (159113)
280 09/26/2002 (10956)
282 04/20/2004 (269271)
284 09/28/2000 (130044)
286 12/22/1999 (129976)
288 09/28/2000 (130045)
290 12/09/1999 (129975)
292 09/28/2000 (130046)
294 05/19/2004 (270872)
296 12/09/1999 (129974)
298 12/29/2003 (258574)
300 07/01/2003 (133983)
302 09/28/2000 (130047)
304 12/08/1999 (129973)
306 08/29/2002 (6836)
308 09/25/2000 (159112)
310 09/28/2000 (130048)
312 09/28/2000 (130049)
314 05/23/2002 (285872)
316 08/19/2002 (159111)
318 09/28/2000 (130050)
320 09/28/2000 (130051)
322 08/22/2001 (159110)
324 10/06/2000 (130052)
326 04/28/2004 (00000000266290)
328 11/03/1999 (129972)
330 10/27/2000 (130053)
332 08/23/2000 (159109)
334 10/06/1999 (129971)
336 12/07/2000 (130054)
338 12/29/2003 (258639)
340 06/27/2003 (159108)
342 12/07/2000 (130055)
344 02/13/2004 (262596)
346 12/07/2000 (130056)
348 10/17/2003 (252339)
350 08/06/2002 (159107)
352 12/07/2000 (130057)
354 12/07/2000 (130058)
356 12/07/2000 (130059)
358 12/20/2000 (130060)
360 01/28/2004 (261078)
362 04/13/2003 (31383)
364 07/24/2001 (159106)
366 04/16/2003 (33743)
368 07/27/2000 (159105)
370 07/30/2004 (285129)
372 07/15/2003 (112516)
374 06/27/2003 (159104)
376 01/15/2003 (20284)
378 12/21/2000 (130061)
380 08/20/2002 (6454)
382 01/18/2001 (130062)
384 05/19/2004 (270885)
386 06/27/2002 (159103)
388 02/09/2001 (130063)
390 06/25/2003 (112308)
392 12/02/2002 (17606)
394 03/01/2001 (130064)
396 12/29/2003 (258593)
398 06/25/2001 (159102)
400 02/13/2004 (262585)
402 03/01/2001 (130065)
404 12/18/2002 (18754)
406 03/01/2001 (130066)
408 06/27/2000 (159101)
410 03/01/2001 (130067)
412 05/19/2003 (159100)
414 03/01/2001 (130068)
416 03/29/2001 (130069)
418 05/23/2002 (159099)
420 01/29/2004 (00000000258780)
422 03/30/2001 (130070)

424 12/04/2001 (159098)
 426 08/29/2003 (152995)
 428 12/08/2003 (255366)
 430 05/30/2000 (159097)
 432 02/28/2000 (159085)
 434 05/13/2004 (271900)
 436 04/15/2003 (159096)
 438 08/20/2002 (6664)
 440 02/22/2001 (159086)
 442 04/26/2002 (159095)
 444 02/06/2004 (00000000257858)
 446 10/29/2003 (251998)
 448 04/24/2001 (159094)
 450 02/25/2002 (159087)
 452 08/23/2001 (284795)
 454 04/20/2000 (159093)
 456 02/21/2003 (159088)
 458 03/28/2000 (159092)
 460 08/22/2003 (144190)
 462 03/20/2001 (159089)
 464 07/15/2003 (112518)
 466 03/27/2002 (159090)
 468 03/21/2003 (159091)
 470 10/15/2002 (13368)
 472 08/27/2003 (152763)
 474 01/28/2004 (260132)
 476 08/20/2002 (6442)
 478 08/27/2003 (152759)
 480 06/15/2000 (30414)
 482 09/23/1999 (30413)
 484 06/15/2000 (30412)
 486 04/28/2000 (30411)
 488 04/28/2000 (30410)
 490 04/28/2000 (30409)
 492 04/20/2004 (269276)
 494 04/28/2000 (30408)
 496 12/29/2003 (258585)
 498 04/28/2000 (30407)
 500 08/27/2003 (152760)
 502 04/20/2004 (264114)
 504 03/30/2004 (264137)
 506 07/15/2003 (112519)
 508 06/22/2004 (274709)
 510 08/29/2003 (153012)
 512 07/01/2003 (134010)
 514 06/10/2004 (269300)
 516 11/19/2002 (14903)
 518 08/27/2003 (152752)
 520 05/19/2004 (270887)
 522 09/26/2002 (11809)
 524 12/29/2003 (258553)

Actually 262 Investigations

N/A

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

Date: 07/14/2000 (130018)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FLR TO ATTACH OP PLAN

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FLR TO ATTACH OP PLAN

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]
Description: FAILURE TO SUBMIT NOT.

Date: 01/10/2002 (246561)

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

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

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

Date: 05/30/2000 (130000)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: UPSET NOTIFICATION

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)[G]
Description: RECORDKEEPING

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
Description: FAILURE TO REPAIR

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
Description: FAILURE TO CAP LINES

Date: 11/30/2001 (159124)

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: 07/20/2000 (130025)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
Description: ANBI, SEAL INSPECTIONS

Date: 06/10/2004 (269300)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Numerous willows and tallows were observed growing in the embankments on the pond system.

Date: 05/25/2000 (129999)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
Description: UPSET VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: UPSET VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: UPSET VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: UPSET VIOLATIONS

Date: 09/30/2002 (159117)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2001 (159116)
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: 06/16/2004 (271873)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)[G]
Description: STATUS OF PEMS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(f)[G]
Description: FAILURE TO CERTIFY PEM

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: FAILURE TO COMPLY

Date: 08/31/2001 (159113)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2000 (159112)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2001 (159106)
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: 04/17/2003 (26146)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(A)
TWC Chapter 26 26.121(a)[G]

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

Date: 01/31/2001 (159086)
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 (159091)
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: 04/20/2004 (264114)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
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[G]
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.

F. Environmental audits.

Notice of Intent Date: 06/24/2004.
No DOV Associated
Citation: No Classification

Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	04/05/2002
CLEAN TEXAS PROGRAM	LEADER	04/05/2002

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision March 02, 2005

DATES	Assigned	07-Mar-2005			
	PCW	05-Apr-2005	Screening	16-Mar-2005	Priority Due
				06-May-2005	EPA Due
					28-Nov-2005

RESPONDENT/FACILITY INFORMATION	
Respondent	E.I. du Pont de Nemours and Company
Reg. Ent. Ref. No.	RN100542711
Additional ID No(s)	TCEQ Air Account No. OC0007J
Facility/Site Region	10-Beaumont Major/Minor Source Major Source

CASE INFORMATION	
Enf./Case ID No.	17869
Docket No.	2004-1135-MLM-E
Case Priority	2 (SNC/HPV)
Media Program(s)	Air Quality
Multi-Media	
Admin. Penalty \$ Limit Minimum	\$0
Maximum	\$10,000
No. of Violations	1
Order Type	1660
Enf. Coordinator	John Barry
EC's Team	Enforcement Team 4

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 92% Enhancement **Subtotals 2, 3, & 7 \$2,300**

Notes: E. I. du Pont de Nemours and Company is an average performer with two administrative orders with denial of liability, two same or similar NOVs, 24 other NOVs, including 11 self-reported NOVs, one Notice of Intent to Audit, and participation in a voluntary pollution reduction program.

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

Notes: Does not meet culpability criteria.

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

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

Notes: The violation is a past event without the opportunity to comply.

Economic Benefit 0% Enhancement* **Subtotal 6 \$0**

Total EB Amounts	\$500	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7 Final Subtotal **\$4,800**

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

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

Notes:

Final Penalty Amount \$4,800

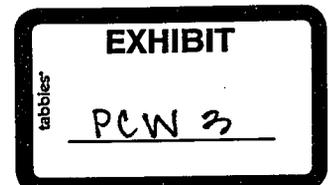
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$4,800**

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

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

Notes: No deferral is recommended for direct referral.

PAYABLE PENALTY **\$4,800**



Screening Date 16-Mar-2005	Docket No. 2004-1135-MLM-E	PCW
Respondent E.I. du Pont de Nemours and Company	Policy Revision 2 (September 2002)	
Case ID No. 17869	PCW Revision March 02, 2005	
Reg. Ent. Reference No. RN100542711		
Additional ID No(s). TCEQ Air Account No. OC0007J		
Media [Statute] Air Quality		
Enf. Coordinator John Barry		
Site Address	3055 Farm-to-Market Road 1006, Orange, Orange County	

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	no	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	no	0%
	Participation in a voluntary pollution reduction program	yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	no	0%

Adjustment Percentage (Subtotal 2)

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3)

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes E. I. du Pont de Nemours and Company is an average performer with two administrative orders with denial of liability, two same or similar NOVs, 24 other NOVs, including 11 self-reported NOVs, one Notice of Intent to Audit, and participation in a voluntary pollution reduction program.

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

Screening Date	16-Mar-2005	Docket No.	2004-1135-MLM-E	PCW
Respondent	E.I. du Pont de Nemours and Company		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	17869	<i>PCW Revision March 02, 2005</i>		
Reg. Ent. Reference No.	RN100542711			
Additional ID No(s)	TCEQ Air Account No. OC0007J			
Media [Statute]	Air Quality			
Enf. Coordinator	John Barry			
Violation Number	1			
Primary Rule Cite(s)	TCEQ Air Permit No. 20204, Special Condition 1			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to maintain an emission rate below the allowable emission limits. On September 29, 2004, unauthorized emissions occurred during a reportable emissions event at the Building 572 High Pressure Separator Stack and Reactor Dump Stack. Simultaneously during a one minute period starting at 09:27, 1,890 pounds (lb) of volatile organic compounds (VOC) and 210 lb of VOC were emitted above limits at the respective stacks. Since the emission event was avoidable, Du Pont failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222.			
Base Penalty			\$10,000	

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

OR			Harm			Percent <input type="text" value="25%"/>
	Release		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
Potential	<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"/>	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended as documented during the February 2-11, 2005, investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$500"/>	Violation Final Penalty Total <input type="text" value="\$4,800"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,800"/>	

Economic Benefit Worksheet

Respondent E.I. du Pont de Nemours and Company
Case ID No. 17869
Reg. Ent. Reference No. RN100542711
Additional ID No(s). TCEQ Air Account No. OC0007J
Media [Statute] 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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]	\$500	29-Sep-2004	30-Sep-2004	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided costs; the date required is the date of the emissions event; the final date is the day after the emissions event ended.

Approx. Cost of Compliance \$500

TOTAL \$500

Compliance History

Customer/Respondent/Owner-Operator: CN600128284 E. I. du Pont de Nemours and Company Classification: AVERAGE Rating: 1.900

Regulated Entity: RN100542711 DUPONT SABINE RIVER WORKS Classification: AVERAGE Site Rating: 1.70

ID Number(s):

AIR OPERATING PERMITS	PERMIT	1882
AIR OPERATING PERMITS	PERMIT	2331
AIR OPERATING PERMITS	PERMIT	2075
AIR OPERATING PERMITS	PERMIT	2074
AIR OPERATING PERMITS	PERMIT	2055
AIR OPERATING PERMITS	PERMIT	2001
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1901
AIR OPERATING PERMITS	PERMIT	1900
AIR OPERATING PERMITS	PERMIT	1899
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	1897
AIR OPERATING PERMITS	PERMIT	1896
AIR OPERATING PERMITS	PERMIT	1895
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0007J
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50230
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30019
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079642
STORMWATER	PERMIT	TXR05L392
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50230
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50230
WATER LICENSING	LICENSE	1810114
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW282
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW191
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW055
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW054
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J
AIR NEW SOURCE PERMITS	PERMIT	47678
AIR NEW SOURCE PERMITS	PERMIT	47671
AIR NEW SOURCE PERMITS	PERMIT	46790
AIR NEW SOURCE PERMITS	PERMIT	44528
AIR NEW SOURCE PERMITS	PERMIT	42054
AIR NEW SOURCE PERMITS	PERMIT	41263
AIR NEW SOURCE PERMITS	PERMIT	38906
AIR NEW SOURCE PERMITS	PERMIT	37488
AIR NEW SOURCE PERMITS	PERMIT	36046
AIR NEW SOURCE PERMITS	PERMIT	36608
AIR NEW SOURCE PERMITS	PERMIT	33521
AIR NEW SOURCE PERMITS	PERMIT	32733
AIR NEW SOURCE PERMITS	PERMIT	28148
AIR NEW SOURCE PERMITS	PERMIT	26410
AIR NEW SOURCE PERMITS	PERMIT	26325
AIR NEW SOURCE PERMITS	PERMIT	26158
AIR NEW SOURCE PERMITS	PERMIT	25167
AIR NEW SOURCE PERMITS	PERMIT	26132
AIR NEW SOURCE PERMITS	PERMIT	24252
AIR NEW SOURCE PERMITS	PERMIT	23646
AIR NEW SOURCE PERMITS	PERMIT	22977
AIR NEW SOURCE PERMITS	PERMIT	22895
AIR NEW SOURCE PERMITS	PERMIT	21236
AIR NEW SOURCE PERMITS	PERMIT	20204
AIR NEW SOURCE PERMITS	PERMIT	17157
AIR NEW SOURCE PERMITS	PERMIT	16327

EXHIBIT

CH 3

AIR NEW SOURCE PERMITS	PERMIT	12967
AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	10447
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	9176
AIR NEW SOURCE PERMITS	PERMIT	7021
AIR NEW SOURCE PERMITS	PERMIT	5745
AIR NEW SOURCE PERMITS	PERMIT	4583
AIR NEW SOURCE PERMITS	PERMIT	2490
AIR NEW SOURCE PERMITS	PERMIT	2116
AIR NEW SOURCE PERMITS	PERMIT	2004
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	PERMIT	1468
AIR NEW SOURCE PERMITS	PERMIT	1423C
AIR NEW SOURCE PERMITS	PERMIT	1423B
AIR NEW SOURCE PERMITS	PERMIT	1423A
AIR NEW SOURCE PERMITS	PERMIT	1423
AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	PERMIT	1303
AIR NEW SOURCE PERMITS	PERMIT	1302
AIR NEW SOURCE PERMITS	PERMIT	914A
AIR NEW SOURCE PERMITS	PERMIT	914
AIR NEW SOURCE PERMITS	PERMIT	9629
WATER RIGHTS	ID NUMBER	4664
WASTEWATER	PERMIT	WQ0000475000
AIR NEW SOURCE PERMITS	REGISTRATION	74503
AIR NEW SOURCE PERMITS	REGISTRATION	74368
AIR NEW SOURCE PERMITS	REGISTRATION	73921
AIR NEW SOURCE PERMITS	REGISTRATION	73790
AIR NEW SOURCE PERMITS	REGISTRATION	73779
AIR NEW SOURCE PERMITS	REGISTRATION	72989
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	54185
AIR NEW SOURCE PERMITS	PERMIT	54855
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	PERMIT	53324
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	71444
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	AFS NUM	0002
AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	REGISTRATION	55091
AIR NEW SOURCE PERMITS	REGISTRATION	54959
AIR NEW SOURCE PERMITS	PERMIT	71863
AIR NEW SOURCE PERMITS	REGISTRATION	72030

Location: 3055 FM 1006, ORANGE, TX, 77634 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 15, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 15, 2000 to March 15, 2005

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership of the site during the compliance period? No

3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Comments: STEERS 1302 inactive due to partial sale to RN104392626

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: 4/25/03

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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: Permit 914, SC 14I PERMIT

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

Effective Date: 4/6/02

ADMINORDER 2001-0925-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: 1790, SC 14D PERMIT

Description: Failure to conduct an annual visual inspection on the internal floating roofs of Tanks 41 and 42 for 2000.

Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter C 117.319(c)[G]
30 TAC Chapter 117, SubChapter E 117.530[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit written quarterly reports for all periods of excess emissions at the Adipic Acid Unit.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: The facility failed to provide flow measuring devices for the filter backwash water and recycled decant water.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)
Description: The facility failed to calibrate the online pH meter at least once each day.

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

2	07/19/2000	(130018)
4	07/07/2000	(130017)
6	06/23/2000	(130016)
8	06/23/2000	(130015)
10	06/23/2000	(130014)
12	06/18/2000	(130013)
14	01/10/2002	(246561)
16	08/20/2002	(8387)
18	06/18/2000	(130012)
20	07/01/2003	(134042)
22	06/18/2000	(130011)
24	06/18/2000	(130010)
26	06/18/2000	(130009)
28	06/18/2000	(130008)
30	06/18/2000	(130007)
32	06/18/2000	(130006)
34	04/13/2003	(31391)
36	06/18/2000	(130005)
38	06/18/2000	(130004)
40	06/18/2000	(130003)
42	12/08/2003	(255358)
44	10/20/2004	(292086)
46	06/06/2000	(130002)
48	06/01/2000	(130001)
50	06/16/2004	(271873)
52	09/13/2004	(282801)
54	06/22/2004	(274776)
56	10/20/2004	(291761)
58	12/18/2002	(18737)
60	01/16/2003	(159129)
62	09/26/2002	(11826)
64	12/08/2003	(255362)
66	11/08/2002	(16114)
68	12/09/2004	(285339)
70	10/20/2004	(291770)
72	10/20/2004	(292048)
74	01/24/2002	(159128)
76	07/23/2004	(274856)
78	04/02/2004	(332777)
80	07/19/2000	(130019)
82	03/04/2005	(371431)
84	01/29/2001	(159127)
86	07/19/2000	(130020)
88	12/09/2004	(337881)

90	04/20/2004	(269279)
92	05/19/2004	(270883)
94	06/01/2000	(130000)
96	07/19/2000	(130021)
98	07/19/2000	(130022)
100	12/20/2002	(159125)
102	07/19/2000	(130023)
104	07/20/2000	(130024)
106	08/01/2000	(130025)
108	08/04/2003	(125899)
110	06/24/2004	(269645)
112	12/17/2001	(159124)
114	06/16/2004	(274638)
116	08/01/2000	(130026)
118	06/22/2004	(274848)
120	05/16/2003	(28165)
122	12/18/2000	(159123)
124	08/01/2000	(130027)
126	03/04/2004	(264387)
128	08/02/2000	(130028)
130	04/13/2003	(31376)
132	03/20/2002	(IE0017847001001)
134	03/04/2004	(263186)
136	08/18/2000	(130029)
138	02/25/2004	(263758)
140	05/26/2000	(129999)
142	08/18/2000	(130030)
144	11/21/2002	(159121)
146	05/26/2004	(266492)
148	05/05/2000	(129998)
150	12/15/2003	(255071)
152	08/18/2000	(130031)
154	03/27/2003	(26363)
156	05/05/2000	(129997)
158	05/21/2004	(267872)
160	08/18/2000	(130032)
162	11/19/2001	(159120)
164	05/05/2000	(129996)
166	07/15/2003	(38074)
168	08/24/2000	(130033)
170	05/05/2000	(129995)
172	11/22/2004	(338251)
174	02/13/2004	(262593)
176	08/24/2000	(130034)
178	05/05/2000	(129994)
180	08/24/2000	(130035)
182	11/27/2000	(159119)
184	06/17/2004	(272995)
186	08/27/2003	(152757)
188	05/05/2000	(129993)
190	08/24/2000	(130036)
192	05/05/2000	(129992)
194	08/25/2000	(130037)
196	05/05/2000	(129991)
198	05/05/2000	(129990)
200	03/30/2004	(264141)
202	09/02/2004	(289441)
204	05/05/2000	(129989)
206	10/25/2002	(159117)
208	08/30/2000	(130038)
210	04/13/2003	(31386)
212	05/05/2000	(129988)
214	08/30/2000	(130039)
216	07/09/2004	(273112)
218	08/30/2000	(130040)
220	03/03/2005	(350005)
222	09/21/2000	(130041)
224	09/21/2000	(130042)
226	11/01/2001	(159116)
228	10/20/2004	(291861)
230	09/21/2000	(130043)
232	10/28/2002	(10886)
234	01/09/2005	(342372)
236	08/20/2002	(8425)

238 10/24/2000 (159115)
240 03/04/2005 (371423)
242 04/16/2003 (26146)
244 07/15/2003 (112514)
246 09/18/2002 (159114)
248 07/26/2004 (279807)
250 10/20/2004 (292076)
252 07/07/2004 (352267)
254 08/13/2004 (352268)
256 09/21/2001 (159113)
258 09/26/2002 (10956)
260 04/20/2004 (269271)
262 09/28/2000 (130044)
264 10/18/2004 (352269)
266 09/28/2000 (130045)
268 09/28/2000 (130046)
270 11/29/2004 (352270)
272 05/19/2004 (270872)
274 12/29/2003 (258574)
276 07/01/2003 (133983)
278 09/28/2000 (130047)
280 08/29/2002 (6836)
282 09/25/2000 (159112)
284 09/28/2000 (130048)
286 09/28/2000 (130049)
288 05/23/2002 (285872)
290 08/19/2002 (159111)
292 09/28/2000 (130050)
294 10/20/2004 (291763)
296 09/28/2000 (130051)
298 08/22/2001 (159110)
300 10/06/2000 (130052)
302 04/28/2004 (266290)
304 10/27/2000 (130053)
306 08/23/2000 (159109)
308 12/07/2000 (130054)
310 12/09/2004 (337904)
312 12/29/2003 (258639)
314 06/27/2003 (159108)
316 12/07/2000 (130055)
318 02/13/2004 (262596)
320 12/07/2000 (130056)
322 10/17/2003 (252339)
324 08/06/2002 (159107)
326 12/07/2000 (130057)
328 12/07/2000 (130058)
330 12/07/2000 (130059)
332 10/13/2004 (336687)
334 12/20/2000 (130060)
336 01/28/2004 (261078)
338 04/13/2003 (31383)
340 07/24/2001 (159106)
342 04/16/2003 (33743)
344 11/08/2004 (339532)
346 07/27/2000 (159105)
348 07/30/2004 (285129)
350 07/15/2003 (112516)
352 06/27/2003 (159104)
354 01/15/2003 (20284)
356 12/21/2000 (130061)
358 08/20/2002 (6454)
360 01/18/2001 (130062)
362 05/19/2004 (270885)
364 06/27/2002 (159103)
366 02/09/2001 (130063)
368 06/25/2003 (112308)
370 10/13/2004 (336664)
372 12/02/2002 (17606)
374 03/01/2001 (130064)
376 12/29/2003 (258593)
378 06/25/2001 (159102)
380 02/13/2004 (262585)
382 03/01/2001 (130065)
384 12/18/2002 (18754)

386 03/01/2001 (130066)
388 06/27/2000 (159101)
390 03/01/2001 (130067)
392 05/19/2003 (159100)
394 03/01/2001 (130068)
396 03/29/2001 (130069)
398 05/23/2002 (159099)
400 01/29/2004 (258780)
402 03/30/2001 (130070)
404 12/04/2001 (159098)
406 10/20/2004 (293180)
408 08/29/2003 (152995)
410 10/20/2004 (292069)
412 12/08/2003 (255366)
414 05/30/2000 (159097)
416 05/13/2004 (271900)
418 04/15/2003 (159096)
420 08/20/2002 (6664)
422 02/22/2001 (159086)
424 04/26/2002 (159095)
426 02/06/2004 (257858)
428 10/29/2003 (251998)
430 04/24/2001 (159094)
432 02/25/2002 (159087)
434 08/23/2001 (284795)
436 04/20/2000 (159093)
438 02/21/2003 (159088)
440 03/28/2000 (159092)
442 08/22/2003 (144190)
444 02/23/2004 (295799)
446 08/31/2004 (253065)
448 03/20/2001 (159089)
450 07/15/2003 (112518)
452 03/27/2002 (159090)
454 03/21/2003 (159091)
456 03/04/2005 (371426)
458 10/15/2002 (13368)
460 03/26/2004 (295802)
462 01/09/2005 (342410)
464 08/27/2003 (152763)
466 01/28/2004 (260132)
468 08/20/2002 (6442)
470 04/26/2004 (295803)
472 08/27/2003 (152759)
474 08/23/2004 (288711)
476 05/24/2004 (295805)
478 06/15/2000 (30414)
480 06/15/2000 (30412)
482 04/28/2000 (30411)
484 04/28/2000 (30410)
486 10/20/2004 (291767)
488 11/29/2004 (338082)
490 04/28/2000 (30409)
492 04/20/2004 (269276)
494 04/28/2000 (30408)
496 12/29/2003 (258585)
498 04/28/2000 (30407)
500 08/27/2003 (152760)
502 06/21/2004 (295807)
504 04/20/2004 (264114)
506 03/30/2004 (264137)
508 07/15/2003 (112519)
510 06/22/2004 (274709)
512 08/31/2004 (253079)
514 08/18/2003 (295810)
516 08/29/2003 (153012)
518 02/21/2005 (348629)
520 07/22/2003 (295812)
522 07/01/2003 (134010)
524 10/20/2004 (292578)
526 06/10/2004 (269300)
528 06/21/2004 (295813)
530 11/19/2002 (14903)
532 08/27/2003 (152752)

534 10/21/2003 (295815)
 536 05/19/2004 (270887)
 538 09/26/2002 (11809)
 540 11/13/2003 (295816)
 542 12/11/2003 (295817)
 544 10/20/2004 (291769)
 546 10/20/2004 (292063)
 548 12/29/2003 (258553)
 550 08/20/2004 (276576)
 552 01/20/2004 (295819)

276 investigations

N/A

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

Date: 07/14/2000 (130018)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FLR TO ATTACH OP PLAN
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FLR TO ATTACH OP PLAN
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]
 Description: FAILURE TO SUBMIT NOT.
 Date: 01/10/2002 (246561)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 05/30/2000 (130000)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: UPSET NOTIFICATION
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)[G]
 Description: RECORDKEEPING
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)

(Faint, illegible text, likely bleed-through from the reverse side of the page)

Description: FAILURE TO REPAIR
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
Description: FAILURE TO CAP LINES

Date: 11/30/2001 (159124)
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: 04/02/2004 (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: 07/20/2000 (130025)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
Description: ANBI, SEAL INSPECTIONS

Date: 06/10/2004 (269300)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Numerous willows and tallows were observed growing in the embankments on the pond system.

Date: 05/25/2000 (129999)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
Description: UPSET VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: UPSET VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: UPSET VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: UPSET VIOLATIONS

Date: 09/30/2002 (159117)
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: 08/24/2000 (130037)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: FAILURE TO MONITOR

Date: 09/30/2001 (159116)
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: 06/16/2004 (271873)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)[G]
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)[G]
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)[G]

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: 09/21/2000 (130043)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(c)
Description: STATUS OF PEMS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(f)[G]
Description: FAILURE TO CERTIFY PEM

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: FAILURE TO COMPLY

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

Date: 08/31/2001 (159113)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2000 (159112)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2001 (159106)
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: 12/14/2000 (130060)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: EXCEEDED PERMIT LIMIT

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
Rqmt Prov: OP IA
Description: EXCEEDED PERMIT LIMIT

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: OP IA
PERMIT IA
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: 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)[G]

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)[G]

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: 03/31/2002 (159095)

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: 01/31/2001 (159086)

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 (159091)

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: 02/29/2004 (295802)

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: 04/20/2004 (264114)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]

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[G]

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: 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)(G)

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

F. Environmental audits.

Notice of Intent Date: 06/24/2004

No DOV Associated

Citation:

No Classification

Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	04/05/2002
CLEAN TEXAS PROGRAM	LEADER	04/05/2002

Certification Date

04/05/2002

04/05/2002

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	18-Jul-2005	Screening	25-Jul-2005	EPA Due	09-Apr-2006
	PCW	01-Sep-2005				

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

CASE INFORMATION			
Enf./Case ID No.	17869	No. of Violations	5
Docket No.	2004-1135-MLM-E	Order Type	1660 <input type="checkbox"/>
Media Program(s)	Air Quality <input type="checkbox"/>	Enf. Coordinator	John Barry
Multi-Media		EC's Team	Enforcement Team 6 <input type="checkbox"/>
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,700
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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	86% Enhancement	Subtotals 2, 3, & 7	\$6,622
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Notes The respondent is an average performer with two orders with denial, two same or similar NOV's and 21 other NOV's, including 11 self-reported NOV's.

Culpability	No <input type="checkbox"/> 0% Enhancement	Subtotal 4	\$0
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Notes Does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The respondent is not yet in compliance.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$55	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$800	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,322
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	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	\$14,322
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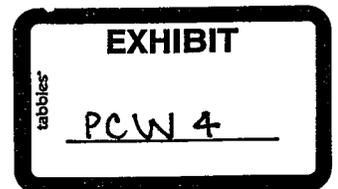
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,322
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is offered for direct referral to Litigation.

PAYABLE PENALTY	\$14,322
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Screening Date 25-Jul-2005

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 17869

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100542711

Media [Statute] Air Quality

Enf. Coordinator John Barry

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	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 86%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent is an average performer with two orders with denial, two same or similar NOVs and 21 other NOVs, including 11 self-reported NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 86%

Screening Date	25-Jul-2005	Docket No.	2004-1135-MLM-E	PCW
Respondent	E. I. du Pont de Nemours and Company		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	17869	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN100542711			
Media [Statute]	Air Quality			
Enf. Coordinator	John Barry			
Violation Number	1			
Primary Rule Cite(s)	TCEQ Permit No. 9176, Emission Standards No. 1			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to prevent unauthorized emissions. Specifically, on July 26, 2004, during a reportable emissions event at the Blender Fines Collector Vent Emissions Point Number (EPN) PLUM-C, unauthorized emissions of 340 pounds (lb) of ethylene and 42 lb of particulate matter (PM) resulted during a 17 hour (hr) 3 minute (min) period. Since the emissions event was not properly reported, Du Pont failed to meet the affirmative defense demonstrations as found in 30 Tex. Admin. Code § 101.222.			
Base Penalty	\$10,000			

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

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

>> **Programmatic Matrix**

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

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

Adjustment: -\$7,500

Base Penalty Subtotal: \$2,500

Violation Events

Number of Violation Events:

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	X

Violation Base Penalty: \$2,500

One single event is recommended.

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

Estimated EB Amount: \$0

Violation Final Penalty Total: \$4,650

This violation Final Assessed Penalty (adjusted for limits): \$4,650

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company
 Case ID No: 17869
 Reg. Ent. Reference No: RN100542711
 Media [Statute]: Air Quality
 Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: See Violation No.2.

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 \$0 TOTAL \$0

Screening Date 25-Jul-2005	Docket No. 2004-1135-MLM-E	PCW
Respondent E. I. du Pont de Nemours and Company	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 17869	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN100542711		
Media [Statute] Air Quality		
Enf. Coordinator John Barry		
Violation Number	2	
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1)(B)	
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failure to properly notify the TCEQ Regional Office of a reportable emissions event within 24 hr. The emissions event of July 26, 2004, began at 1327, but was not reported until July 29, 2004, at 1445.	
Base Penalty		\$10,000

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Percent <input type="text"/>				1%
Matrix Notes	100% of the rule was not met.				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="checkbox"/>
	<i>monthly</i>	<input type="checkbox"/>
	<i>quarterly</i>	<input type="checkbox"/>
	<i>semiannual</i>	<input type="checkbox"/>
	<i>annual</i>	<input type="checkbox"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

One single 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. 17869
 Reg. Ent. Reference No. RN100542711
 Media [Statute] Air Quality
 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	27-Jul-2004	29-Jul-2004	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of submitting a timely initial emissions event report; the required date is the date the report was due; the final date was the date the report was submitted.

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 \$100

TOTAL \$0

Screening Date	25-Jul-2005	Docket No.	2004-1135-MLM-E	PCW
Respondent	E. I. du Pont de Nemours and Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	17869			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN100542711			
Media [Statute]	Air Quality			
Enf. Coordinator	John Barry			
Violation Number	3			
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(b)(7) and (b)(8)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to comply with the final record requirements for an emissions event. The final report for the April 8, 2005, emissions event did not identify or quantify the amount of carbon monoxide (CO) released, the oxides of nitrogen (NO _x) emissions were not speciated, and the authorized limits were not properly reported for the EPN PP-3.			
		Base Penalty	\$10,000	

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

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Matrix Notes:

Adjustment: -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events:

mark only one use a small x	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: <input type="text" value="\$25"/>	Violation Final Penalty Total: <input type="text" value="\$186"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$186"/>	

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company
 Case ID No.: 17869
 Reg. Ent. Reference No.: RN100542711
 Media [Statute]: Air Quality
 Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	19-Apr-2004	01-Feb-2006	1.8	\$1	\$24	\$25
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 costs of properly reporting quantity of CO emissions and speciation of NO_x; the date required was the final reporting date; the final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: \$200 TOTAL \$25

Screening Date	25-Jul-2005	Docket No.	2004-1135-MLM-E	PCW
Respondent	E. I. du Pont de Nemours and Company		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	17869	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN100542711			
Media [Statute]	Air Quality			
Enf. Coordinator	John Barry			
Violation Number	4			
Primary Rule Cite(s)	TCEQ Permit No. 1302, General Conditions (GC) No. 8			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2) and (b)(2)(F) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to maintain a emission rate limit. Specifically, on April 8, 2004, during a two hr emissions event, 840.06 lb of NOx and 307 lb of hydrogen cyanide were released in excess of permitted limits from EPN PP-3. Since the emissions event was not properly reported, Du Pont failed to meet the affirmative defense demonstrations as found in 30 Tex. Admin. Code § 101.222.			
Base Penalty			\$10,000	

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment - \$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	X <input type="text"/>

Violation Base Penalty \$2,500

One single 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. 17869
 Reg. Ent. Reference No. RN100542711
 Media [Statute]: Air Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See Violation No. 3

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 \$0

TOTAL \$0

Screening Date	25-Jul-2005	Docket No.	2004-1135-MLM-E	PCW
Respondent	E. I. du Pont de Nemours and Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	17869			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN100542711			
Media [Statute]	Air Quality			
Enf. Coordinator	John Barry			
Violation Number	<input type="text" value="5"/>			
Primary Rule Cite(s)	TCEQ Permit No. 20204, Special Condition No. 1			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to prevent unauthorized emissions. Specifically, on March 29, 2005, during an emissions event at the G-Unit, unauthorized emissions of 503.2 lb of ethylene and 195.7 lb of vinyl acetate were released from the Number 4 Recycle compressor Fire Protection Dump, EPN PL-5H, during a three min period. Since the emissions event was avoidable, Du Pont failed to meet the affirmative defense demonstrations as found in 30 Tex. Admin. Code § 101.222.			

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

One single 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.: 17869
 Reg. Ent. Reference No.: RN100542711
 Media [Statute]: Air Quality
 Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	29-Mar-2005	01-Feb-2006	0.8	\$1	\$28	\$30
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 costs of correcting procedures to avoid similar emissions events; the date required was date of emissions event; the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$30

Compliance History

Customer/Respondent/Owner-Operator: CN600128284 E. I. du Pont de Nemours and Company Classification: AVERAGE Rating: 1.860

Regulated Entity: RN100542711 DUPONT SABINE RIVER WORKS Classification: AVERAGE Site Rating: 1.68

ID Number(s):

AIR OPERATING PERMITS	PERMIT	1882
AIR OPERATING PERMITS	PERMIT	2331
AIR OPERATING PERMITS	PERMIT	2075
AIR OPERATING PERMITS	PERMIT	2074
AIR OPERATING PERMITS	PERMIT	2055
AIR OPERATING PERMITS	PERMIT	2001
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1901
AIR OPERATING PERMITS	PERMIT	1900
AIR OPERATING PERMITS	PERMIT	1899
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	1897
AIR OPERATING PERMITS	PERMIT	1896
AIR OPERATING PERMITS	PERMIT	1895
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0007J
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50230
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30019
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079642
STORMWATER	PERMIT	TXR05L392
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50230
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50230
WATER LICENSING	LICENSE	1810114
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J
AIR NEW SOURCE PERMITS	PERMIT	47678
AIR NEW SOURCE PERMITS	PERMIT	47671
AIR NEW SOURCE PERMITS	PERMIT	46790
AIR NEW SOURCE PERMITS	PERMIT	44528
AIR NEW SOURCE PERMITS	PERMIT	42054
AIR NEW SOURCE PERMITS	PERMIT	41263
AIR NEW SOURCE PERMITS	PERMIT	38906
AIR NEW SOURCE PERMITS	PERMIT	37488
AIR NEW SOURCE PERMITS	PERMIT	36046
AIR NEW SOURCE PERMITS	PERMIT	36608
AIR NEW SOURCE PERMITS	PERMIT	33521
AIR NEW SOURCE PERMITS	PERMIT	32733
AIR NEW SOURCE PERMITS	PERMIT	28148
AIR NEW SOURCE PERMITS	PERMIT	26410
AIR NEW SOURCE PERMITS	PERMIT	26325
AIR NEW SOURCE PERMITS	PERMIT	26158
AIR NEW SOURCE PERMITS	PERMIT	25167
AIR NEW SOURCE PERMITS	PERMIT	26132
AIR NEW SOURCE PERMITS	PERMIT	24252
AIR NEW SOURCE PERMITS	PERMIT	23646
AIR NEW SOURCE PERMITS	PERMIT	22977
AIR NEW SOURCE PERMITS	PERMIT	22895
AIR NEW SOURCE PERMITS	PERMIT	21236
AIR NEW SOURCE PERMITS	PERMIT	20204
AIR NEW SOURCE PERMITS	PERMIT	17157
AIR NEW SOURCE PERMITS	PERMIT	16327
AIR NEW SOURCE PERMITS	PERMIT	12967
AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	10447
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	9176
AIR NEW SOURCE PERMITS	PERMIT	7021
AIR NEW SOURCE PERMITS	PERMIT	5745
AIR NEW SOURCE PERMITS	PERMIT	4583

EXHIBIT

CH 4

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AIR NEW SOURCE PERMITS	PERMIT	2490
AIR NEW SOURCE PERMITS	PERMIT	2116
AIR NEW SOURCE PERMITS	PERMIT	2004
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	PERMIT	1468
AIR NEW SOURCE PERMITS	PERMIT	1423C
AIR NEW SOURCE PERMITS	PERMIT	1423B
AIR NEW SOURCE PERMITS	PERMIT	1423A
AIR NEW SOURCE PERMITS	PERMIT	1423
AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	PERMIT	1303
AIR NEW SOURCE PERMITS	PERMIT	1302
AIR NEW SOURCE PERMITS	PERMIT	914A
AIR NEW SOURCE PERMITS	PERMIT	914
AIR NEW SOURCE PERMITS	PERMIT	9629
WATER RIGHTS	ID NUMBER	4664
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30019
	(SWR)	
WASTEWATER	PERMIT	WQ0000475000
AIR NEW SOURCE PERMITS	REGISTRATION	74503
AIR NEW SOURCE PERMITS	REGISTRATION	74368
AIR NEW SOURCE PERMITS	REGISTRATION	73921
AIR NEW SOURCE PERMITS	REGISTRATION	73790
AIR NEW SOURCE PERMITS	REGISTRATION	73779
AIR NEW SOURCE PERMITS	REGISTRATION	72989
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	54185
AIR NEW SOURCE PERMITS	PERMIT	54855
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	PERMIT	53324
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	71444
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	AFS NUM	0002
AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	REGISTRATION	75838
AIR NEW SOURCE PERMITS	REGISTRATION	75839
AIR NEW SOURCE PERMITS	REGISTRATION	75832
AIR NEW SOURCE PERMITS	REGISTRATION	75999
AIR NEW SOURCE PERMITS	REGISTRATION	76025
AIR NEW SOURCE PERMITS	REGISTRATION	75666
AIR NEW SOURCE PERMITS	REGISTRATION	55091
AIR NEW SOURCE PERMITS	REGISTRATION	54959
AIR NEW SOURCE PERMITS	PERMIT	71863
AIR NEW SOURCE PERMITS	REGISTRATION	72030

Location: 3055 FM 1006, ORANGE, TX, 77631 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 25, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 25, 2000 to July 25, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: John Barry Phone: (409) 899-8781

Site Compliance History Components

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

3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Comments: STEERS 1302 inactive due to partial sale to RN104392626

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: 4/25/03 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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: Permit 914, SC 14I PERMIT

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

Effective Date: 4/6/02

ADMINORDER 2001-0925-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: 1790, SC 14D PERMIT

Description: Failure to conduct an annual visual inspection on the internal floating roofs of Tanks 41 and 42 for 2000.

Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter C 117.319(c)[G]
30 TAC Chapter 117, SubChapter E 117.530[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit written quarterly reports for all periods of excess emissions at the Adipic Acid Unit.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: The facility failed to provide flow measuring devices for the filter backwash water and recycled decant water.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)
Description: The facility failed to calibrate the online pH meter at least once each day.

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

2	01/10/2002	(246561)
4	08/20/2002	(8387)
6	07/01/2003	(134042)
8	04/13/2003	(31391)
10	12/08/2003	(255358)
12	04/08/2005	(373226)
14	10/20/2004	(292086)
16	06/16/2004	(271873)
18	09/13/2004	(282801)
20	06/22/2004	(274776)
22	10/20/2004	(291761)
24	12/18/2002	(18737)
26	01/16/2003	(159129)
28	09/26/2002	(11826)
30	12/08/2003	(255362)
32	11/08/2002	(16114)
34	12/09/2004	(285339)
36	10/20/2004	(291770)
38	10/20/2004	(292048)
40	01/24/2002	(159128)
42	07/23/2004	(274856)
44	04/02/2004	(332777)
46	03/04/2005	(371431)
48	01/29/2001	(159127)
50	12/09/2004	(337881)
52	04/20/2004	(269279)
54	05/19/2004	(270883)
56	12/20/2002	(159125)
58	08/01/2000	(130025)
60	08/04/2003	(125899)
62	06/24/2004	(269645)
64	12/17/2001	(159124)
66	06/16/2004	(274638)
68	08/01/2000	(130026)
70	06/22/2004	(274848)
72	05/16/2003	(28165)
74	12/18/2000	(159123)
76	08/01/2000	(130027)
78	03/04/2004	(264387)
80	02/22/2005	(381920)
82	08/02/2000	(130028)
84	04/13/2003	(31376)
86	03/20/2002	(IE0017847001001)

88 03/04/2004 (263186)
90 08/18/2000 (130029)
92 02/25/2004 (263758)
94 07/12/2005 (397336)
96 12/22/2004 (381921)
98 08/18/2000 (130030)
100 11/21/2002 (159121)
102 01/21/2005 (381922)
104 05/26/2004 (266492)
106 12/15/2003 (255071)
108 08/18/2000 (130031)
110 04/01/2005 (349907)
112 03/27/2003 (26363)
114 05/21/2004 (267872)
116 08/18/2000 (130032)
118 11/19/2001 (159120)
120 07/15/2003 (38074)
122 08/24/2000 (130033)
124 11/22/2004 (338251)
126 02/13/2004 (262593)
128 08/24/2000 (130034)
130 08/24/2000 (130035)
132 11/27/2000 (159119)
134 06/17/2004 (272995)
136 08/27/2003 (152757)
138 08/24/2000 (130036)
140 08/25/2000 (130037)
142 04/20/2005 (373311)
144 03/30/2004 (264141)
146 09/02/2004 (289441)
148 10/25/2002 (159117)
150 08/30/2000 (130038)
152 04/13/2003 (31386)
154 08/30/2000 (130039)
156 07/09/2004 (273112)
158 08/30/2000 (130040)
160 03/03/2005 (350005)
162 09/21/2000 (130041)
164 09/21/2000 (130042)
166 11/01/2001 (159116)
168 10/20/2004 (291861)
170 09/21/2000 (130043)
172 10/28/2002 (10886)
174 01/09/2005 (342372)
176 08/20/2002 (8425)
178 10/24/2000 (159115)
180 03/04/2005 (371423)
182 04/16/2003 (26146)
184 07/15/2003 (112514)
186 09/18/2002 (159114)
188 07/26/2004 (279807)
190 10/20/2004 (292076)
192 07/07/2004 (352267)
194 03/30/2005 (375164)
196 08/13/2004 (352268)
198 09/21/2001 (159113)
200 09/26/2002 (10956)
202 04/20/2004 (269271)
204 09/28/2000 (130044)
206 10/18/2004 (352269)
208 09/28/2000 (130045)
210 09/28/2000 (130046)
212 11/29/2004 (352270)
214 05/19/2004 (270872)
216 12/29/2003 (258574)
218 07/01/2003 (133983)
220 09/28/2000 (130047)
222 08/29/2002 (6836)
224 09/25/2000 (159112)
226 09/28/2000 (130048)
228 09/28/2000 (130049)
230 05/23/2002 (285872)
232 08/19/2002 (159111)
234 09/28/2000 (130050)

236	10/20/2004	(291763)
238	09/28/2000	(130051)
240	08/22/2001	(159110)
242	10/06/2000	(130052)
244	04/28/2004	(266290)
246	07/15/2005	(397147)
248	10/27/2000	(130053)
250	08/23/2000	(159109)
252	12/07/2000	(130054)
254	12/09/2004	(337904)
256	12/29/2003	(258639)
258	06/27/2003	(159108)
260	12/07/2000	(130055)
262	02/13/2004	(262596)
264	12/07/2000	(130056)
266	10/17/2003	(252339)
268	08/06/2002	(159107)
270	12/07/2000	(130057)
272	12/07/2000	(130058)
274	12/07/2000	(130059)
276	10/13/2004	(336687)
278	12/20/2000	(130060)
280	01/28/2004	(261078)
282	04/13/2003	(31383)
284	07/24/2001	(159106)
286	04/16/2003	(33743)
288	11/08/2004	(339532)
290	07/27/2000	(159105)
292	07/30/2004	(285129)
294	07/15/2003	(112516)
296	06/27/2003	(159104)
298	01/15/2003	(20284)
300	05/16/2005	(374625)
302	12/21/2000	(130061)
304	08/20/2002	(6454)
306	01/18/2001	(130062)
308	05/19/2004	(270885)
310	06/27/2002	(159103)
312	02/09/2001	(130063)
314	06/25/2003	(112308)
316	10/13/2004	(336664)
318	12/02/2002	(17606)
320	03/01/2001	(130064)
322	12/29/2003	(258593)
324	06/25/2001	(159102)
326	02/13/2004	(262585)
328	07/12/2005	(397233)
330	03/01/2001	(130065)
332	12/18/2002	(18754)
334	03/01/2001	(130066)
336	03/01/2001	(130067)
338	05/19/2003	(159100)
340	03/01/2001	(130068)
342	03/29/2001	(130069)
344	05/23/2002	(159099)
346	01/29/2004	(258780)
348	03/30/2001	(130070)
350	05/31/2005	(393307)
352	12/04/2001	(159098)
354	10/20/2004	(293180)
356	08/29/2003	(152995)
358	10/20/2004	(292069)
360	12/08/2003	(255366)
362	05/13/2004	(271900)
364	04/15/2003	(159096)
366	08/20/2002	(6664)
368	07/13/2005	(397746)
370	02/22/2001	(159086)
372	04/26/2002	(159095)
374	02/06/2004	(257858)
376	10/29/2003	(251998)
378	04/24/2001	(159094)
380	02/25/2002	(159087)
382	08/23/2001	(284795)

384 06/13/2005 (379238)
 386 02/21/2003 (159088)
 388 08/22/2003 (144190)
 390 02/23/2004 (295799)
 392 08/31/2004 (253065)
 394 07/13/2005 (397015)
 396 03/20/2001 (159089)
 398 07/15/2003 (112518)
 400 03/27/2002 (159090)
 402 03/21/2003 (159091)
 404 03/04/2005 (371426)
 406 10/15/2002 (13368)
 408 03/26/2004 (295802)
 410 01/09/2005 (342410)
 412 08/27/2003 (152763)
 414 01/28/2004 (260132)
 416 08/20/2002 (6442)
 418 04/26/2004 (295803)
 420 04/28/2005 (378722)
 422 08/27/2003 (152759)
 424 08/23/2004 (288711)
 426 03/30/2005 (375158)
 428 05/24/2004 (295805)
 430 07/15/2005 (397700)
 432 07/13/2005 (397437)
 434 07/15/2005 (396777)
 436 10/20/2004 (291767)
 438 11/29/2004 (338082)
 440 04/20/2004 (269276)
 442 12/29/2003 (258585)
 444 08/27/2003 (152760)
 446 06/21/2004 (295807)
 448 04/20/2004 (264114)
 450 03/30/2004 (264137)
 452 07/15/2003 (112519)
 454 06/22/2004 (274709)
 456 08/31/2004 (253079)
 458 08/18/2003 (295810)
 460 08/29/2003 (153012)
 462 02/21/2005 (348629)
 464 07/22/2003 (295812)
 466 07/01/2003 (134010)
 468 10/20/2004 (292578)
 470 06/10/2004 (269300)
 472 06/21/2004 (295813)
 474 11/19/2002 (14903)
 476 08/27/2003 (152752)
 478 04/29/2005 (379040)
 480 10/21/2003 (295815)
 482 05/19/2004 (270887)
 484 09/26/2002 (11809)
 486 11/13/2003 (295816)
 488 12/11/2003 (295817)
 490 10/20/2004 (291769)
 492 10/20/2004 (292063)
 494 12/29/2003 (258553)
 496 04/28/2005 (378717)
 498 08/20/2004 (276576)
 500 01/20/2004 (295819)

Actually 250 investigations

N/A

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

N/A

Date: 01/10/2002 (246561)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate

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

Date: 11/30/2001 (159124)
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: 04/02/2004 (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: 06/10/2004 (269300)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Numerous willows and tallows were observed growing in the embankments on the pond system.

Date: 09/30/2002 (159117)
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: 08/24/2000 (130037)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: FAILURE TO MONITOR

Date: 09/30/2001 (159116)
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: 06/16/2004 (271873)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)[G]
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)[G]
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)[G]
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: 09/21/2000 (130043)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(c)
Description: STATUS OF PEMS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(f)[G]
Description: FAILURE TO CERTIFY PEM

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: FAILURE TO COMPLY

Date: 09/02/2004 (289441) Classification: Minor
 Self Report? NO
 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: OP IA
 PERMIT IA
 Description: Failure to submit a final sampling report within 30 days of performing the stack sampling.

Date: 08/31/2001 (159113) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2000 (159112) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2001 (159106) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/08/2005 (373226) Classification: Minor
 Self Report? NO
 Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]
 Description: Failure to prevent an unauthorized discharge.

Date: 12/14/2000 (130060) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: EXCEEDED PERMIT LIMIT

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
 Rqmt Prov: OP IA
 Description: EXCEEDED PERMIT LIMIT

Date: 08/23/2004 (288711) Classification: Moderate
 Self Report? NO
 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: OP IA
 PERMIT IA
 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: 04/17/2003 (26146) Classification: Minor
 Self Report? NO
 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)[G]
 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)[G]
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: 03/31/2002 (159095)
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: 01/31/2001 (159086)
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 (159091)
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: 02/29/2004 (295802)
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: 04/20/2004 (264114)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
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[G]
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: 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)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 05/25/2005
No DOV Associated
Citation: No Classification

Description:
Notice of Intent Date: 05/25/2005
No DOV Associated
Citation: No Classification

Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	04/05/2002
CLEAN TEXAS PROGRAM	LEADER	04/05/2002

J. Early compliance.

N/A

Sites Outside of Texas

N/A.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision December 7, 2004

DATES	Assigned	06-Dec-2004	Screening	13-Dec-2004	Priority Due	04-Feb-2005	EPA Due	20-Aug-2005
	PCW	26-Oct-2007						

RESPONDENT/FACILITY INFORMATION	
Respondent	E. I. du Pont de Nemours and Company
Reg. Ent. Ref. No.	RN100542711
Additional ID No(s)	Air Account No. OC0007J
Facility/Site Region	10-Beaumont
Major/Minor Source	Major Source

CASE INFORMATION				
Enf./Case ID No.	22542	No. of Violations	2	
Docket No.	2004-1135-MLM-E	Order Type	1660 without deferral	
Case Priority	2 (SNC/HPV)	Enf. Coordinator	Terry Murphy	
Media Program(s)	Air Quality	EC's Team	Enforcement Team 2	
Multi-Media				
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 94% Enhancement Subtotals 2, 3, & 7 \$2,444

Notes

Penalty enhanced for two 1660-style agreed orders, four NOV's with same or similar violations, and 20 NOV's for violations not same or similar. Penalty reduced by one Notice of Audit and by participation in a voluntary pollution reduction program.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

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

Before NOV NOV to EDRP/Settlement Offer

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

Notes

The Respondent returned to compliance by May 25, 2006.

Economic Benefit 0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$50 *Capped at the Total EB \$ Amount

Approx. Cost of Compliance \$1,400

SUM OF SUBTOTALS 1-7 Final Subtotal \$5,044

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

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

Notes

Final Penalty Amount \$5,044

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$5,044

DEFERRAL 0% Reduction Adjustment \$0

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

Notes

No deferral offered due to same or similar violations within the past 5 years.

PAYABLE PENALTY \$5,044

EXHIBIT

PCW 5

Screening Date 13-Dec-2004	Docket No. 2004-1135-MLM-E	PCW
Respondent E. I. du Pont de Nemours and Company		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 22542		<i>PCW Revision December 7, 2004</i>
Reg. Ent. Reference No. RN100542711		
Additional ID No(s). Air Account No. OC0007J		
Media [Statute] Air Quality		
Enf. Coordinator Terry Murphy		
Site Address 3055 Farm-to-Market Road 1006, Orange, Orange County		

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	<i>Enter Number Here</i>	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	20	40%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	1	-1%
	<i>disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 94%

>> **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 enhanced for two 1660-style agreed orders, four NOVs with same or similar violations, and 20 NOVs for violations not same or similar. Penalty reduced by one Notice of Audit and by participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 94%

Screening Date 13-Dec-2004 Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 22542

PCW Revision December 7, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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 checked="" type="checkbox"/>	<input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

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. 22542
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s). Air Account No. OC0007J
 Media [Statute] 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
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	\$400	28-Nov-2003	25-May-2006	2.5	\$50	n/a	\$50
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: Costs associated with properly preparing and submitting the report. The Final Date is the date by which the Respondent provided complete report information.

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 \$400

TOTAL \$50

Screening Date 13-Dec-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 22542

PCW Revision December 7, 2004

Reg. Ent. Reference No. RN100542711

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b); NSR Air Permit 1302, General Condition 8, Maximum Allowable Emission Rate Table

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

Violation Description Failed to comply with permitted emissions limits. Specifically, during the improperly reported event that began on November 28, 2003, the authorized emissions limits for nitrogen oxides ("NOx") from the Operating Flare (EPN PP-3) were 20 lbs/hr, and the flare emitted 35.7 lbs/hr of NOx over a period of 19 hours. Because the event was not properly recorded, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11), as documented during a records review conducted October 20, 2004 through November 3, 2004.

Base Penalty

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

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violations.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x

<input type="checkbox"/>	daily
<input type="checkbox"/>	monthly
<input type="checkbox"/>	quarterly
<input type="checkbox"/>	semiannual
<input type="checkbox"/>	annual
<input checked="" type="checkbox"/>	single event

Violation Base Penalty

One single 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. 22542
 Reg. Ent. Reference No. RN100542711
 Additional ID No(s). Air Account No. OC0007J
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Percent Interest	Years of Depreciation
						Onetime Costs	EB Amount
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	\$1,000	28-Nov-2003	29-Nov-2003	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: Costs associated with additional personnel training.

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 TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN600128284 E. I. du Pont de Nemours and Company Classification: AVERAGE Rating: 1.900

Regulated Entity: RN100542711 DuPont Sabine River Works Classification: AVERAGE Site Rating: 1.70
 ID Number(s):

AIR OPERATING PERMITS	PERMIT	1882
AIR OPERATING PERMITS	PERMIT	2331
AIR OPERATING PERMITS	PERMIT	2075
AIR OPERATING PERMITS	PERMIT	2074
AIR OPERATING PERMITS	PERMIT	2055
AIR OPERATING PERMITS	PERMIT	2001
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1901
AIR OPERATING PERMITS	PERMIT	1900
AIR OPERATING PERMITS	PERMIT	1899
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	1897
AIR OPERATING PERMITS	PERMIT	1896
AIR OPERATING PERMITS	PERMIT	1895
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0007J
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50230
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30019
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079642
STORMWATER	PERMIT	TXR05L392
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50230
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50230
WATER LICENSING	LICENSE	1810114
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW282
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW191
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW055
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW054
AIR NEW SOURCE PERMITS	PERMIT	53326
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J
AIR NEW SOURCE PERMITS	PERMIT	47678
AIR NEW SOURCE PERMITS	PERMIT	47671
AIR NEW SOURCE PERMITS	PERMIT	46790
AIR NEW SOURCE PERMITS	PERMIT	45956
AIR NEW SOURCE PERMITS	PERMIT	45958
AIR NEW SOURCE PERMITS	PERMIT	44528
AIR NEW SOURCE PERMITS	PERMIT	42054
AIR NEW SOURCE PERMITS	PERMIT	41263
AIR NEW SOURCE PERMITS	PERMIT	38906
AIR NEW SOURCE PERMITS	PERMIT	37488
AIR NEW SOURCE PERMITS	PERMIT	36877
AIR NEW SOURCE PERMITS	PERMIT	36046
AIR NEW SOURCE PERMITS	PERMIT	36608
AIR NEW SOURCE PERMITS	PERMIT	33521
AIR NEW SOURCE PERMITS	PERMIT	32733
AIR NEW SOURCE PERMITS	PERMIT	28148
AIR NEW SOURCE PERMITS	PERMIT	26410
AIR NEW SOURCE PERMITS	PERMIT	26325
AIR NEW SOURCE PERMITS	PERMIT	26158
AIR NEW SOURCE PERMITS	PERMIT	25167
AIR NEW SOURCE PERMITS	PERMIT	26132
AIR NEW SOURCE PERMITS	PERMIT	24252
AIR NEW SOURCE PERMITS	PERMIT	23646
AIR NEW SOURCE PERMITS	PERMIT	22977
AIR NEW SOURCE PERMITS	PERMIT	22895
AIR NEW SOURCE PERMITS	PERMIT	21236
AIR NEW SOURCE PERMITS	PERMIT	20204
AIR NEW SOURCE PERMITS	PERMIT	17157
AIR NEW SOURCE PERMITS	PERMIT	16327

EXHIBIT

CH 5

AIR NEW SOURCE PERMITS	PERMIT	12967
AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	10447
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	9176
AIR NEW SOURCE PERMITS	PERMIT	7021
AIR NEW SOURCE PERMITS	PERMIT	5745
AIR NEW SOURCE PERMITS	PERMIT	4583
AIR NEW SOURCE PERMITS	PERMIT	2490
AIR NEW SOURCE PERMITS	PERMIT	2116
AIR NEW SOURCE PERMITS	PERMIT	2004
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	PERMIT	1468
AIR NEW SOURCE PERMITS	PERMIT	1423C
AIR NEW SOURCE PERMITS	PERMIT	1423B
AIR NEW SOURCE PERMITS	PERMIT	1423A
AIR NEW SOURCE PERMITS	PERMIT	1423
AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	PERMIT	1303
AIR NEW SOURCE PERMITS	PERMIT	914A
AIR NEW SOURCE PERMITS	PERMIT	914
AIR NEW SOURCE PERMITS	PERMIT	9629
WATER RIGHTS	ID NUMBER	4664
WASTEWATER	PERMIT	WQ0000475000
AIR NEW SOURCE PERMITS	REGISTRATION	74368
AIR NEW SOURCE PERMITS	REGISTRATION	73921
AIR NEW SOURCE PERMITS	REGISTRATION	73790
AIR NEW SOURCE PERMITS	REGISTRATION	73779
AIR NEW SOURCE PERMITS	REGISTRATION	72989
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	54185
AIR NEW SOURCE PERMITS	PERMIT	54855
AIR NEW SOURCE PERMITS	PERMIT	53847
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	PERMIT	53329
AIR NEW SOURCE PERMITS	PERMIT	53328
AIR NEW SOURCE PERMITS	PERMIT	53327
AIR NEW SOURCE PERMITS	PERMIT	53325
AIR NEW SOURCE PERMITS	PERMIT	53324
AIR NEW SOURCE PERMITS	PERMIT	56029
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56027
AIR NEW SOURCE PERMITS	PERMIT	56030
AIR NEW SOURCE PERMITS	PERMIT	56002
AIR NEW SOURCE PERMITS	PERMIT	56007
AIR NEW SOURCE PERMITS	PERMIT	52334
AIR NEW SOURCE PERMITS	PERMIT	52381
AIR NEW SOURCE PERMITS	PERMIT	52341
AIR NEW SOURCE PERMITS	PERMIT	52340
AIR NEW SOURCE PERMITS	PERMIT	52212
AIR NEW SOURCE PERMITS	PERMIT	56327
AIR NEW SOURCE PERMITS	PERMIT	52194
AIR NEW SOURCE PERMITS	PERMIT	52193
AIR NEW SOURCE PERMITS	PERMIT	52192
AIR NEW SOURCE PERMITS	PERMIT	52186
AIR NEW SOURCE PERMITS	PERMIT	52185
AIR NEW SOURCE PERMITS	PERMIT	52183
AIR NEW SOURCE PERMITS	PERMIT	52181
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	PERMIT	52187
AIR NEW SOURCE PERMITS	PERMIT	52184
AIR NEW SOURCE PERMITS	PERMIT	52182
AIR NEW SOURCE PERMITS	PERMIT	56576
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	71444
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	REGISTRATION	56106
AIR NEW SOURCE PERMITS	AFS NUM	0002
AIR NEW SOURCE PERMITS	PERMIT	56297
AIR NEW SOURCE PERMITS	PERMIT	56309

AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	REGISTRATION	55356
AIR NEW SOURCE PERMITS	REGISTRATION	55395
AIR NEW SOURCE PERMITS	REGISTRATION	55351
AIR NEW SOURCE PERMITS	REGISTRATION	55091
AIR NEW SOURCE PERMITS	REGISTRATION	54959
AIR NEW SOURCE PERMITS	PERMIT	71863
AIR NEW SOURCE PERMITS	REGISTRATION	72030

Location: 3055 FM 1006, Orange, TX, 77631 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: Region 10 - Beaumont

Date Compliance History Prepared: December 13, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 13, 1999 to December 13, 2004

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Terry Murphy Phone: (512) 239-5025

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
6. Comments: STEERS 1302 inactive due to partial sale to RN104392626

Components (Multimedia) for the Site :

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

1. Effective Date: 4/25/03 1660-style Admin. Order 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)
 Citation: 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)
 Citation: 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)
 Citation: 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)

Citation: 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)
 Citation: Permit 914, SC 14I PERMIT
 Description: Failure to tag leaking components in VOC service which cannot be fixed until a unit shutdown.

2. Effective Date: 4/6/02 1660-style Admin. Order 2001-0925-MLM-E
- Classification: Moderate
 - Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 - Citation: 1790, SC 14D PERMIT
 - Description: Failure to conduct an annual visual inspection on the internal floating roofs of Tanks 41 and 42 for 2000.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 117, SubChapter C 117.319(c)[G]
 30 TAC Chapter 117, SubChapter E 117.530[G]
 5C THC Chapter 382, SubChapter A 382.085(b)
 - Description: Failure to submit written quarterly reports for all periods of excess emissions at the Adipic Acid Unit.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 - Description: The facility failed to provide flow measuring devices for the filter backwash water and recycled decant water.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)
 - Description: The facility failed to calibrate the online pH meter at least once each day.

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

C. Chronic excessive emissions events. N/A

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

2	07/19/2000	(130018)
4	07/07/2000	(130017)
6	06/23/2000	(130016)
8	06/23/2000	(130015)
10	06/23/2000	(130014)
12	06/18/2000	(130013)
14	01/10/2002	(246561)
16	08/20/2002	(8387)
18	06/18/2000	(130012)
20	07/01/2003	(134042)
22	06/18/2000	(130011)
24	06/18/2000	(130010)
26	06/18/2000	(130009)
28	06/18/2000	(130008)
30	06/18/2000	(130007)
32	06/18/2000	(130006)
34	04/13/2003	(31391)
36	06/18/2000	(130005)
38	06/18/2000	(130004)
40	06/18/2000	(130003)
42	12/08/2003	(255358)
44	10/20/2004	(292086)
46	06/06/2000	(130002)
48	06/01/2000	(130001)
50	06/16/2004	(271873)
52	09/13/2004	(282801)
54	06/22/2004	(274776)
56	01/28/2000	(159130)
58	10/20/2004	(291761)
60	12/18/2002	(18737)
62	01/16/2003	(159129)
64	09/26/2002	(11826)
66	12/08/2003	(255362)
68	11/08/2002	(16114)
70	12/09/2004	(285339)
72	10/20/2004	(291770)
74	10/20/2004	(292048)

76 01/24/2002 (159128)
78 07/23/2004 (274856)
80 04/02/2004 (332777)
82 07/19/2000 (130019)
84 01/29/2001 (159127)
86 07/19/2000 (130020)
88 12/09/2004 (337881)
90 04/20/2004 (269279)
92 05/19/2004 (270883)
94 06/01/2000 (130000)
96 07/19/2000 (130021)
98 12/21/1999 (159126)
100 07/19/2000 (130022)
102 12/20/2002 (159125)
104 07/19/2000 (130023)
106 07/20/2000 (130024)
108 08/01/2000 (130025)
110 08/04/2003 (125899)
112 06/24/2004 (269645)
114 12/17/2001 (159124)
116 06/16/2004 (274638)
118 08/01/2000 (130026)
120 06/22/2004 (274848)
122 05/16/2003 (281655)
124 12/18/2000 (159123)
126 08/01/2000 (130027)
128 03/04/2004 (264387)
130 08/02/2000 (130028)
132 04/13/2003 (31376)
134 03/20/2002 (IE0017847001001)
136 03/04/2004 (263186)
138 08/18/2000 (130029)
140 02/25/2004 (263758)
142 05/26/2000 (129999)
144 08/18/2000 (130030)
146 11/21/2002 (159121)
148 05/26/2004 (266492)
150 05/05/2000 (129998)
152 12/15/2003 (255071)
154 08/18/2000 (130031)
156 03/27/2003 (26363)
158 05/05/2000 (129997)
160 05/21/2004 (267872)
162 08/18/2000 (130032)
164 11/19/2001 (159120)
166 05/05/2000 (129996)
168 07/15/2003 (38074)
170 08/24/2000 (130033)
172 05/05/2000 (129995)
174 11/22/2004 (338251)
176 02/13/2004 (262593)
178 08/24/2000 (130034)
180 05/05/2000 (129994)
182 08/24/2000 (130035)
184 11/27/2000 (159119)
186 06/17/2004 (272995)
188 08/27/2003 (152757)
190 05/05/2000 (129993)
192 08/24/2000 (130036)
194 05/05/2000 (129992)
196 08/25/2000 (130037)
198 05/05/2000 (129991)
200 05/05/2000 (129990)
202 03/30/2004 (264141)
204 09/02/2004 (289441)
206 05/05/2000 (129989)
208 10/25/2002 (159117)
210 08/30/2000 (130038)
212 04/13/2003 (31386)
214 05/05/2000 (129988)
216 08/30/2000 (130039)
218 07/09/2004 (273112)
220 01/21/2000 (129987)
222 08/30/2000 (130040)
224 12/22/1999 (129986)

226 09/21/2000 (130041)
228 12/22/1999 (129985)
230 09/21/2000 (130042)
232 11/01/2001 (159116)
234 10/20/2004 (291861)
236 12/22/1999 (129984)
238 09/21/2000 (130043)
240 10/28/2002 (10886)
242 08/20/2002 (8425)
244 12/22/1999 (129983)
246 10/24/2000 (159115)
248 12/22/1999 (129982)
250 04/16/2003 (26146)
252 12/22/1999 (129981)
254 07/15/2003 (112514)
256 09/18/2002 (159114)
258 12/22/1999 (129980)
260 12/22/1999 (129979)
262 07/26/2004 (279807)
264 10/20/2004 (292076)
266 12/22/1999 (129978)
268 12/22/1999 (129977)
270 09/21/2001 (159113)
272 09/26/2002 (10956)
274 04/20/2004 (269271)
276 09/28/2000 (130044)
278 12/22/1999 (129976)
280 09/28/2000 (130045)
282 09/28/2000 (130046)
284 05/19/2004 (270872)
286 12/29/2003 (258574)
288 07/01/2003 (133983)
290 09/28/2000 (130047)
292 08/29/2002 (6836)
294 09/25/2000 (159112)
296 09/28/2000 (130048)
298 09/28/2000 (130049)
300 05/23/2002 (285872)
302 08/19/2002 (159111)
304 09/28/2000 (130050)
306 10/20/2004 (291763)
308 09/28/2000 (130051)
310 08/22/2001 (159110)
312 10/06/2000 (130052)
314 04/28/2004 (266290)
316 10/27/2000 (130053)
318 08/23/2000 (159109)
320 12/07/2000 (130054)
322 12/09/2004 (337904)
324 12/29/2003 (258639)
326 06/27/2003 (159108)
328 12/07/2000 (130055)
330 02/13/2004 (262596)
332 12/07/2000 (130056)
334 10/17/2003 (252339)
336 08/06/2002 (159107)
338 12/07/2000 (130057)
340 12/07/2000 (130058)
342 12/07/2000 (130059)
344 10/13/2004 (336687)
346 12/20/2000 (130060)
348 01/28/2004 (261078)
350 04/13/2003 (31383)
352 07/24/2001 (159106)
354 04/16/2003 (33743)
356 11/08/2004 (339532)
358 07/27/2000 (159105)
360 07/30/2004 (285129)
362 07/15/2003 (112516)
364 06/27/2003 (159104)
366 01/15/2003 (20284)
368 12/21/2000 (130061)
370 08/20/2002 (6454)
372 01/18/2001 (130062)
374 05/19/2004 (270885)

376 06/27/2002 (159103)
378 02/09/2001 (130063)
380 06/25/2003 (112308)
382 10/13/2004 (336664)
384 12/02/2002 (17606)
386 03/01/2001 (130064)
388 12/29/2003 (258593)
390 06/25/2001 (159102)
392 02/13/2004 (262585)
394 03/01/2001 (130065)
396 12/18/2002 (18754)
398 03/01/2001 (130066)
400 06/27/2000 (159101)
402 03/01/2001 (130067)
404 05/19/2003 (159100)
406 03/01/2001 (130068)
408 03/29/2001 (130069)
410 05/23/2002 (159099)
412 01/29/2004 (258780)
414 03/30/2001 (130070)
416 12/04/2001 (159098)
418 10/20/2004 (293180)
420 08/29/2003 (152995)
422 10/20/2004 (292069)
424 12/08/2003 (255366)
426 05/30/2000 (159097)
428 02/28/2000 (159085)
430 05/13/2004 (271900)
432 04/15/2003 (159096)
434 08/20/2002 (6664)
436 02/22/2001 (159086)
438 04/26/2002 (159095)
440 02/06/2004 (257858)
442 10/29/2003 (251998)
444 04/24/2001 (159094)
446 02/25/2002 (159087)
448 08/23/2001 (284795)
450 04/20/2000 (159093)
452 02/21/2003 (159088)
454 03/28/2000 (159092)
456 08/22/2003 (144190)
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460 08/31/2004 (253065)
462 03/20/2001 (159089)
464 07/15/2003 (112518)
466 03/27/2002 (159090)
468 03/21/2003 (159091)
470 10/15/2002 (13368)
472 03/26/2004 (295802)
474 08/27/2003 (152763)
476 01/28/2004 (260132)
478 08/20/2002 (6442)
480 04/26/2004 (295803)
482 08/27/2003 (152759)
484 08/23/2004 (286711)
486 05/24/2004 (295805)
488 06/15/2000 (30414)
490 06/15/2000 (30412)
492 04/28/2000 (30411)
494 04/28/2000 (30410)
496 10/20/2004 (291767)
498 11/29/2004 (338082)
500 04/28/2000 (30409)
502 04/20/2004 (269276)
504 04/28/2000 (30408)
506 12/29/2003 (258585)
508 04/28/2000 (30407)
510 08/27/2003 (152760)
512 06/21/2004 (295807)
514 04/20/2004 (264114)
516 03/30/2004 (264137)
518 07/15/2003 (112519)
520 06/22/2004 (274709)
522 08/31/2004 (253079)
524 08/18/2003 (295810)

526 08/29/2003 (153012)
 528 07/22/2003 (295812)
 530 07/01/2003 (134010)
 532 10/20/2004 (292578)
 534 06/10/2004 (269300)
 536 06/21/2004 (295813)
 538 11/19/2002 (14903)
 540 08/27/2003 (152752)
 542 10/21/2003 (295815)
 544 05/19/2004 (270887)
 546 09/26/2002 (11809)
 548 11/13/2003 (295816)
 550 12/11/2003 (295817)
 552 10/20/2004 (291769)
 554 10/20/2004 (292063)
 556 12/29/2003 (258553)
 558 08/20/2004 (276576)
 560 01/20/2004 (295819)

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

1. Date: 07/14/2000 (130018)
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FLR TO ATTACH OP PLAN
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FLR TO ATTACH OP PLAN
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]
 Description: FAILURE TO SUBMIT NOT.
2. Date: 01/10/2002 (246561)
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
3. Date: 05/30/2000 (130000)
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: UPSET NOTIFICATION
- Self Report? NO Classification: Moderate

- Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)[G]
 Description: RECORDKEEPING
 Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
 Description: FAILURE TO REPAIR
 Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 Description: FAILURE TO CAP LINES
4. Date: 11/30/2001 (159124)
 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
5. Date: 04/02/2004 (332777)
 Self Report? NO Classification: Moderate
 Citation: .COH Violation 305.125(1)
 COH Violation 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
6. Date: 07/20/2000 (130025)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 Description: ANBI, SEAL INSPECTIONS
7. Date: 06/10/2004 (269300)
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT IA
 Description: Numerous willows and tallows were observed growing in the embankments on the pond system.
8. Date: 05/25/2000 (129999)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
 Description: UPSET VIOLATIONS
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: UPSET VIOLATIONS
- Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: UPSET VIOLATIONS
- Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: UPSET VIOLATIONS
9. Date: 09/30/2002 (159117)
 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
10. Date: 08/24/2000 (130037)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
 Description: FAILURE TO MONITOR
11. Date: 09/30/2001 (159116)
 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
12. Date: 06/16/2004 (271873)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)[G]
 Description: STATUS OF PEMS
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.211(f)[G]
 Description: FAILURE TO CERTIFY PEM
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
 Description: FAILURE TO COMPLY
13. 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: OP IA
PERMIT IA
Description: Failure to submit a final sampling report within 30 days of performing the stack sampling.
14. Date: 08/31/2001 (159113) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
15. Date: 08/31/2000 (159112) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
16. Date: 06/30/2001 (159106) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
17. Date: 12/14/2000 (130060) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: EXCEEDED PERMIT LIMIT
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
Rqmt Prov: OP IA
Description: EXCEEDED PERMIT LIMIT
18. Date: 08/23/2004 (288711) Classification: Moderate
Self Report? NO
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: OP IA
PERMIT IA
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.
19. Date: 04/17/2003 (26146) Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
20. Date: 01/31/2001 (159086) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
21. Date: 02/28/2003 (159091) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
22. Date: 02/29/2004 (295802) Classification: Moderate
Self Report? YES
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
23. Date: 04/20/2004 (264114) Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]

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[G]
 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.

24. Date: 08/31/2003 (295812) Classification: Moderate
 Self Report? YES
 Citation: COH Violation 26.121(a)[G]
 COH Violation 305.125(1).
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 06/24/2004
 No DOV Associated

G. Type of environmental management systems (EMSs). N/A

H. Voluntary on-site compliance assessment dates. N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	04/05/2002

J. Early compliance. N/A

Sites Outside of Texas N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 2/10/2004

DATES		PCW	30-Mar-2005	Screening	21-Jan-2004	Priority Due	21-Mar-2004	EPA Due	30-Aug-2004	
RESPONDENT INFORMATION										
Respondent	E. I. Du Pont de Nemours and Company									
Respondent/Site ID No(s)	RN100542711, Air Account No. OC0007J, Permit No. 914									
Facility/Site Region	10 - Beaumont	Major/Minor Source	Major							
CASE INFORMATION										
Enf./Case ID No(s)	CCEDS Case No. 12087									
Docket No.	2004-1135-MLM-E						No. Violations	3		
Case Priority	2	Order Type	Findings							
Enf. Coordinator	Pamela Campbell						EC's Team	Enforcement Team 8		
Media Program(s)	Air Quality									
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$10,000						

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$11,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 89% Enhancement Subtotals 2, 3 & 7 \$9,790

Notes: One 1660 style TCEQ Order, Docket No. 2002-0440-AIR-E and NOVs dated 11/2/99, 5/25/00, 5/30/00, 7/14/00, 8/24/00, and 12/14/00 for the same or similar violations; one 1660 style TCEQ Order, Docket No. 2001-0925-MLM-E and NOVs dated 7/20/00, 9/21/00, and 1/10/02 for unrelated violations, and self-reported 9 effluent violations.

Culpability 0% Enhancement Subtotal 4 \$0

Notes: No Select Yes/No. The Respondent does not meet the culpability criteria.

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

	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
None of the above	<input checked="" type="checkbox"/>	(mark with small x)	

Notes: The respondent is not yet in compliance.

Economic Benefit 0% Enhancement* Subtotal 6 \$0

\$1,460	Total EB Amounts	*Capped at the Total EB \$ Amount	
\$7,600	Approx. Cost of Compliance	=	

SUM OF SUBTOTALS 1-7 Final Subtotal \$20,790

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

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

Notes: Final Penalty Amount \$20,790

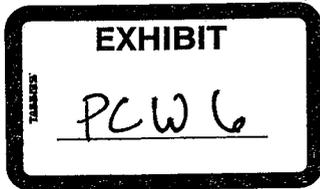
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$20,790

DEFERRAL Deferral Adjustment \$0

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

Notes: No deferral because the Respondent received NOVs dated November 2, 1999; May 25, July 14, July 20, August 24, and December 14, 2000.

PAYABLE PENALTY \$20,790



Screening Date	21-Jan-2004	Docket Number	2004-1135-MLM-E	PCW
Respondent	E. I. Du Pont de Nemours and Company	Policy Revision 2	(09/02)	
Case ID No.	CCEDS Case No. 12087	PCW Revision	2/10/2004	
Respondent/Site ID No.	RN100542711, Air Account No. OC0007J, Permit No. 914			
Media [Statute]	Air Quality			
Enf. Coordinator	Pamela Campbell			
Site Address	3055 Farm-to-Market Rod 1006, Orange, Orange County			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action <i>(number of NOV's meeting criteria)</i>	6	30%
	Other written NOV's	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory-emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgments or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	no	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	no	0%
	Participation in a voluntary pollution reduction program	yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	no	0%

Adjustment Percentage (Subtotal 2) 89%

>> Repeat Violator (Subtotal 3)

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

>> Compliance History Person Classification (Subtotal 7)

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

Compliance History Summary

Compliance History Notes	One 1660 style TCEQ Order, Docket No. 2002-0440-AIR-E and NOV's dated 11/2/99, 5/25/00, 5/30/00; 7/14/00; 8/24/00; and 12/14/00 for the same or similar violations; one 1660 style TCEQ Order, Docket No. 2001-0925-MLM-E and NOV's dated 7/20/00, 9/21/00, and 1/10/02 for unrelated violations, and self-reported 9 effluent violations.
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Total Adjustment Percentage (Subtotals 2, 3 & 7) 89%

Screening Date	21-Jan-04	Docket Number	2004-1135-MLM-E	PCW
Respondent	E. I. Du Pont de Nemours and Company			Policy Revision 2 (09/02)
Case ID No.	CCEDS Case No. 12087			PCW Revision 2/10/2004
Respondent/Site ID No.	RN100542711, Air Account No. OC0007J, Permit No. 914			
Media [Statute]	Air Quality			
Enf. Coordinator	Pamela Campbell			
Violation Number	1			
Primary Rule Cite	30 Tex. Admin. Code §§ 101.20(2), 111.111(a)(4)(A), 116.115(b)(2)(F), and (c), Permit No. 914 Special Conditions Nos. 1, 2, and 4, and 40 Code of Federal Regulations, ("CFR") § 61.349(a)(2)(iii)			
Secondary Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to maintain an emissions rate below the allowable emission rate for an emissions event that occurred on October 20, 2003. On October 20, 2003 the facility released 3,259 pounds ("lbs") of NOx, 16,946 lbs of CO, 7,686 lbs of ethylene, 962 lbs of 1, 3 butadine, 471 lbs benzene, 41 lbs butane, 75 lbs pentane, 43 lbs propane, 187 lbs propylene, 14 lbs propadiene, 38 lbs butylene, 78 lbs acetylene, 27 lbs toluene, 3 lbs styrene, and 1 lb xylene during the emissions event for a duration of 10 hours 15 minutes, as documented during the October 20, 2003 investigation.			
	Base Penalty	\$10,000		

» Environmental, Property and Human Health Matrix				
	Harm			
	Release	Major	Moderate	Minor
OR	Actual			x
	Potential			
				Percent 25%
» Programmatic Matrix				
	Falsification	Major	Moderate	Minor
OR				
				Percent
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
	Adjustment	-\$7,500		
	Base Penalty Subtotal	\$2,500		

Violation Events				
	Number of Violation Events	1		
<i>mark only one; use small x</i>	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
				Violation Base Penalty \$2,500
Events Notes	One single event is recommended based on the investigation date of October 20, 2003.			

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$) \$200	Violation Final Penalty total \$4,725
This Violation Final Assessed Penalty (adjusted for limits) \$4,725	

Economic Benefit Worksheet

Respondent E. I. Du Pont de Nemours and Company
ID Number(s) CCEDS Case No. 12087
Media [Statute] Air Quality
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	15-Oct-2003	15-Oct-2003	0.0	\$0	\$200	\$200
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

This is the estimated cost to provide additional oversight during facility operations.

Approx Cost of Compliance

TOTAL

Screening Date 21-Jan-04 Docket Number 2004-1135-MLM-E

PCW

Respondent E. I. Du Pont de Nemours and Company

Policy Revision 2 (09/02)

Case ID No. CEEDS Case No. 12087

PCW Revision 2/10/2004

Respondent/Site ID No. RN100542711, Air Account No. OC0007J, Permit No. 914

Media [Statute] Air Quality

Enf. Coordinator Pamela Campbell

Violation Number 2

Primary Rule Cite

30 Tex. Admin. Code §§ 115.352(2), 116.115(c), Permit No. 914 Special Condition No. 15.I.

Secondary Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to repair 72 components (valves) in volatile organic compound ("VOC") service during the April 23 through May 27, 2003 shutdown. From April 14, 1998 through April 23, 2003, approximately 100 components had been placed on the shutdown list, however, 72 components were not repaired during the shutdown, as documented during the July 8, 2003 investigation. he estimated amount of emissions from the valves was 2.02 tons.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Failure to repair 72 components (valves) in volatile organic compound ("VOC") service during the April 23 through May 27, 2003 shutdown. From April 14, 1998 through April 23, 2003, approximately 100 components had been placed on the shutdown list, however, 72 components were not repaired during the shutdown, as documented during the July 8, 2003 investigation. he estimated amount of emissions from the valves was 2.02 tons.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Events Notes

Three quarterly events are recommended based on the shutdown date of May 27, 2003 until the screening date of January 21, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$573

Violation Final Penalty total \$14,175

This Violation Final Assessed Penalty (adjusted for limits) \$14,175

Economic Benefit Worksheet

Respondent: E. I. Du Pont de Nemours and Company
 ID Number(s): CCEDS Case No. 12087
 Media (Statute): Air Quality
 Violation Number: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$6,600	23-Apr-2003	27-Apr-2004	1.0	\$22	\$446	\$468
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the components in a timely manner. The April 23, 2003 start date is the start date of the shutdown and April 27, 2004 is the date by which 66 of the components were repaired.

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$100	1-Jun-2002	1-Apr-2003	1.0	\$5	\$100	\$105

Notes for AVOIDED costs

This is the estimated cost to monitor the pump. The date required is the date when the pump should have been monitored and the final date is the date when the respondent began monitoring the pump.

Approx Cost of Compliance

TOTAL

Screening Date: 21-Jan-04	Docket Number: 2004-1135-MLM-E	PCW
Respondent: E. I. Du Pont de Nemours and Company		Policy Revision 2 (09/02)
Case ID No.: CCEDS Case No. 12087		PCW Revision 2/10/2004
Respondent/Site ID No.: RN100542711, Air Account No. OC0007J, Permit No. 914		
Media [Statute]: Air Quality		
Enf. Coordinator: Pamela Campbell		
Violation Number:	3	
Primary Rule Cite:	30 Tex. Admin. Code § 113.110	
Secondary Cite(s):	Tex. Health & Safety Code § 382.085(b)	
Violation Description:	Failure to use an approved EPA method listed in CFR Part 136 to determine the concentration of substances in the cooling water of the Adiponitrile ("AND") unit, as documented during the May 21, 2003 investigation.	
Base Penalty		\$10,000

» Environmental, Property and Human Health Matrix					
Harm					
	Release	Major	Moderate	Minor	
OR	Actual				
	Potential			X	Percent 10%
» Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
OR					Percent
Matrix Notes	Failure to use an approved EPA method to analyze the AND cooling water, could expose human health or the environment to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.				
Adjustment -\$9,000					
Base Penalty Subtotal \$1,000					

Violation Events					
Number of Violation Events 1					
<i>mark only one; use small x</i>	daily				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	X			Violation Base Penalty \$1,000
Events Notes	One single event is recommended based on the investigation date of May 21, 2003.				

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount (\$) \$686	Violation Final Penalty total \$1,890		
This Violation Final Assessed Penalty (adjusted for limits)			\$1,890

Economic Benefit Worksheet

Respondent: E. I. Du Pont de Nemours and Company
ID Number(s): CCEDS Case No. 12087
Media [Statute]: Air Quality
Violation Number: 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	22-Apr-1999	1-Aug-2004	5.3	\$26	n/a	\$26
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

This is the estimated cost to use an EPA approved method listed in 40 CFR 136 to determine the concentration of substances in the cooling water of the AND unit. The date required is based on the date in which the respondent was required to be in compliance with 40 CFR 63.100 (unless an extension is granted). The final date is the anticipated date that the respondent can become compliant with this rule requirement.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$600	23-Apr-2003	1-Aug-2004	2.0	\$60	\$600	\$660

Notes for AVOIDED costs

Estimated cost to repair the components in a timely manner. The April 23, 2003 start date is the start date of the shutdown and August 1, 2004 is the anticipated date that repairs to the 6 remaining components will be completed.

Approx Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. Dupont De Nemours and Company	Classification: AVERAGE	Rating: 2.07
Regulated Entity:	RN100542741	DUPONT SABINE RIVER WORKS	Classification: AVERAGE	Site Rating: 2.19
ID Number(s):				
AIR OPERATING PERMITS	PERMIT	1882		
AIR OPERATING PERMITS	PERMIT	2331		
AIR OPERATING PERMITS	PERMIT	2075		
AIR OPERATING PERMITS	PERMIT	2074		
AIR OPERATING PERMITS	PERMIT	2055		
AIR OPERATING PERMITS	PERMIT	2001		
AIR OPERATING PERMITS	PERMIT	1996		
AIR OPERATING PERMITS	PERMIT	1901		
AIR OPERATING PERMITS	PERMIT	1900		
AIR OPERATING PERMITS	PERMIT	1899		
AIR OPERATING PERMITS	PERMIT	1898		
AIR OPERATING PERMITS	PERMIT	1897		
AIR OPERATING PERMITS	PERMIT	1896		
AIR OPERATING PERMITS	PERMIT	1895		
AIR OPERATING PERMITS	PERMIT	1868		
AIR OPERATING PERMITS	PERMIT	1350		
AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0007J		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50230		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30019		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079642		
STORMWATER	PERMIT	TXR05L392		
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114		
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50230		
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50230		
WATER LICENSING	LICENSE	1810114		
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW282		
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW191		
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW055		
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW054		
AIR NEW SOURCE PERMITS	PERMIT	53326		
AIR NEW SOURCE PERMITS	PERMIT	52687		
AIR NEW SOURCE PERMITS	PERMIT	43041		
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J		
AIR NEW SOURCE PERMITS	PERMIT	47720		
AIR NEW SOURCE PERMITS	PERMIT	47686		
AIR NEW SOURCE PERMITS	PERMIT	47678		
AIR NEW SOURCE PERMITS	PERMIT	47671		
AIR NEW SOURCE PERMITS	PERMIT	46790		
AIR NEW SOURCE PERMITS	PERMIT	45956		
AIR NEW SOURCE PERMITS	PERMIT	45958		
AIR NEW SOURCE PERMITS	PERMIT	45950		
AIR NEW SOURCE PERMITS	PERMIT	45766		
AIR NEW SOURCE PERMITS	PERMIT	44528		
AIR NEW SOURCE PERMITS	PERMIT	44499		

EXHIBIT

CH 4

AIR NEW SOURCE PERMITS	PERMIT	44206
AIR NEW SOURCE PERMITS	PERMIT	42060
AIR NEW SOURCE PERMITS	PERMIT	43816
AIR NEW SOURCE PERMITS	PERMIT	43815
AIR NEW SOURCE PERMITS	PERMIT	42054
AIR NEW SOURCE PERMITS	PERMIT	41263
AIR NEW SOURCE PERMITS	PERMIT	40371
AIR NEW SOURCE PERMITS	PERMIT	38906
AIR NEW SOURCE PERMITS	PERMIT	38853
AIR NEW SOURCE PERMITS	PERMIT	38402
AIR NEW SOURCE PERMITS	PERMIT	37818
AIR NEW SOURCE PERMITS	PERMIT	37488
AIR NEW SOURCE PERMITS	PERMIT	36877
AIR NEW SOURCE PERMITS	PERMIT	36259
AIR NEW SOURCE PERMITS	PERMIT	36731
AIR NEW SOURCE PERMITS	PERMIT	36872
AIR NEW SOURCE PERMITS	PERMIT	36046
AIR NEW SOURCE PERMITS	PERMIT	36608
AIR NEW SOURCE PERMITS	PERMIT	35863
AIR NEW SOURCE PERMITS	PERMIT	33521
AIR NEW SOURCE PERMITS	PERMIT	33081
AIR NEW SOURCE PERMITS	PERMIT	32733
AIR NEW SOURCE PERMITS	PERMIT	28148
AIR NEW SOURCE PERMITS	PERMIT	26410
AIR NEW SOURCE PERMITS	PERMIT	26325
AIR NEW SOURCE PERMITS	PERMIT	26158
AIR NEW SOURCE PERMITS	PERMIT	25167
AIR NEW SOURCE PERMITS	PERMIT	26132
AIR NEW SOURCE PERMITS	PERMIT	24252
AIR NEW SOURCE PERMITS	PERMIT	23646
AIR NEW SOURCE PERMITS	PERMIT	22977
AIR NEW SOURCE PERMITS	PERMIT	22895
AIR NEW SOURCE PERMITS	PERMIT	21236
AIR NEW SOURCE PERMITS	PERMIT	20204
AIR NEW SOURCE PERMITS	PERMIT	17157
AIR NEW SOURCE PERMITS	PERMIT	16327
AIR NEW SOURCE PERMITS	PERMIT	12967
AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	10447
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	9176
AIR NEW SOURCE PERMITS	PERMIT	7021
AIR NEW SOURCE PERMITS	PERMIT	5745
AIR NEW SOURCE PERMITS	PERMIT	4583
AIR NEW SOURCE PERMITS	PERMIT	2490
AIR NEW SOURCE PERMITS	PERMIT	2116
AIR NEW SOURCE PERMITS	PERMIT	2004
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	PERMIT	1468
AIR NEW SOURCE PERMITS	PERMIT	1423C
AIR NEW SOURCE PERMITS	PERMIT	1423B
AIR NEW SOURCE PERMITS	PERMIT	1423A
AIR NEW SOURCE PERMITS	PERMIT	1423

AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	PERMIT	1303
AIR NEW SOURCE PERMITS	PERMIT	1302
AIR NEW SOURCE PERMITS	PERMIT	914A
AIR NEW SOURCE PERMITS	PERMIT	914
AIR NEW SOURCE PERMITS	PERMIT	9629
WATER RIGHTS	ID NUMBER	4664
WASTEWATER	PERMIT	WQ0000475000
AIR NEW SOURCE PERMITS	REGISTRATION	71444
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	REGISTRATION	56106
AIR NEW SOURCE PERMITS	AFS NUM	0002
AIR NEW SOURCE PERMITS	PERMIT	56297
AIR NEW SOURCE PERMITS	PERMIT	56309
AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	REGISTRATION	55356
AIR NEW SOURCE PERMITS	REGISTRATION	55395
AIR NEW SOURCE PERMITS	REGISTRATION	55398
AIR NEW SOURCE PERMITS	REGISTRATION	55351
AIR NEW SOURCE PERMITS	REGISTRATION	55091
AIR NEW SOURCE PERMITS	REGISTRATION	55029
AIR NEW SOURCE PERMITS	REGISTRATION	54959
AIR NEW SOURCE PERMITS	REGISTRATION	54974

Location: 3055 FM 1006, ORANGE, TX, 77631 Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 18, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 18, 1999 to March 18, 2004

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

Name: Pamela Campbell Phone: 512 239-4493

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: 4/25/03 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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: Permit 914, SC 15E PERMIT

Permit 914, SC 4 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)

Citation: Permit 914, SC 14I PERMIT

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

Effective Date: 4/6/02

ADMINORDER: 2001-0926-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: 1790, SC 14D PERMIT

Description: Failure to conduct an annual visual inspection on the internal floating roofs of Tanks 41 and 42 for 2000.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.319(c)[G]
30 TAC Chapter 117, SubChapter E 117.530[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit written quarterly reports for all periods of excess emissions at the Adipic Acid Unit.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: The facility failed to provide flow measuring devices for the filter backwash water and recycled decant water.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(III)

Description: The facility failed to calibrate the online pH meter at least once each day.

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

N/A

C. Chronic excessive emissions events.

N/A

D. The dates of investigations.

- 1 07/19/2000
- 2 07/07/2000
- 3 06/23/2000
- 4 06/23/2000
- 5 06/23/2000
- 6 06/18/2000
- 7 01/10/2002
- 8 08/20/2002
- 9 06/18/2000
- 10 07/01/2003
- 11 06/18/2000
- 12 06/18/2000
- 13 06/18/2000
- 14 06/18/2000
- 15 06/18/2000
- 16 06/18/2000
- 17 04/13/2003
- 18 06/18/2000
- 19 06/18/2000
- 20 06/18/2000
- 21 12/08/2003
- 22 06/06/2000
- 23 06/01/2000
- 24 01/28/2000
- 25 12/18/2002
- 26 01/16/2003
- 27 09/26/2002
- 28 12/08/2003
- 29 11/08/2002
- 30 01/24/2002
- 31 07/19/2000
- 32 01/29/2001
- 33 07/19/2000
- 34 06/01/2000
- 35 07/19/2000
- 36 12/21/1999
- 37 07/19/2000
- 38 12/20/2002
- 39 07/19/2000
- 40 07/20/2000
- 41 08/01/2000
- 42 08/04/2003
- 43 12/17/2001
- 44 08/01/2000
- 45 05/16/2003
- 46 12/18/2000
- 47 08/01/2000
- 48 03/04/2004
- 49 08/02/2000
- 50 11/22/1999

51 04/13/2003
52 03/20/2002
53 03/04/2004
54 08/18/2000
55 02/25/2004
56 05/26/2000
57 08/18/2000
58 11/21/2002
59 05/05/2000
60 12/15/2003
61 08/18/2000
62 03/27/2003
63 05/05/2000
64 08/18/2000
65 11/19/2001
66 05/05/2000
67 07/15/2003
68 08/24/2000
69 05/05/2000
70 02/13/2004
71 08/24/2000
72 05/05/2000
73 08/24/2000
74 11/27/2000
75 08/27/2003
76 05/05/2000
77 08/24/2000
78 05/05/2000
79 08/25/2000
80 10/18/1999
81 05/05/2000
82 05/05/2000
83 05/05/2000
84 10/25/2002
85 08/30/2000
86 04/13/2003
87 05/05/2000
88 08/30/2000
89 01/21/2000
90 08/30/2000
91 12/22/1999
92 09/21/2000
93 12/22/1999
94 09/21/2000
95 11/01/2001
96 12/22/1999
97 09/21/2000
98 10/28/2002
99 08/20/2002
100 12/22/1999
101 10/24/2000
102 12/22/1999
103 04/16/2003

104 12/22/1999
105 07/15/2003
106 09/18/2002
107 12/22/1999
108 12/22/1999
109 12/22/1999
110 12/22/1999
111 09/21/2001
112 09/26/2002
113 09/28/2000
114 12/22/1999
115 09/28/2000
116 12/09/1999
117 09/28/2000
118 12/09/1999
119 12/29/2003
120 07/01/2003
121 09/28/2000
122 12/08/1999
123 08/29/2002
124 09/25/2000
125 09/28/2000
126 09/28/2000
127 08/19/2002
128 09/28/2000
129 09/28/2000
130 08/22/2001
131 10/06/2000
132 11/03/1999
133 10/27/2000
134 08/23/2000
135 10/06/1999
136 12/07/2000
137 12/29/2003
138 06/27/2003
139 12/07/2000
140 02/13/2004
141 12/07/2000
142 10/17/2003
143 08/06/2002
144 12/07/2000
145 12/07/2000
146 12/07/2000
147 12/20/2000
148 01/28/2004
149 04/13/2003
150 07/24/2001
151 04/16/2003
152 07/27/2000
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154 06/27/2003
155 01/15/2003
156 12/21/2000

157 08/20/2002
158 01/18/2001
159 06/27/2002
160 02/09/2001
161 06/25/2003
162 12/02/2002
163 03/01/2001
164 12/29/2003
165 06/25/2001
166 02/13/2004
167 03/01/2001
168 12/18/2002
169 03/01/2001
170 06/27/2000
171 03/01/2001
172 05/19/2003
173 03/01/2001
174 03/29/2001
175 05/23/2002
176 01/29/2004
177 03/30/2001
178 12/04/2001
179 08/29/2003
180 12/08/2003
181 05/30/2000
182 02/28/2000
183 04/15/2003
184 08/20/2002
185 02/22/2001
186 04/26/2002
187 02/06/2004
188 10/29/2003
189 04/24/2001
190 02/25/2002
191 04/20/2000
192 02/21/2003
193 03/28/2000
194 08/22/2003
195 03/20/2001
196 07/15/2003
197 03/27/2002
198 03/21/2003
199 10/15/2002
200 08/27/2003
201 01/28/2004
202 08/20/2002
203 08/27/2003
204 06/15/2000
205 09/23/1999
206 06/15/2000
207 04/28/2000
208 04/28/2000
209 04/28/2000

210 04/28/2000
211 12/29/2003
212 04/28/2000
213 08/27/2003
214 07/15/2003
215 08/29/2003
216 07/01/2003
217 11/19/2002
218 08/27/2003
219 09/26/2002
220 12/29/2003

E. Written notices of violations (NOV).

Date: 07/14/2000

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FLR TO ATTACH OP PLAN

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FLR TO ATTACH OP PLAN

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]
Description: FAILURE TO SUBMIT NOT.

Classification: Moderate

Date: 01/10/2002

Self Report? NO

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

Classification: Moderate

Self Report? NO

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

Classification: Moderate

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

Date: 05/30/2000
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: UPSET NOTIFICATION

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)[G]
Description: RECORDKEEPING

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
Description: FAILURE TO REPAIR

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
Description: FAILURE TO CAP LINES

Date: 11/30/2001
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/20/2000
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
Description: ANBI, SEAL INSPECTIONS

Date: 05/25/2000
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
Description: UPSET VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: UPSET VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: UPSET VIOLATIONS

Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: UPSET VIOLATIONS

Date: 09/30/2002
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/24/2000
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: FAILURE TO MONITOR

Date: 09/30/2001
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/21/2000
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(c)
Description: STATUS OF PEMS

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.211(f)[G]
 Description: FAILURE TO CERTIFY PEM

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
 Description: FAILURE TO COMPLY

Date: 08/31/2001
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2000
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/02/1999
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: NSPS STANDARDS

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: SPECIAL CONDITIONS

Date: 06/30/2001
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/14/2000
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: EXCEEDED PERMIT LIMIT

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
 Rqmt Prov: OP IA
 Description: EXCEEDED PERMIT LIMIT

Date: 03/31/2002
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2001
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

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

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	04/05/2002
CLEAN TEXAS PROGRAM	LEADER	04/05/2002

J. Early compliance.

N/A

Sites Outside of Texas

N/A

works additional edit cpw

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision May 17, 2004

DATES

PCW Screening Priority Due EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent
 Reg. Ent. Ref. No.
 Additional ID No(s)
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No. No. of Violations
 Docket No. Order Type
 Case Priority Enf. Coordinator
 Media Program(s) EC's Team
 Multi-Media
 Admin. Penalty \$ Limit Minimum Maximum

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	<input checked="" type="checkbox"/>	(mark with a small x)

Notes

Economic Benefit Subtotal 6

Total EB Amounts	<input type="text" value="\$0"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$5,000"/>	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes

Final Penalty Amount

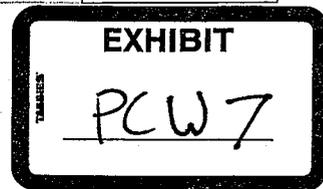
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY



works additional edit: cpw

Screening Date 06-Jul-2004 **Docket No.** 2004-1135-MLM-E **PCW**

Respondent E. I. Du Pont de Nemours and Company *Policy Revision 2 (September 2002)*

Case ID No. CCEDS Case No. 12087 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN100542711, CN600128284

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator Pamela Campbell

Site Address 3055 Farm-to-Market Road 1006, Orange, Orange County

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	NO	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	NO	0%
	Participation in a voluntary pollution reduction program	YES	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	NO	0%

Adjustment Percentage (Subtotal 2) 83%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The respondent received NOVs dated 5/25/00, 5/30/00, and 12/14/00 for the same or similar violations; two 1660 style TCEQ Orders, Docket No. 2001-0925-MLM-E and Docket No. 2002-0440-AIR-E, eight NOVs for unrelated violations, and self-reported 9 effluent violations. The respondent submitted an audit Notice of Intent letter on June 24, 2004 and participates in the Clean Texas Program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 83%

works additional edit.qpw

Screening Date 06-Jul-2004

Docket No. 2004-1135-MLM-E

PCW

Respondent E. I. Du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. CCEDS Case No. 12087

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100542711, CN600128284

Additional ID No(s). Air Account No. OC0007J

Media [Statute] Air Quality

Enf. Coordinator Pamela Campbell

Violation Number

1

Primary Rule Cite(s)

Texas Health & Safety Code § 382.085(a)

Secondary Rule Cite(s)

Violation Description

Failure to prevent the release of unauthorized emissions at the D-Unit. The facility released 366 pounds ("lbs") of ethylene and 80 lbs of vinyl acetate emissions during the event on September 6, 2003 as documented by the February 23, 2004 record review.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Human health and the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health and environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One single event is recommended for the emissions event that occurred on September 6, 2003.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,575

This violation Final Assessed Penalty (adjusted for limits) \$4,575

Economic Benefit Worksheet

Respondent E. I. Du Pont de Nemours and Company
 Case ID No. CCEDS Case No. 12087
 Reg. Ent. Reference No. RN100542711, CN600128284
 Additional ID No(s). Air Account No. OC0007J
 Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel	\$5,000	06-Sep-2003	06-Sep-2003	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

This is the estimated cost to provide additional operator training on proper operation of the unit in question.

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. Dupont De Nemours and Company	Classification: AVERAGE	Rating: 2.080
Regulated Entity:	RN100542711	DUPONT SABINE RIVER WORKS	Classification: AVERAGE	Site Rating: 2.19
ID Number(s):				
AIR OPERATING PERMITS	PERMIT	1882		
AIR OPERATING PERMITS	PERMIT	2331		
AIR OPERATING PERMITS	PERMIT	2075		
AIR OPERATING PERMITS	PERMIT	2074		
AIR OPERATING PERMITS	PERMIT	2055		
AIR OPERATING PERMITS	PERMIT	2001		
AIR OPERATING PERMITS	PERMIT	1996		
AIR OPERATING PERMITS	PERMIT	1901		
AIR OPERATING PERMITS	PERMIT	1900		
AIR OPERATING PERMITS	PERMIT	1899		
AIR OPERATING PERMITS	PERMIT	1898		
AIR OPERATING PERMITS	PERMIT	1897		
AIR OPERATING PERMITS	PERMIT	1896		
AIR OPERATING PERMITS	PERMIT	1895		
AIR OPERATING PERMITS	PERMIT	1868		
AIR OPERATING PERMITS	PERMIT	1350		
AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0007J		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50230		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION #. (SWR)	30019		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079642		
STORMWATER	PERMIT	TXR05L392		
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114		
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50230		
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50230		
WATER LICENSING	LICENSE	1810114		
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW282		
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW191		
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW055		
UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW054		
AIR NEW SOURCE PERMITS	PERMIT	53326		
AIR NEW SOURCE PERMITS	PERMIT	52687		
AIR NEW SOURCE PERMITS	PERMIT	43041		
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J		
AIR NEW SOURCE PERMITS	PERMIT	47720		
AIR NEW SOURCE PERMITS	PERMIT	47678		
AIR NEW SOURCE PERMITS	PERMIT	47671		
AIR NEW SOURCE PERMITS	PERMIT	46790		
AIR NEW SOURCE PERMITS	PERMIT	45956		
AIR NEW SOURCE PERMITS	PERMIT	45958		
AIR NEW SOURCE PERMITS	PERMIT	45950		
AIR NEW SOURCE PERMITS	PERMIT	45766		
AIR NEW SOURCE PERMITS	PERMIT	44528		
AIR NEW SOURCE PERMITS	PERMIT	44499		
AIR NEW SOURCE PERMITS	PERMIT	44206		

EXHIBIT

CH 7

AIR NEW SOURCE PERMITS	PERMIT	42060
AIR NEW SOURCE PERMITS	PERMIT	43816
AIR NEW SOURCE PERMITS	PERMIT	43815
AIR NEW SOURCE PERMITS	PERMIT	42054
AIR NEW SOURCE PERMITS	PERMIT	41263
AIR NEW SOURCE PERMITS	PERMIT	40371
AIR NEW SOURCE PERMITS	PERMIT	38906
AIR NEW SOURCE PERMITS	PERMIT	38853
AIR NEW SOURCE PERMITS	PERMIT	38402
AIR NEW SOURCE PERMITS	PERMIT	37818
AIR NEW SOURCE PERMITS	PERMIT	37488
AIR NEW SOURCE PERMITS	PERMIT	36877
AIR NEW SOURCE PERMITS	PERMIT	36731
AIR NEW SOURCE PERMITS	PERMIT	36872
AIR NEW SOURCE PERMITS	PERMIT	36046
AIR NEW SOURCE PERMITS	PERMIT	36608
AIR NEW SOURCE PERMITS	PERMIT	35863
AIR NEW SOURCE PERMITS	PERMIT	33521
AIR NEW SOURCE PERMITS	PERMIT	33081
AIR NEW SOURCE PERMITS	PERMIT	32733
AIR NEW SOURCE PERMITS	PERMIT	28148
AIR NEW SOURCE PERMITS	PERMIT	26410
AIR NEW SOURCE PERMITS	PERMIT	26325
AIR NEW SOURCE PERMITS	PERMIT	26158
AIR NEW SOURCE PERMITS	PERMIT	25167
AIR NEW SOURCE PERMITS	PERMIT	26132
AIR NEW SOURCE PERMITS	PERMIT	24252
AIR NEW SOURCE PERMITS	PERMIT	23646
AIR NEW SOURCE PERMITS	PERMIT	22977
AIR NEW SOURCE PERMITS	PERMIT	22895
AIR NEW SOURCE PERMITS	PERMIT	21236
AIR NEW SOURCE PERMITS	PERMIT	20204
AIR NEW SOURCE PERMITS	PERMIT	17157
AIR NEW SOURCE PERMITS	PERMIT	16327
AIR NEW SOURCE PERMITS	PERMIT	12967
AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	10447
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	9176
AIR NEW SOURCE PERMITS	PERMIT	7021
AIR NEW SOURCE PERMITS	PERMIT	5745
AIR NEW SOURCE PERMITS	PERMIT	4583
AIR NEW SOURCE PERMITS	PERMIT	2490
AIR NEW SOURCE PERMITS	PERMIT	2116
AIR NEW SOURCE PERMITS	PERMIT	2004
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	PERMIT	1468
AIR NEW SOURCE PERMITS	PERMIT	1423C
AIR NEW SOURCE PERMITS	PERMIT	1423B
AIR NEW SOURCE PERMITS	PERMIT	1423A
AIR NEW SOURCE PERMITS	PERMIT	1423
AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	PERMIT	1303

AIR NEW SOURCE PERMITS	PERMIT	1302
AIR NEW SOURCE PERMITS	PERMIT	914A
AIR NEW SOURCE PERMITS	PERMIT	914
AIR NEW SOURCE PERMITS	PERMIT	9629
WATER RIGHTS	ID NUMBER	4664
WASTEWATER	PERMIT	WQ0000475000
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	54185
AIR NEW SOURCE PERMITS	PERMIT	54855
AIR NEW SOURCE PERMITS	PERMIT	53847
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	PERMIT	53853
AIR NEW SOURCE PERMITS	PERMIT	53329
AIR NEW SOURCE PERMITS	PERMIT	53328
AIR NEW SOURCE PERMITS	PERMIT	53327
AIR NEW SOURCE PERMITS	PERMIT	53325
AIR NEW SOURCE PERMITS	PERMIT	53324
AIR NEW SOURCE PERMITS	PERMIT	56029
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56027
AIR NEW SOURCE PERMITS	PERMIT	56030
AIR NEW SOURCE PERMITS	PERMIT	56002
AIR NEW SOURCE PERMITS	PERMIT	56007
AIR NEW SOURCE PERMITS	PERMIT	52334
AIR NEW SOURCE PERMITS	PERMIT	52381
AIR NEW SOURCE PERMITS	PERMIT	56241
AIR NEW SOURCE PERMITS	PERMIT	52341
AIR NEW SOURCE PERMITS	PERMIT	52340
AIR NEW SOURCE PERMITS	PERMIT	50464
AIR NEW SOURCE PERMITS	PERMIT	52212
AIR NEW SOURCE PERMITS	PERMIT	56327
AIR NEW SOURCE PERMITS	PERMIT	52194
AIR NEW SOURCE PERMITS	PERMIT	52193
AIR NEW SOURCE PERMITS	PERMIT	52192
AIR NEW SOURCE PERMITS	PERMIT	52186
AIR NEW SOURCE PERMITS	PERMIT	52185
AIR NEW SOURCE PERMITS	PERMIT	52183
AIR NEW SOURCE PERMITS	PERMIT	52181
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	PERMIT	52187
AIR NEW SOURCE PERMITS	PERMIT	52184
AIR NEW SOURCE PERMITS	PERMIT	52182
AIR NEW SOURCE PERMITS	PERMIT	56576
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	71720
AIR NEW SOURCE PERMITS	REGISTRATION	71444
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	REGISTRATION	56106

AIR NEW SOURCE PERMITS	AFS NUM	0002
AIR NEW SOURCE PERMITS	PERMIT	56297
AIR NEW SOURCE PERMITS	PERMIT	56309
AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	REGISTRATION	55356
AIR NEW SOURCE PERMITS	REGISTRATION	55395
AIR NEW SOURCE PERMITS	REGISTRATION	55351
AIR NEW SOURCE PERMITS	REGISTRATION	55091
AIR NEW SOURCE PERMITS	REGISTRATION	55029
AIR NEW SOURCE PERMITS	REGISTRATION	54959
AIR NEW SOURCE PERMITS	REGISTRATION	54974
AIR NEW SOURCE PERMITS	PERMIT	71863
AIR NEW SOURCE PERMITS	REGISTRATION	72030

Location: 3055 FM 1006, ORANGE, TX, 77631 Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 22, 2004

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Pamela Campbell Phone: 512 239-4493

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: 4/25/03

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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: Permit 914, SC 14I PERMIT

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

Effective Date: 4/6/02

ADMINORDER 2001-0925-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: 1790, SC 14D PERMIT

Description: Failure to conduct an annual visual inspection on the internal floating roofs of Tanks 41 and 42 for 2000.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.319(c)[G]
30 TAC Chapter 117, SubChapter E 117.530[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit written quarterly reports for all periods of excess emissions at the Adipic Acid Unit.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: The facility failed to provide flow measuring devices for the filter backwash water and recycled decant water.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)

Description: The facility failed to calibrate the online pH meter at least once each day.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	07/19/2000	(130018)
2	07/07/2000	(130017)
3	06/23/2000	(130016)
4	06/23/2000	(130015)
5	06/23/2000	(130014)
6	06/18/2000	(130013)
7	01/10/2002	(246561)
8	08/20/2002	(8387)
9	06/18/2000	(130012)
10	07/01/2003	(134042)

11	06/18/2000	(130011)
12	06/18/2000	(130010)
13	06/18/2000	(130009)
14	06/18/2000	(130008)
15	06/18/2000	(130007)
16	06/18/2000	(130006)
17	04/13/2003	(31391)
18	06/18/2000	(130005)
19	06/18/2000	(130004)
20	06/18/2000	(130003)
21	12/08/2003	(255358)
22	06/06/2000	(130002)
23	06/01/2000	(130001)
24	06/16/2004	(271873)
25	06/22/2004	(274776)
26	01/28/2000	(159130)
27	12/18/2002	(18737)
28	01/16/2003	(159129)
29	09/26/2002	(11826)
30	12/08/2003	(255362)
31	11/08/2002	(16114)
32	01/24/2002	(159128)
33	07/19/2000	(130019)
34	01/29/2001	(159127)
35	07/19/2000	(130020)
36	04/20/2004	(269279)
37	05/19/2004	(270883)
38	06/01/2000	(130000)
39	07/19/2000	(130021)
40	12/21/1999	(159126)
41	07/19/2000	(130022)
42	12/20/2002	(159125)
43	07/19/2000	(130023)
44	07/20/2000	(130024)
45	08/01/2000	(130025)
46	08/04/2003	(125899)
47	06/24/2004	(000000000269645)
48	06/24/2004	(000000000269645)
49	06/24/2004	(000000000269645)
50	06/24/2004	(000000000269645)
51	06/24/2004	(000000000269645)
52	06/24/2004	(000000000269645)
53	06/24/2004	(000000000269645)
54	06/24/2004	(000000000269645)
55	06/24/2004	(000000000269645)
56	06/24/2004	(000000000269645)
57	06/24/2004	(000000000269645)
58	06/24/2004	(000000000269645)
59	06/24/2004	(000000000269645)
60	06/24/2004	(000000000269645)
61	12/17/2001	(159124)
62	06/16/2004	(274638)

63	08/01/2000	(130026)
64	06/22/2004	(274848)
65	05/16/2003	(28165)
66	12/18/2000	(159123)
67	08/01/2000	(130027)
68	03/04/2004	(264387)
69	08/02/2000	(130028)
70	11/22/1999	(159122)
71	04/13/2003	(31376)
72	03/20/2002	(IE0017847001001)
73	03/04/2004	(263186)
74	08/18/2000	(130029)
75	02/25/2004	(263758)
76	05/26/2000	(129999)
77	08/18/2000	(130030)
78	11/21/2002	(159121)
79	05/26/2004	(000000000266492)
80	05/05/2000	(129998)
81	12/15/2003	(000000000255071)
82	08/18/2000	(130031)
83	03/27/2003	(26363)
84	05/05/2000	(129997)
85	05/21/2004	(000000000267872)
86	08/18/2000	(130032)
87	11/19/2001	(159120)
88	05/05/2000	(129996)
89	07/15/2003	(38074)
90	08/24/2000	(130033)
91	05/05/2000	(129995)
92	02/13/2004	(262593)
93	08/24/2000	(130034)
94	05/05/2000	(129994)
95	08/24/2000	(130035)
96	11/27/2000	(159119)
97	06/17/2004	(272995)
98	08/27/2003	(152757)
99	05/05/2000	(129993)
100	08/24/2000	(130036)
101	05/05/2000	(129992)
102	08/25/2000	(130037)
103	10/18/1999	(159118)
104	05/05/2000	(129991)
105	05/05/2000	(129990)
106	03/30/2004	(264141)
107	05/05/2000	(129989)
108	10/25/2002	(159117)
109	08/30/2000	(130038)
110	04/13/2003	(31386)
111	05/05/2000	(129988)
112	08/30/2000	(130039)
113	07/09/2004	(273112)
114	01/21/2000	(129987)

115	08/30/2000	(130040)
116	12/22/1999	(129986)
117	09/21/2000	(130041)
118	12/22/1999	(129985)
119	09/21/2000	(130042)
120	11/01/2001	(159116)
121	12/22/1999	(129984)
122	09/21/2000	(130043)
123	10/28/2002	(10886)
124	08/20/2002	(8425)
125	12/22/1999	(129983)
126	10/24/2000	(159115)
127	12/22/1999	(129982)
128	04/16/2003	(26146)
129	12/22/1999	(129981)
130	07/15/2003	(112514)
131	09/18/2002	(159114)
132	12/22/1999	(129980)
133	12/22/1999	(129979)
134	12/22/1999	(129978)
135	12/22/1999	(129977)
136	09/21/2001	(159113)
137	09/26/2002	(10956)
138	04/20/2004	(269271)
139	09/28/2000	(130044)
140	12/22/1999	(129976)
141	09/28/2000	(130045)
142	12/09/1999	(129975)
143	09/28/2000	(130046)
144	05/19/2004	(270872)
145	12/09/1999	(129974)
146	12/29/2003	(258574)
147	07/01/2003	(133983)
148	09/28/2000	(130047)
149	12/08/1999	(129973)
150	08/29/2002	(6836)
151	09/25/2000	(159112)
152	09/28/2000	(130048)
153	09/28/2000	(130049)
154	08/19/2002	(159111)
155	09/28/2000	(130050)
156	09/28/2000	(130051)
157	08/22/2001	(159110)
158	10/06/2000	(130052)
159	04/28/2004	(000000000266290)
160	11/03/1999	(129972)
161	10/27/2000	(130053)
162	08/23/2000	(159109)
163	10/06/1999	(129971)
164	12/07/2000	(130054)
165	12/29/2003	(258639)
166	06/27/2003	(159108)

167	12/07/2000	(130055)
168	02/13/2004	(262596)
169	12/07/2000	(130056)
170	10/17/2003	(252339)
171	08/06/2002	(159107)
172	12/07/2000	(130057)
173	12/07/2000	(130058)
174	12/07/2000	(130059)
175	12/20/2000	(130060)
176	01/28/2004	(261078)
177	04/13/2003	(31383)
178	07/24/2001	(159106)
179	04/16/2003	(33743)
180	07/27/2000	(159105)
181	07/15/2003	(112516)
182	06/27/2003	(159104)
183	01/15/2003	(20284)
184	12/21/2000	(130061)
185	08/20/2002	(6454)
186	01/18/2001	(130062)
187	05/19/2004	(270885)
188	06/27/2002	(159103)
189	02/09/2001	(130063)
190	06/25/2003	(112308)
191	12/02/2002	(17606)
192	03/01/2001	(130064)
193	12/29/2003	(258593)
194	06/25/2001	(159102)
195	02/13/2004	(262585)
196	03/01/2001	(130065)
197	12/18/2002	(18754)
198	03/01/2001	(130066)
199	06/27/2000	(159101)
200	03/01/2001	(130067)
201	05/19/2003	(159100)
202	03/01/2001	(130068)
203	03/29/2001	(130069)
204	05/23/2002	(159099)
205	01/29/2004	(000000000258780)
206	03/30/2001	(130070)
207	12/04/2001	(159098)
208	08/29/2003	(152995)
209	12/08/2003	(255366)
210	05/30/2000	(159097)
211	02/28/2000	(159085)
212	05/13/2004	(271900)
213	04/15/2003	(159096)
214	08/20/2002	(6664)
215	02/22/2001	(159086)
216	04/26/2002	(159095)
217	02/06/2004	(000000000257858)
218	10/29/2003	(251998)

219 04/24/2001 (159094)
 220 02/25/2002 (159087)
 221 04/20/2000 (159093)
 222 02/21/2003 (159088)
 223 03/28/2000 (159092)
 224 08/22/2003 (144190)
 225 03/20/2001 (159089)
 226 07/15/2003 (112518)
 227 03/27/2002 (159090)
 228 03/21/2003 (159091)
 229 10/15/2002 (13368)
 230 08/27/2003 (152763)
 231 01/28/2004 (260132)
 232 08/20/2002 (6442)
 233 08/27/2003 (152759)
 234 06/15/2000 (30414)
 235 09/23/1999 (30413)
 236 06/15/2000 (30412)
 237 04/28/2000 (30411)
 238 04/28/2000 (30410)
 239 04/28/2000 (30409)
 240 04/20/2004 (269276)
 241 04/28/2000 (30408)
 242 12/29/2003 (258585)
 243 04/28/2000 (30407)
 244 08/27/2003 (152760)
 245 04/20/2004 (264114)
 246 03/30/2004 (264137)
 247 07/15/2003 (112519)
 248 06/22/2004 (274709)
 249 08/29/2003 (153012)
 250 07/01/2003 (134010)
 251 06/10/2004 (269300)
 252 11/19/2002 (14903)
 253 08/27/2003 (152752)
 254 05/19/2004 (270887)
 255 09/26/2002 (11809)
 256 12/29/2003 (258553)

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

Date: 07/14/2000 (130018)

Self Report? NO
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Classification: Moderate

Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	
	Description: FLR TO ATTACH OP PLAN	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	
	Description: FAILURE TO NOTIFY	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	
	Description: FLR TO ATTACH OP PLAN	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	
	Description: FAILURE TO NOTIFY	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	
	Description: FAILURE TO NOTIFY	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	
	Description: FAILURE TO NOTIFY	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	
	Description: FAILURE TO NOTIFY	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 113, SubChapter C 113.100[G]	
	Description: FAILURE TO SUBMIT NOT.	Classification: Moderate
Date:	01/10/2002 (246561)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: NON-RPT VIOS FOR MONIT PER OR PIPE	Classification: Moderate
Date:	05/30/2000 (130000)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.6[G]	
	Description: UPSET NOTIFICATION	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 115, SubChapter C 115.216(3)(A)[G]	
	Description: RECORDKEEPING	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 115, SubChapter D 115.352(1)(A)	
	Description: FAILURE TO REPAIR	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)	
	Description: FAILURE TO CAP LINES	Classification: Moderate
Date:	11/30/2001 (159124)	
Self Report?	NO	Classification: Moderate
YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	
Date:	07/20/2000 (130025)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.114(a)(1)	
	Description: ANBI, SEAL INSPECTIONS	
Date:	06/10/2004 (269300)	

Self Report? NO	Classification: Minor
Rqmt Prov: PERMIT IA	
Description: Numerous willows and tallows were observed growing in the embankments on the pond system.	
Date: 05/25/2000 (129999)	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]	
Description: UPSET VIOLATIONS	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov: OP IA	
Description: UPSET VIOLATIONS	
Self Report? NO	Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)	
Description: UPSET VIOLATIONS	
Self Report? NO	Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)	
Description: UPSET VIOLATIONS	
Date: 09/30/2002 (159117)	
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: 08/24/2000 (130037)	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]	
Description: FAILURE TO MONITOR	
Date: 09/30/2001 (159116)	
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: 09/21/2000 (130043)	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(c)	
Description: STATUS OF PEMS	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.211(f)[G]	
Description: FAILURE TO CERTIFY PEM	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]	
Description: FAILURE TO COMPLY	
Date: 08/31/2001 (159113)	
Self Report? YES	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
TWC Chapter 26 26.121(a)[G]	
Description: Failure to meet the limit for one or more permit parameter	
Date: 08/31/2000 (159112)	
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: 11/02/1999 (129972)	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)	
Description: NSPS STANDARDS	

Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: SPECIAL CONDITIONS
 Date: 06/30/2001 (159106)
 Classification: Moderate

Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/14/2000 (130060)
 Classification: Moderate

Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: EXCEEDED PERMIT LIMIT
 Classification: Moderate

Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
 Rqmt Prov: OP IA
 Description: EXCEEDED PERMIT LIMIT
 Date: 03/31/2002 (159095)
 Classification: Moderate

Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2001 (159086)
 Classification: Moderate

Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2003 (159091)
 Classification: Moderate

Self Report? NO
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
 Description: Failure to provide written notification of the container storage area for the hazardous waste railcar.
 Date: 04/20/2004 (264114)
 Classification: Minor

Self Report? NO
 Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]
 Description: Failure to prevent an unauthorized discharge near the 15 psi steam condensate pump next to Bldg#261 of the HMD unit.
 Classification: Minor

Self Report? NO
 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.
 Classification: Minor

F. Environmental audits.

Notice of Intent Date: 06/24/2004
 No DOV Associated

No Classification

Citation:

Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	04/05/2002
CLEAN TEXAS PROGRAM	LEADER	04/05/2002

J. Early compliance.

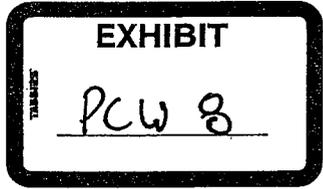
N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)		PCW Revision 11/15/02
TCEQ Policy Revision 2 (09/02)		
DATES		
PCW	13-Jan-2006	Screening
	22-Aug-2002	Priority Due
	21-Oct-2002	EPA Due
	5-Jun-2002	
RESPONDENT INFORMATION		
Respondent	E. I. du Pont de Nemours and Company, Inc.	
Respondent/Site ID No(s)	NPDES Permit No. TX0006327	
Facility/Site Region	10 - Beaumont	Major/Minor Source
		Major
CASE INFORMATION		
Enf./Case ID No(s)	8541	No. Violations
Docket No.	2004-1135-MLM-E	2
Case Priority	6	Order Type
		1660 without deferral
Enf. Coordinator	Pamela Campbell	EC's Unit/Region
		Enforcement Team 8
Media Program(s)	Water Quality	
Admin. Penalty \$ Limit	Minimum \$0	Maximum \$10,000

Penalty Calculation Section		
TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1 <input type="text" value="\$4,500"/>
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	91% Enhancement	Subtotals 2, 3 & 7 <input type="text" value="\$4,095"/>
Notes	The respondent self-reported 8 months of effluent violations, received 8 NOVs for unrelated violations and two 1660 TCEQ Agreed Orders, Docket No. 2001-0925-MLM-E, effective April 6, 2002 and Docket No. 2002-0440-AIR-E, effective April 25, 2003.	
Culpability	0% Enhancement	Subtotal 4 <input type="text" value="\$0"/>
Notes	The respondent does not meet the culpability criteria.	
Good Faith Effort to Comply	10% Reduction	Subtotal 5 <input type="text" value="-\$450"/>
Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer
Ordinary		x
None of the above	(mark with small x)	
Notes	The respondent returned to compliance in March 2003.	
Economic Benefit	50% Enhancement*	Subtotal 6 <input type="text" value="\$2,250"/>
	\$23,000 Total EB Amounts	*
	\$20,000 Approx. Cost of Compliance	=
SUM OF SUBTOTALS 1-7		Final Subtotal <input type="text" value="\$10,395"/>
OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment <input type="text" value="\$0"/>
Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)		
Notes		
STATUTORY LIMIT ADJUSTMENT		Final Penalty Amount <input type="text" value="\$10,395"/>
		Final Assessed Penalty <input type="text" value="\$10,395"/>
DEFERRAL	Deferral <input type="text" value=""/> Reduction	Adjustment <input type="text" value="\$0"/>
Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)		
Notes	No deferral because this is not an expedited order.	
PAYABLE PENALTY		<input type="text" value="\$10,395"/>



Screening Date 22-Aug-2002 **Docket Number** 2004-1135-MLM-E **PCW**
Respondent E. I. du Pont de Nemours and Company, Inc. **Policy Revision 2 (09/02)**
Case ID No. 8541 **PCW Revision 11/15/02**
Respondent/Site ID No. NPDES Permit No. TX0006327
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell
Site Address Farm-to-Market Road 1006 approximately three miles southwest of the City of Orange, Orange County, Texas

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)	8	40%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 no violations were disclosed)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	Environmental management systems in place for one year or more	no	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	no	0%
	Participation in a voluntary pollution reduction program	yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	no	0%

Please enter Yes or No

Adjustment Percentage (Subtotal 2) 91%

>> **Repeat Violator (Subtotal 3)**

No Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes The respondent self-reported 8 months of effluent violations, received 8 NOVs for unrelated violations and two 1660 TCEQ Agreed Orders, Docket No. 2001-0925-MLM-E, effective April 6, 2002 and Docket No. 2002-0440-AIR-E, effective April 25, 2003.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 91%

Screening Date 22-Aug-02	Docket Number 2004-1135-MLM-E	PCW
Respondent E. I. du Pont de Nemours and Company, Inc.		Policy Revision 2 (09/02)
Case ID No. 8541		PCW Revision 11/15/02
Respondent/Site ID No. NPDES Permit No. TX0006327		
Media [Statute] Water Quality		
Enf. Coordinator Pamela Campbell		
Violation Number 1		
Primary Rule Cite Tex. Admin. Code § 305.125(1), Water Quality Permit No. 00475, TPDES Permit No. 00475 Effluent Limitations and Monitoring Requirements No. 1, and NPDES Permit No. TX0006327		
Secondary Cite(s)		
Violation Description Failure to comply with the effluent limits for outfalls 101A and 201A as noted in the attached effluent violation chart.		
Base Penalty		\$10,000
» Environmental, Property and Human Health Matrix		
Harm		
	Release	Major Moderate Minor
OR	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input checked="" type="text"/>
Percent		<input type="text"/> 10%
» Programmatic Matrix		
	Falsification	Major Moderate Minor
OR	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
Percent		<input type="text"/>
Matrix Notes	Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment, as a result of exceedances at these two internal outfalls.	
Adjustment		<input type="text"/> -\$9,000
Base Penalty Subtotal		\$1,000
Violation Events		
Number of Violation Events		<input type="text"/> 2
<i>mark only one; use small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text"/>
Violation Base Penalty		\$2,000
Events Notes	A single event is recommended for each of the two internal outfalls referenced in this violation, in accordance with the penalty policy.	
Economic Benefit (EB) for this violation		Statutory Limit Test
Estimated EB Amount (\$) <input type="text"/> \$23,000		Violation Final Penalty total <input type="text"/> \$4,620
This Violation Final Assessed Penalty (adjusted for limits)		\$4,620

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company, Inc.
ID Number(s) 8541
Media [Statute] Water Quality
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$20,000	1-Aug-2000	1-Mar-2003	3.0	\$3,000	\$20,000	\$23,000
Notes for AVOIDED costs							
This is the estimated cost for additional oversight and training to maintain compliance at the wastewater treatment facility.							

Approx Cost of Compliance

TOTAL

Screening Date 22-Aug-02 **Docket Number** 2004-1135-MLM-E **PCW**
Respondent E. I. du Pont de Nemours and Company, Inc. **Policy Revision 2 (09/02)**
Case ID No. 8541 **PCW Revision 11/15/02**
Respondent/Site ID No. NPDES Permit No. TX0006327
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell
Violation Number 2
Primary Rule Cite Tex. Water Code § 26.121(a) and NPDES Permit No. TX0006327, A Effluent Limitations and Monitoring Requirements
Secondary Cite(s)
Violation Description Failure to comply with the permit limit for pH range excursions for >60 minutes at outfall 001.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			x	Percent 25%
	Potential				

» Programmatic Matrix

		Falsification	Major	Moderate	Minor	
OR						Percent

Matrix Notes
 Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment. The amounts discharged at the time of the violations were insignificant and did not exceed levels protective of human health or the environment.

Adjustment -\$7,500
Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Events Notes
 One quarterly event is recommended for the March 2002 noncompliance.

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

Estimated EB Amount (\$) \$0 **Violation Final Penalty total** \$5,775

This Violation Final Assessed Penalty (adjusted for limits) \$5,775

Economic Benefit Worksheet

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

ID Number(s) 8541

Media [Statute] Water Quality

Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

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

Notes for AVOIDED costs

See violation no. 1 for economic benefit.

Approx Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. Dupont De Nemours and Company	Classification: AVERAGE	Rating: 2.080
Regulated Entity:	RN100542711	DUPONT SABINE RIVER WORKS	Classification: AVERAGE	Site Rating: 2.19
ID Number(s):	AIR OPERATING PERMITS	PERMIT		1882
	AIR OPERATING PERMITS	PERMIT		2331
	AIR OPERATING PERMITS	PERMIT		2075
	AIR OPERATING PERMITS	PERMIT		2074
	AIR OPERATING PERMITS	PERMIT		2055
	AIR OPERATING PERMITS	PERMIT		2001
	AIR OPERATING PERMITS	PERMIT		1996
	AIR OPERATING PERMITS	PERMIT		1901
	AIR OPERATING PERMITS	PERMIT		1900
	AIR OPERATING PERMITS	PERMIT		1899
	AIR OPERATING PERMITS	PERMIT		1898
	AIR OPERATING PERMITS	PERMIT		1897
	AIR OPERATING PERMITS	PERMIT		1896
	AIR OPERATING PERMITS	PERMIT		1895
	AIR OPERATING PERMITS	PERMIT		1868
	AIR OPERATING PERMITS	PERMIT		1350
	AIR OPERATING PERMITS	ACCOUNT NUMBER		OC0007J
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT		50230
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30019
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD008079642
	STORMWATER	PERMIT		TXR05L392
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1810114
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50230
	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT		50230
	WATER LICENSING	LICENSE		1810114
	UNDERGROUND INJECTION CONTROL IHW	PERMIT		WDW282
	UNDERGROUND INJECTION CONTROL IHW	PERMIT		WDW191
	UNDERGROUND INJECTION CONTROL IHW	PERMIT		WDW055
	UNDERGROUND INJECTION CONTROL IHW	PERMIT		WDW054
	AIR NEW SOURCE PERMITS	PERMIT		53326
	AIR NEW SOURCE PERMITS	PERMIT		52687
	AIR NEW SOURCE PERMITS	PERMIT		43041
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		OC0007J
	AIR NEW SOURCE PERMITS	PERMIT		47720
	AIR NEW SOURCE PERMITS	PERMIT		47678
	AIR NEW SOURCE PERMITS	PERMIT		47671
	AIR NEW SOURCE PERMITS	PERMIT		46790
	AIR NEW SOURCE PERMITS	PERMIT		45956
	AIR NEW SOURCE PERMITS	PERMIT		45958
	AIR NEW SOURCE PERMITS	PERMIT		45950
	AIR NEW SOURCE PERMITS	PERMIT		45766
	AIR NEW SOURCE PERMITS	PERMIT		44528
	AIR NEW SOURCE PERMITS	PERMIT		44499
	AIR NEW SOURCE PERMITS	PERMIT		44206

EXHIBIT

CH8

AIR NEW SOURCE PERMITS	PERMIT	42060
AIR NEW SOURCE PERMITS	PERMIT	43816
AIR NEW SOURCE PERMITS	PERMIT	43815
AIR NEW SOURCE PERMITS	PERMIT	42054
AIR NEW SOURCE PERMITS	PERMIT	41263
AIR NEW SOURCE PERMITS	PERMIT	40371
AIR NEW SOURCE PERMITS	PERMIT	38906
AIR NEW SOURCE PERMITS	PERMIT	38853
AIR NEW SOURCE PERMITS	PERMIT	38402
AIR NEW SOURCE PERMITS	PERMIT	37818
AIR NEW SOURCE PERMITS	PERMIT	37488
AIR NEW SOURCE PERMITS	PERMIT	36877
AIR NEW SOURCE PERMITS	PERMIT	36731
AIR NEW SOURCE PERMITS	PERMIT	36872
AIR NEW SOURCE PERMITS	PERMIT	36046
AIR NEW SOURCE PERMITS	PERMIT	36608
AIR NEW SOURCE PERMITS	PERMIT	35863
AIR NEW SOURCE PERMITS	PERMIT	33521
AIR NEW SOURCE PERMITS	PERMIT	33081
AIR NEW SOURCE PERMITS	PERMIT	32733
AIR NEW SOURCE PERMITS	PERMIT	28148
AIR NEW SOURCE PERMITS	PERMIT	26410
AIR NEW SOURCE PERMITS	PERMIT	26325
AIR NEW SOURCE PERMITS	PERMIT	26158
AIR NEW SOURCE PERMITS	PERMIT	25167
AIR NEW SOURCE PERMITS	PERMIT	26132
AIR NEW SOURCE PERMITS	PERMIT	24252
AIR NEW SOURCE PERMITS	PERMIT	23646
AIR NEW SOURCE PERMITS	PERMIT	22977
AIR NEW SOURCE PERMITS	PERMIT	22895
AIR NEW SOURCE PERMITS	PERMIT	21236
AIR NEW SOURCE PERMITS	PERMIT	20204
AIR NEW SOURCE PERMITS	PERMIT	17157
AIR NEW SOURCE PERMITS	PERMIT	16327
AIR NEW SOURCE PERMITS	PERMIT	12967
AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	10447
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	9176
AIR NEW SOURCE PERMITS	PERMIT	7021
AIR NEW SOURCE PERMITS	PERMIT	5745
AIR NEW SOURCE PERMITS	PERMIT	4583
AIR NEW SOURCE PERMITS	PERMIT	2490
AIR NEW SOURCE PERMITS	PERMIT	2116
AIR NEW SOURCE PERMITS	PERMIT	2004
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	PERMIT	1468
AIR NEW SOURCE PERMITS	PERMIT	1423C
AIR NEW SOURCE PERMITS	PERMIT	1423B
AIR NEW SOURCE PERMITS	PERMIT	1423A
AIR NEW SOURCE PERMITS	PERMIT	1423
AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	PERMIT	1303

AIR NEW SOURCE PERMITS	PERMIT	1302
AIR NEW SOURCE PERMITS	PERMIT	914A
AIR NEW SOURCE PERMITS	PERMIT	914
AIR NEW SOURCE PERMITS	PERMIT	9629
WATER RIGHTS	ID NUMBER	4664
WASTEWATER	PERMIT	WQ0000475000
AIR NEW SOURCE PERMITS	REGISTRATION	72989
AIR NEW SOURCE PERMITS	REGISTRATION	51530
AIR NEW SOURCE PERMITS	REGISTRATION	51405
AIR NEW SOURCE PERMITS	REGISTRATION	51509
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	54185
AIR NEW SOURCE PERMITS	PERMIT	54855
AIR NEW SOURCE PERMITS	PERMIT	53847
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	PERMIT	53853
AIR NEW SOURCE PERMITS	PERMIT	53329
AIR NEW SOURCE PERMITS	PERMIT	53328
AIR NEW SOURCE PERMITS	PERMIT	53327
AIR NEW SOURCE PERMITS	PERMIT	53325
AIR NEW SOURCE PERMITS	PERMIT	53324
AIR NEW SOURCE PERMITS	PERMIT	56029
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56027
AIR NEW SOURCE PERMITS	PERMIT	56030
AIR NEW SOURCE PERMITS	PERMIT	56002
AIR NEW SOURCE PERMITS	PERMIT	56007
AIR NEW SOURCE PERMITS	PERMIT	52334
AIR NEW SOURCE PERMITS	PERMIT	52381
AIR NEW SOURCE PERMITS	PERMIT	56241
AIR NEW SOURCE PERMITS	PERMIT	52341
AIR NEW SOURCE PERMITS	PERMIT	52340
AIR NEW SOURCE PERMITS	PERMIT	50464
AIR NEW SOURCE PERMITS	PERMIT	52212
AIR NEW SOURCE PERMITS	PERMIT	56327
AIR NEW SOURCE PERMITS	PERMIT	52194
AIR NEW SOURCE PERMITS	PERMIT	52193
AIR NEW SOURCE PERMITS	PERMIT	52192
AIR NEW SOURCE PERMITS	PERMIT	52186
AIR NEW SOURCE PERMITS	PERMIT	52185
AIR NEW SOURCE PERMITS	PERMIT	52183
AIR NEW SOURCE PERMITS	PERMIT	52181
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	PERMIT	52187
AIR NEW SOURCE PERMITS	PERMIT	52184
AIR NEW SOURCE PERMITS	PERMIT	52182
AIR NEW SOURCE PERMITS	PERMIT	56576
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	71720
AIR NEW SOURCE PERMITS	REGISTRATION	71444
AIR NEW SOURCE PERMITS	REGISTRATION	71338

AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	REGISTRATION	56106
AIR NEW SOURCE PERMITS	AFS NUM.	0002
AIR NEW SOURCE PERMITS	PERMIT	56297
AIR NEW SOURCE PERMITS	PERMIT	56309
AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	REGISTRATION	55356
AIR NEW SOURCE PERMITS	REGISTRATION	55395
AIR NEW SOURCE PERMITS	REGISTRATION	55351
AIR NEW SOURCE PERMITS	REGISTRATION	55091
AIR NEW SOURCE PERMITS	REGISTRATION	55029
AIR NEW SOURCE PERMITS	REGISTRATION	54959
AIR NEW SOURCE PERMITS	REGISTRATION	54974
AIR NEW SOURCE PERMITS	PERMIT	71863
AIR NEW SOURCE PERMITS	REGISTRATION	72030

Location: 3055 FM 1006, ORANGE, TX, 77631 Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 13, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 13, 1998 to June 13, 2003

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

Name: Pamela Campbell Phone: (512) 239-4493

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: 4/25/03 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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: 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)

Citation: Permit 914, SC 14I PERMIT

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

Effective Date: 4/6/02

ADMINORDER 2001-0925-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: 1790, SC 14D PERMIT

Description: Failure to conduct an annual visual inspection on the internal floating roofs of Tanks 41 and 42 for 2000.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.319(c)(G)
30 TAC Chapter 117, SubChapter E 117.530(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit written quarterly reports for all periods of excess emissions at the Adipic Acid Unit.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: The facility failed to provide flow measuring devices for the filter backwash water and recycled decant water.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)

Description: The facility failed to calibrate the online pH meter at least once each day.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 07/19/2000 (130018)

2 07/07/2000 (130017)

3 06/23/2000 (130016)

4 06/23/2000 (130015)

5 06/23/2000 (130014)

6 06/18/2000 (130013)

7 01/10/2002 (246561)

8 08/20/2002 (8387)
9 06/18/2000 (130012)
10 06/18/2000 (130011)
11 06/18/2000 (130010)
12 06/18/2000 (130009)
13 06/18/2000 (130008)
14 06/18/2000 (130007)
15 06/18/2000 (130006)
16 04/13/2003 (31391)
17 06/18/2000 (130005)
18 06/18/2000 (130004)
19 06/18/2000 (130003)
20 06/06/2000 (130002)
21 06/01/2000 (130001)
22 01/28/2000 (159130)
23 12/18/2002 (18737)
24 01/16/2003 (159129)
25 09/26/2002 (11826)
26 11/08/2002 (16114)
27 01/24/2002 (159128)
28 07/19/2000 (130019)
29 01/29/2001 (159127)
30 07/19/2000 (130020)
31 06/01/2000 (130000)
32 07/19/2000 (130021)
33 12/21/1999 (159126)
34 07/19/2000 (130022)
35 12/20/2002 (159125)
36 07/19/2000 (130023)
37 07/20/2000 (130024)
38 08/01/2000 (130025)
39 12/17/2001 (159124)
40 08/01/2000 (130026)
41 05/16/2003 (28165)
42 12/18/2000 (159123)
43 08/01/2000 (130027)
44 08/02/2000 (130028)
45 11/22/1999 (159122)
46 04/13/2003 (31376)
47 03/20/2002 (IE0017847001001)
48 08/18/2000 (130029)
49 05/26/2000 (129999)
50 08/18/2000 (130030)
51 11/21/2002 (159121)
52 05/05/2000 (129998)
53 08/18/2000 (130031)
54 03/27/2003 (26363)
55 05/05/2000 (129997)
56 08/18/2000 (130032)
57 11/19/2001 (159120)
58 05/05/2000 (129996)
59 08/24/2000 (130033)

60 05/05/2000 (129995)
61 08/24/2000 (130034)
62 05/05/2000 (129994)
63 08/24/2000 (130035)
64 11/27/2000 (159119)
65 05/05/2000 (129993)
66 08/24/2000 (130036)
67 05/05/2000 (129992)
68 08/25/2000 (130037)
69 10/18/1999 (159118)
70 05/05/2000 (129991)
71 05/05/2000 (129990)
72 05/05/2000 (129989)
73 10/25/2002 (159117)
74 08/30/2000 (130038)
75 04/13/2003 (31386)
76 05/05/2000 (129988)
77 08/30/2000 (130039)
78 01/21/2000 (129987)
79 08/30/2000 (130040)
80 12/22/1999 (129986)
81 09/21/2000 (130041)
82 12/22/1999 (129985)
83 09/21/2000 (130042)
84 11/01/2001 (159116)
85 12/22/1999 (129984)
86 09/21/2000 (130043)
87 10/28/2002 (10886)
88 08/20/2002 (8425)
89 12/22/1999 (129983)
90 10/24/2000 (159115)
91 12/22/1999 (129982)
92 04/16/2003 (26146)
93 12/22/1999 (129981)
94 09/18/2002 (159114)
95 12/22/1999 (129980)
96 12/22/1999 (129979)
97 12/22/1999 (129978)
98 12/22/1999 (129977)
99 09/21/2001 (159113)
100 09/26/2002 (10956)
101 09/28/2000 (130044)
102 12/22/1999 (129976)
103 09/28/2000 (130045)
104 12/09/1999 (129975)
105 09/28/2000 (130046)
106 12/09/1999 (129974)
107 09/28/2000 (130047)
108 12/08/1999 (129973)
109 08/29/2002 (6836)
110 09/25/2000 (159112)
111 09/28/2000 (130048)

112 09/28/2000 (130049)
113 05/23/2002 (285872)
114 08/19/2002 (159111)
115 09/28/2000 (130050)
116 09/28/2000 (130051)
117 08/22/2001 (159110)
118 10/06/2000 (130052)
119 11/03/1999 (129972)
120 10/27/2000 (130053)
121 08/23/2000 (159109)
122 10/06/1999 (129971)
123 12/07/2000 (130054)
124 12/07/2000 (130055)
125 12/07/2000 (130056)
126 08/06/2002 (159107)
127 12/07/2000 (130057)
128 12/07/2000 (130058)
129 12/07/2000 (130059)
130 12/20/2000 (130060)
131 04/13/2003 (31383)
132 07/24/2001 (159106)
133 04/16/2003 (33743)
134 07/27/2000 (159105)
135 01/15/2003 (20284)
136 12/21/2000 (130061)
137 08/20/2002 (6454)
138 01/18/2001 (130062)
139 06/27/2002 (159103)
140 02/09/2001 (130063)
141 12/02/2002 (17606)
142 03/01/2001 (130064)
143 06/25/2001 (159102)
144 03/01/2001 (130065)
145 12/18/2002 (18754)
146 03/01/2001 (130066)
147 06/27/2000 (159101)
148 03/01/2001 (130067)
149 05/19/2003 (159100)
150 03/01/2001 (130068)
151 03/29/2001 (130069)
152 05/23/2002 (159099)
153 03/30/2001 (130070)
154 12/04/2001 (159098)
155 05/30/2000 (159097)
156 02/28/2000 (159085)
157 04/15/2003 (159096)
158 08/20/2002 (6664)
159 02/22/2001 (159086)
160 04/26/2002 (159095)
161 04/24/2001 (159094)
162 02/25/2002 (159087)
163 08/23/2001 (284795)

164 04/20/2000 (159093)
165 02/21/2003 (159088)
166 03/28/2000 (159092)
167 03/20/2001 (159089)
168 03/27/2002 (159090)
169 03/21/2003 (159091)
170 10/15/2002 (13368)
171 08/20/2002 (6442)
172 06/15/2000 (30414)
173 09/23/1999 (30413)
174 06/15/2000 (30412)
175 04/28/2000 (30411)
176 04/28/2000 (30410)
177 04/28/2000 (30409)
178 04/28/2000 (30408)
179 04/28/2000 (30407)
180 11/19/2002 (14903)
181 09/26/2002 (11809)

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

Date: 07/14/2000 (130018)

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FLR TO ATTACH OP PLAN

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FLR TO ATTACH OP PLAN

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: FAILURE TO NOTIFY

Classification: Moderate

Self Report? NO

Classification: Moderate

Citation:	30 TAC Chapter 113, SubChapter C 113.100[G]	Classification: Moderate
Date:	01/10/2002 (246561)	
Self Report?	NO	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	Classification: Moderate
Description:	FAILURE TO SUBMIT NOT.	
Date:	01/10/2002 (246561)	
Self Report?	NO	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	Classification: Moderate
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Date:	01/10/2002 (246561)	
Self Report?	NO	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	Classification: Moderate
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Date:	05/30/2000 (130000)	
Self Report?	NO	
Citation:	30 TAC Chapter 101, SubChapter A 101.6[G]	Classification: Moderate
Description:	UPSET NOTIFICATION	
Date:	05/30/2000 (130000)	
Self Report?	NO	
Citation:	30 TAC Chapter 115, SubChapter C 115.216(3)(A)[G]	Classification: Moderate
Description:	RECORDKEEPING	
Date:	05/30/2000 (130000)	
Self Report?	NO	
Citation:	30 TAC Chapter 115, SubChapter D 115.352(1)(A)	Classification: Moderate
Description:	FAILURE TO REPAIR	
Date:	05/30/2000 (130000)	
Self Report?	NO	
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)	Classification: Moderate
Description:	FAILURE TO CAP LINES	
Date:	11/30/2001 (159124)	
Self Report?	YES	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	Classification: Moderate
Description:	Failure to meet the limit for one or more permit parameter	
Date:	07/20/2000 (130025)	
Self Report?	NO	
Citation:	30 TAC Chapter 115, SubChapter B 115.114(a)(1)	Classification: Moderate
Description:	ANBI, SEAL INSPECTIONS	
Date:	05/25/2000 (129999)	
Self Report?	NO	
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]	Classification: Moderate
Description:	UPSET VIOLATIONS	
Date:	05/25/2000 (129999)	
Self Report?	NO	
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	Classification: Moderate
Rqmt Prov:	OP IA	
Description:	UPSET VIOLATIONS	
Date:	05/25/2000 (129999)	
Self Report?	NO	
Citation:	5C THC Chapter 382, SubChapter A 382.085(a)	Classification: Moderate
Description:	UPSET VIOLATIONS	
Date:	05/25/2000 (129999)	
Self Report?	NO	
Citation:	5C THC Chapter 382, SubChapter A 382.085(a)	Classification: Moderate
Description:	UPSET VIOLATIONS	
Date:	09/30/2002 (159117)	
Self Report?	YES	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	Classification: Moderate
Description:	Failure to meet the limit for one or more permit parameter	
Date:	08/24/2000 (130037)	
Self Report?	NO	
Description:	UPSET VIOLATIONS	Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: FAILURE TO MONITOR
Date: 09/30/2001 (159116) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 09/21/2000 (130043) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 117, SubChapter B 117.211(c)
Description: STATUS OF PEMS
Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 117, SubChapter B 117.211(f)[G]
Description: FAILURE TO CERTIFY PEM
Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 117, SubChapter B 117.213(f)[G]
Description: FAILURE TO COMPLY
Classification: Moderate
Date: 08/31/2001 (159113) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2000 (159112) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 11/02/1999 (129972) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: NSPS STANDARDS
Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: SPECIAL CONDITIONS
Date: 06/30/2001 (159106) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/14/2000 (130060) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: EXCEEDED PERMIT LIMIT
Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
Rqmt Prov: OP IA
Description: EXCEEDED PERMIT LIMIT
Date: 03/31/2002 (159095) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2001 (159086)

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 (159091)

Self Report?
YES

Classification: Moderate

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

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	04/05/2002
CLEAN TEXAS PROGRAM	LEADER	04/05/2002

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 DBA DU PONT
SABINE RIVER WORKS,
RN100542711

§
§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2004-1135-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E.I. du Pont de Nemours and Company dba Du Pont Sabine River Works ("Du Pont") under the authority of TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE chs. 341 and 382, 40 CODE OF FEDERAL REGULATIONS (CFR) chs. 60 and 61 and TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Du Pont represented by Danny G. Worrell of the law firm of Brown McCarroll, L.L.P., appear before the Commission and together stipulate that:

1. Du Pont owned and operated a chemical manufacturing plant with a public water system located at 3055 Farm-to-Market Road 1006, Orange, Orange County, Texas (the "Plant"). The public water system serves at least 25 people per day for at least 60 days per year.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 26 and TCEQ rules.
3. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
4. 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.

5. Du Pont received notice of the violations alleged in Section II ("Allegations") on or about January 22, 2003, June 30, 2003, August 27, 2003, December 20, 2003, March 17, 2004, May 3, 2004, June 29, 2004, August 25, 2004, December 4, 2004, March 8 2005 and July 18, 2005.
6. 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.
7. An administrative penalty in the amount of one hundred seventy-six thousand five hundred seventy-five dollars (\$176,575.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Du Pont has paid eighty-eight thousand two hundred eighty-eight dollars (\$88,288.00) of the administrative penalty. Eighty-eight thousand two hundred eighty-seven dollars (\$88,287.00) of the assessed administrative penalty shall be offset with the condition that Du Pont implement the SEP defined in Attachment A, incorporated herein by reference. Du Pont's obligation to pay the conditionally offset portion of the administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
8. 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.
9. 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.
10. The Executive Director recognizes that Du Pont sold major portions of the Plant on or about April 30, 2004.
11. 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.
12. 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.
13. 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

Du Pont is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F); TCEQ Air Permit Nos. 9176 and 20204, Maximum Allowable Emission Rate Table ("MAERT"); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to comply with an emissions limitation by allowing 11 unauthorized emissions events as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 1 ("Attachment B") for details concerning the 11 emissions events.
2. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F); TCEQ Air Permit No. 914, MAERT; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to comply with an emissions limitation on June 25, 2003 from 12:28 to 12:37 hours when a Plant wide incident caused an electrical upset resulting in equipment shutdowns which caused several reportable emissions events including the release of 49,050 pounds of propylene from the Propylene Feed Header, Emissions Point Number ("EPN") DA01401, as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.
3. 30 TEX. ADMIN. CODE § 101.201(a)(1), (a)(1)(B) and (b)(4); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to properly notify the TCEQ regional office of reportable emissions events as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. See Table 2 ("Attachment C") for details concerning the reportable emissions events.
4. 30 TEX. ADMIN. CODE § 101.201(a)(1) and (a)(1)(B); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to notify the TCEQ regional office of two reportable emissions events within 24 hours as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. See Table 2 ("Attachment C") for details concerning the reportable emissions events.
5. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c); TCEQ Air Permit No. 1790, Special Condition No. 1, MAERT; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain an emission rate below the MAERT limits as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 3 ("Attachment D") for details concerning the emission rate.
6. 30 TEX. ADMIN. CODE § 117.207(a); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain an emission rate below the allowable plant wide oxides of nitrogen ("NOx") limit as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004.

Specifically, the established NO_x emissions plant wide limit on the GE PG711 83 MW Turbine, EPN PG-14, is 180.100 pounds/hour. On May 23, 2003, from 07:15-08:15 hours, a reportable emissions event occurred at the Cogeneration Area which resulted in the release of 532.590 pounds of nitric oxide ("NO") and 266.140 pounds of nitrogen dioxide ("NO₂") from EPN PG-14, approximately 619 pounds of NO_x (344%) above the limit. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

7. 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 111.111(a)(4)(A) and 116.115(b)(2)(F); TCEQ Air Permit No. 914, Special Conditions Nos. 1, 2 and 4; 40 C.F.R. §§ 60.18(c) and 61.349(a)(2)(iii); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing maintain an emissions rate below the allowable emission limit as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, on June 25, 2003, from 12:15 to 13:45 hours, the Plant released 7,789 pounds of carbon monoxide ("CO"), 1,359.45 pounds of NO₂ and 1 pound NO_x from the Ethylene Operating Flare CB-801 for a duration of 1 hour 30 minutes. Additionally, the Respondent reported that the Ethylene Operating Flare CB-801 smoked for approximately 1 hour 30 minutes during the June 25, 2003 emissions event which is more than the five minutes allowed in any consecutive two hour period. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 4 ("Attachment E") for details concerning the emission event.
8. 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 111.111(a)(4)(A), 113.110 and 116.115(c); TCEQ Air Permit No. 1302, Special Condition No. 2; 40 CFR §§ 60.112b(a)(3)(ii) and 61.349(a)(2)(iii); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to properly operate a flare as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, on June 25, 2003, from 12:15 to 12:30 hours, an emissions event occurred that resulted in the ADN Operating Flare, EPN PP-3, smoking for a duration of 15 minutes which is more than the five minutes allowed in any consecutive two hour period.
9. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to comply with an emissions limitation as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Since the emissions events were avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 5 ("Attachment F") for details concerning the emission events.
10. 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 111.111(a)(4)(A)(i); TCEQ Air Permit Nos. 1302, 1790, and 9629, General Condition MAERT; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain emission rate below the permitted limit as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Since the emissions events were avoidable or not properly reported, Du Pont failed to meet the

demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 5 (“Attachment F”) for details concerning the emission rate.

11. 30 TEX. ADMIN. CODE § 101.201(a)(1)(B), (a)(2)(H), (b)(4) and (b)(7); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to include all required information on the final report of an emissions event as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Specifically, the authorized emission limits, individually listed compounds and facility identification number (“FIN”) were not included in the final report for an unauthorized emission event that occurred on October 20, 2002. Additionally, there was a failure to notify the TCEQ within 24 hours of the event.
12. 30 TEX. ADMIN. CODE § 101.201(a)(2)(H), (b)(4) and (b)(7) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to include all required information on the final reports of emissions events as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Specifically, the authorized emission limits and facility identification number (“FIN”) were not included in the final report for an unauthorized emission event that occurred on November 4, 2002, December 20, 2002 and December 30, 2002.
13. 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by exceeding the Maximum Contaminant Level of 0.060 milligrams per liter based on a running annual average for haloacetic acids (HAA5) during the First Quarter 2004 as documented by an investigation on March 10, 2004. Specifically, the level for the first quarter 2004 was 0.684 milligrams per liter with a running average of 0.171 milligrams per liter for 2004.
14. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain an emission rate below the allowable emission limits as documented by an investigation occurring from February 2, 2005 through February 11, 2005. Specifically, on September 29, 2004, unauthorized emissions occurred during a reportable emissions event at the Building 572 High Pressure Separator Stack and Reactor Dump Stack. Simultaneously during a one minute period starting at 09:27 hours, 1,890 pounds of volatile organic compounds (“VOC”) and 210 pounds of VOC were emitted above limits at the respective stacks. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.
15. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F); TCEQ Air Permit No. 9176, Emission Standard No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent unauthorized emissions as documented by an investigation on July 25, 2005. Specifically, on July 26, 2004, during a reportable emissions event at the Blender Fines Collector Vent EPN PLUM-C, unauthorized emissions of 340 pounds of ethylene and 42 pounds of particulate matter (“PM”) resulted during a 17 hour 3 minute period. Since the emissions event was not

- properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.
16. 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to properly notify the TCEQ regional office of a reportable emissions event with 24 hours as documented by an investigation on July 25, 2005. The emissions event of July 26, 2004 began at 13:27 hours but was not reported until July 29, 2004 at 14:45 hours.
 17. 30 TEX. ADMIN. CODE § 101.201(b)(7) and (b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to comply with the final record requirements for an emissions event as documented by an investigation on July 25, 2005. The final report for the April 8, 2005 emissions event did not identify or quantify the amount of CO released, the NO_x emissions were not speciated and the authorized limits were not properly reported for EPN PP-3.
 18. 30 TEX. ADMIN. CODE § 116.115(b)(2) and (b)(2)(F); TCEQ Air Permit No. 1302, General Condition No. 8; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain an emission rate limit as documented by an investigation on July 25, 2005. Specifically, on April 8, 2004 during a two hour emissions event 840.06 pounds of NO_x and 307 pounds of hydrogen cyanide were released in excess of permit limits from EPN PP-3. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.
 19. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F); TCEQ Permit No. 20204, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing prevent unauthorized emissions as documented by an investigation on July 25, 2005. Specifically, on March 29, 2005, during an emissions event at the G-Unit, unauthorized emissions of 502.3 pounds of ethylene and 195.7 pounds of vinyl acetate were released from the Number 4 Recycle Compressor Fire Protection Dump, EPN PL-5H, during a three minute period. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.
 20. 30 TEX. ADMIN. CODE § 101.201(a)(2)(H) and (b)(4) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to properly identify the authorized emissions limits for the compounds released during an emissions event occurring November 28, 2003 to November 30, 2003 as documented during records review conducted from October 20, 2004 to November 3, 2004. Additionally, the final report listed the EPN as PH-3 rather than PP-3 and did not list CO among the air contaminants released.
 21. 30 TEX. ADMIN. CODE § 116.115(b); TCEQ Air Permit No. 1302, General Condition 8 MAERT; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to properly report an emissions event that began on November 28, 2003 as documented during records review

conducted from October 20, 2004 to November 3, 2004. Specifically, the authorized emissions limits for NOx from the Operating Flare EPN PP-3 were 20 pounds per hour and the flare emitted 35.7 pounds per hour of NOx over a period of 19 hours. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

22. TEX. HEALTH & SAFETY CODE § 382.085(a) by failing to prevent the release of unauthorized emissions at the D-Unit as documented by a records review on February 24, 2004. The facility released 366 pounds of ethylene and 80 pounds of vinyl acetate emissions during an emissions event on September 6, 2003.
23. 30 TEX. ADMIN. CODE §§ 101.20(2), 111.111(a)(4)(A) and 116.115(b)(2)(F) and (c); TCEQ Air Permit No. 914 Special Conditions Nos. 1, 2, and 4; 40 CFR § 61.349(a)(2)(iii); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain an emissions rate below the authorized emission rate for an emissions event that occurred on October 20, 2003 as documented by an investigation on October 20, 2003. Specifically, the Plant released 3,259 pounds of NOx, 16,946 pounds of CO, 7,686 pounds of ethylene, 962 pounds of 1, 3 butadiene, 471 pounds of benzene, 41 pounds of butane, 75 pounds of pentane, 43 pounds of propane, 187 pounds of propylene, 14 pounds of propadiene, 38 pounds of butylenes, 78 pounds of acetylene, 27 pounds of toluene, 3 pounds of styrene and 1 pounds of xylene during an emissions event that lasted 10 hours and 15 minutes.
24. 30 TEX. ADMIN. CODE §§ 115.352(2) and 116.115(c); TCEQ Air Permit No. 914 Special Condition No. 15.I; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to repair 72 components (valves) in VOC service during the April 23, 2003 to May 27, 2003 shutdown as documented during a June 8, 2003 investigation. Specifically, from April 14, 1998 through April 23, 2003 approximately 100 components had been placed on the shutdown list, however, 72 components were not repaired during the shutdown. The investigator estimates that these valves released 2.02 tons of emissions.
25. 30 TEX. ADMIN. CODE § 113.110 and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to use an approved EPA method to determine the concentration of substances in the cooling water of the Adiponitrile ("ADN") unit as documented during an investigation on May 21, 2003.
26. 30 TEX. ADMIN. CODE § 305.125(1); TCEQ Water Quality Permit No. 00475, TPDES Permit No. 00475 Effluent Limitations and Monitoring Requirement No. 1; and NPDES Permit No. TX0006327 by failing to comply with effluent limits for outfalls 101A and 201A as documented on March 20, 2002 and January 10, 2003 during records reviews. See Effluent Limit Violation Table ("Attachment G") for details concerning the violations.

27. TEX. WATER CODE § 26.121(a); and NPDES Permit No. TX0006327, Effluent Limitations and Monitoring Requirements by failing to comply with the permit limit for pH range excursions for more than 60 minutes at outfall 001 as documented on March 20, 2002 and January 10, 2003 during records reviews.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Du Pont pay an administrative penalty as set forth in Section I, Paragraph 7 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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: E.I. du Pont de Nemours and Company dba Du Pont Sabine River Works, Docket No. 2004-1135-MLM-E" to:

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

2. Du Pont shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. Eighty-eight thousand two hundred eighty-seven dollars (\$88,287.00) of the assessed administrative penalty shall be offset with the condition that Du Pont implement the SEP defined in Attachment A, incorporated herein by reference. Du Pont's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Du Pont shall undertake the following technical requirements:
- a. Within 45 days after the effective date of this Agreed Order, Du Pont shall correct and implement the revised Energy Control (ENCO) mechanics' procedures on taking the G-Unit Fire Protection System out of service to note requirements on the Number

4 Recycle Compressor, if in service, to avoid events similar to the March 29, 2005, emissions event.

- b. Within 60 days after the effective date of this Agreed Order, Du Pont shall submit written certification as described below, including detailed supporting documentation, to demonstrate compliance with Ordering Provision No. 3.a. above.
- c. Within 180 days after the effective date of the Agreed Order, Du Pont shall provide documentation of compliance with the running annual average of 0.060 mg/l for haloacetic acid, in accordance with 30 TEX. ADMIN. CODE § 290.113(f)(5).
- d. The certification required by Ordering Provision No. 3.b. shall be notarized by a State of Texas Notary Public and include the following certification language:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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.

- e. DuPont shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions, and all required certifications to:

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

and

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

4. 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 Plant operations referenced in this Agreed Order.
5. If Du Pont fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Du Pont's failure to comply is not a violation of this Agreed Order. Du Pont shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Du Pont shall notify the Executive Director within seven days after Du Pont becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Du Pont shall be made in writing to the Executive Director. Extensions are not effective until Du Pont receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

J. Bergeron Penhale
For the Executive Director

11/27/06
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

Gerald R. Ehrman
Signature

09/13/2006
Date

GERALD R. EHRMAN
Name (Printed or typed)

SITEMANAGER
Title

Authorized representative of
E.I. du Pont de Nemours and Company
dba Du Pont Sabine River Works

Attachment A
Docket Number: 2004-1135-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company dba Du Pont Sabine River Works
Amount of Penalty:	One hundred seventy-six thousand five hundred and seventy-five dollars (\$176,575.00)
Amount of Offset for the SEP:	Eighty-eight thousand two hundred eighty-seven dollars (\$88,287.00)
Type of SEP:	Pre-approved
Third-Party Recipient:	Ducks Unlimited
Location of SEP:	Orange, Texas (Orange County)

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Ducks Unlimited Reforestation and Enhancement of Tony Houseman State Park and Wildlife-Management Area at Blue Elbow Swamp. Restoration and enhancement of the forested wetlands located at Tony Houseman State Park & Wildlife Management Area at Blue Elbow Swamp between the Sabine River and Orange, Texas. The wetland has historically been impacted by heavy logging. Ducks Unlimited, Inc. will begin reforestation by planting 2.0 acres of Bald Cypress and Water Tupelo trees at a density of about 300 trees per acre. Planted trees will be approximately three feet in height, spaced 12 feet apart, and will be protected from herbivores using tree guards.

Undesirable exotic plants such as the Chinese Tallow tree will be removed. SEP monies will be used to pay for the cost of trees and for the equipment needed to plant trees and remove exotics, and for the labor associated with planting the trees and removing exotics.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

The restored forested wetland will serve as a filter for nutrients and heavy metals from runoff. Habitat for animals associated with forested wetlands, which are animals that depend upon tree cavities for nesting, such as squirrels and birds, will be restored. The trees planted in the restored wetland will sequester approximately 400 tons of CO₂ emissions over a forty year period.

C. Minimum Expenditure

The SEP is based upon the Respondent's agreement to spend at least **eighty-eight thousand two hundred eighty-seven dollars (\$88,287.00)** to complete the project described above and to comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall make the required contribution to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Ducks Unlimited
Attention: Ed Ritter
1620 FM 2218
Richmond, Texas 77469
(832) 595-0663

3. Records and Reporting

Concurrent with the payment of the SEP contribution, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the contribution to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP. The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

ATTACHMENT B

TABLE ONE - DuPont Sabina River Works

Violation 1: 11 Emission Events - No Emissions Authorized

Unit/EPN	Emission Date(s)	Time	Approx. Duration	Emitted Substance	Emissions (pounds)
Purge Compressor Discharge RV	04/23/03	0950-0956	6 min	Ethylene Vinyl Acetate	630.00 37.00
High pressure Off Gas RV	05/10/03	1010-1011	1 min	Ethylene	153.00
LPS Dump Valves and RV # 1684 EPN PL-7A	05/20/03	0212-0216	4 min	Ethylene Glycidyl Methacrylate Normal Butyl Acrylate	299.50 1.00 37.10
LPS Rupture Disks and Dump Valves	05/30/03	0800-0812	12 min	Ethylene	4,400.00
LPS Vent Stack EPN PL-7A	05/30/03	0545-0645	1 hour	Ethylene	400.00
Makeup Ethylene Header RV EPN PL-7A	06/25/03	0700-0742	42 min	Ethylene	975.00
Buildings 530, 539, and 166 EPN PL-7A	06/25/03	1215-1223	8 min	Ethylene Vinyl Acetate	4,700.00 300.00
4th St. and East Methanol Ave. EPN PL-7A	10/14/03	0845-1539	6 hours 54 min	Mineral Spirits Unknown Material	121.00 7.00
#2 Purge Compressor RV EPN PL-2A	11/13/03	0958-1000	2 min	Ethylene Vinyl Acetate	127.75 0.64
#2 Hyper Rupture Disc EPN PL-7A	12/03/03	0900-0905	5 min	Ethylene CO VOC	2,948.00 110.00 222.00
East Dryer Vent EPN PL-7A	12/19/03	1600-1630	30 min	Ethylene	249.00

ATTACHMENT C

TABLE TWO: Du Pont Sabine River Works

Violation 3 & 4: Failure to Properly Notify - Ten Events

Event Date (Incident No.)	Hours Duration	Violation
04/23/03 (19828)	0950-0956	Failure to include Facility ID Number (FIN) - "PL2A"
05/10/03 (20541)	1010-1011	Failure to include FIN "PL7A" and the Emission Point Number (EPN) "PL-7A"
05/20/03 (21141)	0121-01216	Failure to include correct Facility Common Name (FCN) "LPS" and FIN "PL7A" and Emission Point Common Name "LPS Dump Valves and Relief Valve #1684"
05/30/03 (21731)	0800-0812	Failure to include correct Facility Common Name (FCN) "LPS" and FIN "PL7A"
05/30/03 (21735)	0545-0645	Failure to include correct Facility Identification Name "LPS" and FIN "PL7A"
05/23/03 (21430)	0715-0815	Failure to include FIN "11TRB014"
06/25/03 (23397)	0740-0742	Failure to include FIN "PL2A"
06/25/03 (23443)	1215-1223	Failure to include FIN "PL3A"
06/25/03 (23450)	1228-1237	Failed to report within required time frame
12/19/03 (32895)	1600-1630	Failed to report within required time frame

ATTACHMENT D

TABLE THREE: DuPont Sabine River Works

Violation 5: One Emission Event - Pounds (#) Of Upset Emissions - % Exceedances

Permit/EPN	Date	Time	Emitted Compounds	MAERT Limits*	Emissions**	% above limits
Permit 1790 Nitrous Oxide(N ₂ O)/NO _x Abater EPN PD-50	03/12/04	1340-1444	N ₂ O	3,405.00	3,740.00	2.97%

* pounds/hour

** pounds

ATTACHMENT E

TABLE FOUR: DuPont Sabine River Works

Violation 7: One Emission Event - Pounds (#) Of Upset Emissions - % Exceedances

Permit/EPN	Date	Time	Emitted Compounds	MAERT Limits*	Emissions**	% above limits
<u>Permit 914</u>	06/25/03	1215-1345	CO NO, NO ₂ , NO _x	741.00 240.00	7789.00 1432.00	600.76% 297.78%
* pounds/hour						
** pounds						

ATTACHMENT F

Unauthorized Emission Events Violation Table Five

Respondent	E. I. du Pont de Nemours and Company	
ID Number(s)	TCEQ Air Account No. OC-0007-J; CN600128284; RN100542711	
Docket Number	2004-1135-MLM-E	
Enf. Coordinator	John Barry	
Corresponds to Violation Number:	9	

(Numeric Sequence) Tracking No.	Date	Unit	Permit	Permit Allowable (lbs./hr.)	Actual Emission (total in lbs.)
(1) 160270	10/04/02	D-Unit (Emission Point B572)	Air Permit No. 20204	n/a	ethylene (923)
(2) 160294	01/16/03	D-Unit (Emission Point B572)	Air Permit No. 20204	n/a	ethylene (260)
(3) 160296	03/10/03	D-Unit (Emission Point B572)	Air Permit No. 20204	n/a	ethylene (351); vinyl acetate (137)
Corresponds to Violation Number:	10				

(Numeric Sequence) Tracking No.	Date	Unit	Permit	Permit Allowable (lbs./hr.)	Actual Emission (lbs./hr.)	Actual Emission (total in lbs.)
(1) 160272	10/20/02	Turbine (EPN PG-14)	Air Permit No. 9629	NO _x 166	207	414
(2) 160278	11/04/02	Operating Flare (EPN PP-3)	Air Permit No. 1302	VOC 24	36	60
(3) 160281	11/04/02	Operating Flare (EPN PP-3)	Air Permit No. 1302	no visible emissions > 5 min. in 2 hr. period	visible emissions for 1 hr. and 30 min.	
(4) 160289	12/20/02	High Pressure Scrubber (EPN 5ABS-005) and Low Pressure Scrubber (EPN 5ABS-013)	Air Permit No. 1790	VOC 0	148	2,244
				CO 0	1,086	16,474
(5) 160293	12/30/02	Turbine (EPN PG-14)	Air Permit No. 9629	NO _x 166	228	244

ATTACHMENT G

