

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1308-AIR-E **TCEQ ID:** RN100216035 **CASE NO.:** 34406

RESPONDENT NAME: E. I. du Pont de Nemours and Company

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input checked="" type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: DuPont Beaumont Works Industrial Park, 5470 North Twin City Highway, Jefferson County</p> <p>TYPE OF OPERATION: Industrial organic chemicals plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Edward K. Reiff, Jr., Beaumont Works Plant Manager, P.O. Box 3269, E. I. du Pont de Nemours and Company, Beaumont, Texas 77704 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|--|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 7, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 13, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, an emissions event occurred on February 17, 2007 at a Re-Heater Flange Plug located in the Ammonia Oxidation Process Unit releasing 235.80 pounds of nitrogen oxides to the atmosphere for a period of two hours. The emissions from Re-Heater Flange Plug are not authorized by the permit. Since these emissions were avoidable, the demonstrations in TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.110(a)(1) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a)].</p> | <p>Total Assessed: \$4,950</p> <p>Total Deferred: \$990 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,960</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on August 6, 2007, Du Pont added the flange plug to the Ammonia Oxidation Process Retorque List, the procedure implemented following any shutdown of the Ammonia Oxidation Process Unit.</p> |

Additional ID No(s): AIR JE0033C



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|------------|
| DATES | Assigned | 16-Jul-2007 | Screening | 10-Aug-2007 | EPA Due | 8-Apr-2008 |
| | PCW | 31-Aug-2007 | | | | |

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

| CASE INFORMATION | | | |
|--|-----------------|--------------------------|-------------------|
| Enf./Case ID No. | 34406 | No. of Violations | 1 |
| Docket No. | 2007-1308-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Enf. Coordinator | Jessica Rhodes |
| Multi-Media | | EC's Team | EnforcementTeam 4 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |

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 | 108% Enhancement | Subtotals 2, 3, & 7 | \$2,700 |
|---------------------------|------------------|--------------------------------|----------------|

Notes Penalty enhancement due to 34 NOVs for unrelated violations and two agreed orders with a denial of liability.

| | | | | |
|--------------------|----|----------------|-------------------|------------|
| Culpability | No | 0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|----------------|-------------------|------------|

Notes The Respondent does not meet the culpability criteria.

| | | | |
|------------------------------------|---------------|-------------------|--------------|
| Good Faith Effort to Comply | 10% Reduction | Subtotal 5 | \$250 |
|------------------------------------|---------------|-------------------|--------------|

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

Notes The Respondent achieved compliance on August 6, 2007.

| | | | | |
|-----------------------------------|-------|--|-------------------|------------|
| Total EB Amounts | \$7 | 0% Enhancement* | Subtotal 6 | \$0 |
| Approx. Cost of Compliance | \$300 | <i>*Capped at the Total EB \$ Amount</i> | | |

| | | |
|-----------------------------|-----------------------|----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$4,950 |
|-----------------------------|-----------------------|----------------|

| | | | |
|---|--|-------------------|------------|
| 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 | \$4,950 |
|-----------------------------|----------------|

| | | |
|-----------------------------------|-------------------------------|----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$4,950 |
|-----------------------------------|-------------------------------|----------------|

| | | | |
|-----------------|---------------|-------------------|---------------|
| DEFERRAL | 20% Reduction | Adjustment | -\$990 |
|-----------------|---------------|-------------------|---------------|

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

Notes

Deferral offered for expedited settlement.

| | |
|------------------------|----------------|
| PAYABLE PENALTY | \$3,960 |
|------------------------|----------------|

Screening Date 10-Aug-2007 **Docket No.** 2007-1308-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 34406

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Jessica Rhodes

Compliance History Worksheet

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

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 0 | 0% |
| | Other written NOVs | 34 | 68% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 2 | 40% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 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 judgments or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 0 | 0% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 108%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to 34 NOVs for unrelated violations and two agreed orders with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 108%

| | | | |
|---|---|---|-------------------------------------|
| Screening Date 10-Aug-2007 | Docket No. 2007-1308-AIR-E | PCW | |
| Respondent E. I. du Pont de Nemours and Company | | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. 34406 | | <i>PCW Revision June 26, 2007</i> | |
| Reg. Ent. Reference No. RN100216035 | | | |
| Media [Statute] Air | | | |
| Enf. Coordinator Jessica Rhodes | | | |
| Violation Number | 1 | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 116.110(a)(1) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a) | | |
| Violation Description | Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on February 17, 2007 at a Re-Heater Flange Plug located in the Ammonia Oxidation Process Unit releasing 235.80 pounds of nitrogen oxides to the atmosphere for a period of two hours. The emissions from Re-Heater Flange Plug are not authorized by the permit. Since these emissions were avoidable, the demonstrations in Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met. | | |
| | Base Penalty | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Harm | | |
| | Major | Moderate | Minor |
| | Actual | Potential | Percent |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | 25% |
| >> Programmatic Matrix | | | |
| | Falsification | Major | Moderate |
| | Minor | | |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | | |
| | <input type="checkbox"/> | Percent | |
| | | | 0% |
| Matrix Notes | Human health or the environment was 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 | |
| | | \$2,500 | |
| Violation Events | | | |
| | Number of Violation Events | 1 | Number of violation days |
| | | 1 | |
| | | daily | |
| | | monthly | |
| | | quarterly | |
| | | semiannual | |
| | | annual | |
| | | single event | x |
| <i>mark only one with an x</i> | | | Violation Base Penalty |
| | | | \$2,500 |
| | One single event is recommended. | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | |
| | Estimated EB Amount | \$7 | Violation Final Penalty Total |
| | | | \$4,950 |
| | This violation Final Assessed Penalty (adjusted for limits) | | \$4,950 |

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 34406
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|-----|-----|-----|-----|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 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) | \$300 | 17-Feb-2007 | 6-Aug-2007 | 0.5 | \$7 | n/a | \$7 |

Notes for DELAYED costs
 Estimated cost to implement measures designed to prevent an emissions event due to the same cause as the February 17, 2007 emissions event. Date required is based on the date of the emissions event. Final date is based on the date compliance was achieved.

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 \$300

TOTAL \$7

Compliance History

| | | | | |
|-------------------------------------|---|---------------------------------------|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600128284 | E. I. du Pont de Nemours and Company | Classification: AVERAGE | Rating: 2.15 |
| Regulated Entity: | RN100216035 | DUPONT BEAUMONT WORKS INDUSTRIAL PARK | Classification: AVERAGE | Site Rating: 4.02 |
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | JE0033C | |
| | AIR OPERATING PERMITS | PERMIT | 1959 | |
| | AIR OPERATING PERMITS | PERMIT | 1960 | |
| | AIR OPERATING PERMITS | PERMIT | 1961 | |
| | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD008081101 | |
| | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 30010 | |
| | INDUSTRIAL AND HAZARDOUS WASTE STORAGE | PERMIT | 50166 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 16323 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 18127 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 24141 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 29106 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 29192 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 31224 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 31444 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 36730 | |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0033C | |
| | AIR NEW SOURCE PERMITS | PERMIT | 318 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1331 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1710 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1743 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1743A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 2053 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 2324 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 2340 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 2672 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 2796A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 3310 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 3879 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 4351 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 4351A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 4704 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 4752 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 5310 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 5777 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 6183 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 6301 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 8106 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 8143 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 10013 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 11844 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 12208 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 12368 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 12835 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 12888 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 12894 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 12895 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 12896 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 13542 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 14020 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 14134 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 14489 | |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 75823 | |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 75778 | |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 75676 | |
| | AIR NEW SOURCE PERMITS | AFS NUM | 4824500003 | |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 71190 | |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 71144 | |

| | | |
|--|-------------------------------------|--------------|
| AIR NEW SOURCE PERMITS | PERMIT | 52189 |
| AIR NEW SOURCE PERMITS | PERMIT | 54296 |
| AIR NEW SOURCE PERMITS | PERMIT | 50568 |
| AIR NEW SOURCE PERMITS | PERMIT | 52358 |
| AIR NEW SOURCE PERMITS | PERMIT | 71369 |
| AIR NEW SOURCE PERMITS | PERMIT | 54705 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73587 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX753 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW100 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW101 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW188 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW388 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW389 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW390 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW391 |
| WASTEWATER | PERMIT | WQ0000473000 |
| WASTEWATER | EPA ID | TPDES0004669 |
| WASTEWATER | PERMIT | TPDES0004669 |
| WASTEWATER | PERMIT | TX0004669 |
| PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1230066 |
| WATER LICENSING | LICENSE | 1230066 |
| IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) | 30010 |
| INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE | PERMIT | 50166 |
| INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS | PERMIT | 50166 |

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 10, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 10, 2002 to August 10, 2007

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

Name: Jessica Rhodes Phone: 512-239-2879

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? Yes
3. If Yes, who is the current owner? E. I. du Pont de Nemours and Company
4. If Yes, who was/were the prior owner(s)? Lucite International, Inc.
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: 10/10/2003

ADMINORDER 2002-1012-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Table 1A, Application Representations PERMIT

Description: Failure to prevent unauthorized emissions released at the Acrylonitrile Unit.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100[G]
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 18 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT

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

Effective Date: 05/12/2006

ADMINORDER 2005-1978-AIR-E

Classification: Moderate

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

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

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: 1743 PERMIT

1743/Special Conditions 4 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: 1743 PERMIT
1743/Special Condition 4 PERMIT

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

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 | 08/21/2002 | (6959) |
| 2 | 08/21/2002 | (6961) |
| 3 | 08/26/2002 | (157347) |
| 4 | 08/26/2002 | (7544) |
| 5 | 08/27/2002 | (9194) |
| 6 | 09/23/2002 | (157350) |
| 7 | 09/25/2002 | (11206) |
| 8 | 09/25/2002 | (11090) |
| 9 | 09/25/2002 | (11218) |
| 10 | 10/28/2002 | (157353) |
| 11 | 11/19/2002 | (14959) |
| 12 | 11/26/2002 | (17198) |
| 13 | 11/26/2002 | (17385) |
| 14 | 12/02/2002 | (157358) |
| 15 | 12/04/2002 | (14939) |
| 16 | 12/30/2002 | (157362) |
| 17 | 01/09/2003 | (18921) |
| 18 | 01/10/2003 | (286032) |
| 19 | 01/30/2003 | (157366) |
| 20 | 01/30/2003 | (23299) |
| 21 | 01/30/2003 | (23300) |
| 22 | 01/30/2003 | (23302) |
| 23 | 02/17/2003 | (25086) |
| 24 | 03/03/2003 | (157322) |
| 25 | 03/03/2003 | (157327) |
| 26 | 03/27/2003 | (25122) |
| 27 | 03/27/2003 | (25121) |
| 28 | 04/04/2003 | (28862) |
| 29 | 04/07/2003 | (157325) |
| 30 | 04/13/2003 | (31399) |
| 31 | 04/13/2003 | (31403) |
| 32 | 04/13/2003 | (31394) |
| 33 | 05/08/2003 | (157331) |
| 34 | 05/29/2003 | (157335) |
| 35 | 06/26/2003 | (35239) |
| 36 | 07/01/2003 | (134047) |
| 37 | 07/01/2003 | (134052) |
| 38 | 07/01/2003 | (133984) |
| 39 | 07/01/2003 | (157339) |
| 40 | 07/01/2003 | (157344) |
| 41 | 07/01/2003 | (134015) |
| 42 | 07/01/2003 | (134013) |
| 43 | 07/01/2003 | (134036) |
| 44 | 07/02/2003 | (112370) |
| 45 | 07/16/2003 | (134208) |
| 46 | 07/16/2003 | (134204) |
| 47 | 07/16/2003 | (134235) |

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| 48 | 07/16/2003 | (134191) |
| 49 | 07/16/2003 | (134218) |
| 50 | 08/13/2003 | (38072) |
| 51 | 08/15/2003 | (148544) |
| 52 | 08/15/2003 | (148560) |
| 53 | 08/19/2003 | (148348) |
| 54 | 08/20/2003 | (148356) |
| 55 | 08/20/2003 | (149878) |
| 56 | 08/25/2003 | (149730) |
| 57 | 08/26/2003 | (295069) |
| 58 | 08/28/2003 | (152838) |
| 59 | 08/28/2003 | (152835) |
| 60 | 08/28/2003 | (152837) |
| 61 | 08/28/2003 | (152976) |
| 62 | 09/05/2003 | (144597) |
| 63 | 09/30/2003 | (295071) |
| 64 | 10/16/2003 | (251734) |
| 65 | 10/16/2003 | (251808) |
| 66 | 10/16/2003 | (251662) |
| 67 | 10/16/2003 | (251656) |
| 68 | 10/16/2003 | (251736) |
| 69 | 10/16/2003 | (251667) |
| 70 | 10/16/2003 | (251668) |
| 71 | 10/16/2003 | (251785) |
| 72 | 10/16/2003 | (251793) |
| 73 | 10/17/2003 | (251784) |
| 74 | 10/29/2003 | (253502) |
| 75 | 10/29/2003 | (253508) |
| 76 | 10/29/2003 | (252290) |
| 77 | 10/30/2003 | (295073) |
| 78 | 11/06/2003 | (248835) |
| 79 | 12/02/2003 | (295074) |
| 80 | 12/02/2003 | (295076) |
| 81 | 12/08/2003 | (255561) |
| 82 | 12/08/2003 | (255609) |
| 83 | 12/18/2003 | (257374) |
| 84 | 12/18/2003 | (257360) |
| 85 | 12/18/2003 | (257365) |
| 86 | 01/05/2004 | (295075) |
| 87 | 01/08/2004 | (280674) |
| 88 | 01/10/2004 | (257154) |
| 89 | 01/30/2004 | (260913) |
| 90 | 01/30/2004 | (261137) |
| 91 | 02/13/2004 | (262579) |
| 92 | 02/25/2004 | (262312) |
| 93 | 03/03/2004 | (295058) |
| 94 | 03/29/2004 | (295061) |
| 95 | 03/30/2004 | (266349) |
| 96 | 04/08/2004 | (264649) |
| 97 | 04/16/2004 | (265198) |
| 98 | 04/27/2004 | (295062) |
| 99 | 05/19/2004 | (270221) |
| 100 | 05/19/2004 | (270228) |
| 101 | 05/19/2004 | (272204) |
| 102 | 05/19/2004 | (270225) |
| 103 | 05/19/2004 | (272201) |
| 104 | 05/19/2004 | (272699) |
| 105 | 06/01/2004 | (295064) |
| 106 | 06/11/2004 | (269850) |
| 107 | 06/28/2004 | (295066) |
| 108 | 06/28/2004 | (351959) |
| 109 | 08/30/2004 | (351960) |
| 110 | 08/31/2004 | (262540) |

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| 111 | 09/02/2004 | (285264) |
| 112 | 09/23/2004 | (291787) |
| 113 | 09/23/2004 | (290929) |
| 114 | 09/23/2004 | (290932) |
| 115 | 09/23/2004 | (290922) |
| 116 | 09/28/2004 | (351961) |
| 117 | 10/06/2004 | (334229) |
| 118 | 10/29/2004 | (351962) |
| 119 | 12/03/2004 | (351963) |
| 120 | 12/06/2004 | (341765) |
| 121 | 12/15/2004 | (342892) |
| 122 | 12/22/2004 | (341799) |
| 123 | 01/03/2005 | (381782) |
| 124 | 01/04/2005 | (344102) |
| 125 | 01/06/2005 | (345865) |
| 126 | 01/25/2005 | (381783) |
| 127 | 02/25/2005 | (347899) |
| 128 | 03/02/2005 | (381780) |
| 129 | 03/04/2005 | (348330) |
| 130 | 03/04/2005 | (372053) |
| 131 | 03/29/2005 | (381781) |
| 132 | 04/25/2005 | (377491) |
| 133 | 04/25/2005 | (377489) |
| 134 | 04/27/2005 | (419609) |
| 135 | 04/28/2005 | (378691) |
| 136 | 05/24/2005 | (380302) |
| 137 | 05/31/2005 | (419610) |
| 138 | 05/31/2005 | (419612) |
| 139 | 06/13/2005 | (377480) |
| 140 | 06/13/2005 | (267115) |
| 141 | 06/28/2005 | (419611) |
| 142 | 07/13/2005 | (398792) |
| 143 | 07/14/2005 | (397732) |
| 144 | 07/27/2005 | (398824) |
| 145 | 07/27/2005 | (398839) |
| 146 | 07/27/2005 | (400272) |
| 147 | 08/30/2005 | (440751) |
| 148 | 08/30/2005 | (398952) |
| 149 | 08/30/2005 | (398843) |
| 150 | 08/30/2005 | (398956) |
| 151 | 08/31/2005 | (349444) |
| 152 | 10/18/2005 | (440752) |
| 153 | 10/21/2005 | (419148) |
| 154 | 11/08/2005 | (419146) |
| 155 | 11/15/2005 | (435807) |
| 156 | 11/16/2005 | (468290) |
| 157 | 11/22/2005 | (436056) |
| 158 | 11/22/2005 | (436069) |
| 159 | 11/22/2005 | (438124) |
| 160 | 11/23/2005 | (435758) |
| 161 | 12/12/2005 | (468291) |
| 162 | 01/10/2006 | (468292) |
| 163 | 02/15/2006 | (468293) |
| 164 | 02/23/2006 | (454153) |
| 165 | 02/27/2006 | (453635) |
| 166 | 03/02/2006 | (468288) |
| 167 | 03/29/2006 | (498099) |
| 168 | 04/17/2006 | (462368) |
| 169 | 04/18/2006 | (439023) |
| 170 | 05/01/2006 | (498100) |
| 171 | 05/12/2006 | (465540) |
| 172 | 05/16/2006 | (465147) |
| 173 | 05/16/2006 | (461492) |

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| 174 | 05/26/2006 | (498101) |
| 175 | 06/08/2006 | (465140) |
| 176 | 06/08/2006 | (461493) |
| 177 | 06/09/2006 | (464979) |
| 178 | 06/23/2006 | (481385) |
| 179 | 06/23/2006 | (483323) |
| 180 | 06/27/2006 | (498102) |
| 181 | 06/27/2006 | (498103) |
| 182 | 07/20/2006 | (484761) |
| 183 | 07/20/2006 | (481088) |
| 184 | 08/23/2006 | (486519) |
| 185 | 08/23/2006 | (486526) |
| 186 | 08/23/2006 | (486528) |
| 187 | 08/25/2006 | (520117) |
| 188 | 08/30/2006 | (487349) |
| 189 | 08/31/2006 | (449843) |
| 190 | 08/31/2006 | (438112) |
| 191 | 08/31/2006 | (497541) |
| 192 | 08/31/2006 | (463773) |
| 193 | 08/31/2006 | (509139) |
| 194 | 09/25/2006 | (520118) |
| 195 | 10/25/2006 | (520119) |
| 196 | 10/30/2006 | (511265) |
| 197 | 11/08/2006 | (518131) |
| 198 | 11/10/2006 | (518881) |
| 199 | 11/15/2006 | (515866) |
| 200 | 11/17/2006 | (513262) |
| 201 | 11/21/2006 | (544378) |
| 202 | 12/19/2006 | (531150) |
| 203 | 12/20/2006 | (514400) |
| 204 | 12/22/2006 | (544379) |
| 205 | 12/29/2006 | (344561) |
| 206 | 01/24/2007 | (544380) |
| 207 | 01/25/2007 | (537695) |
| 208 | 01/30/2007 | (538186) |
| 209 | 02/12/2007 | (539047) |
| 210 | 02/23/2007 | (544377) |
| 211 | 04/12/2007 | (543282) |
| 212 | 04/12/2007 | (543292) |
| 213 | 04/12/2007 | (543295) |
| 214 | 04/25/2007 | (555253) |
| 215 | 04/25/2007 | (557419) |
| 216 | 04/25/2007 | (557239) |
| 217 | 05/11/2007 | (559579) |
| 218 | 06/13/2007 | (559952) |
| 219 | 06/18/2007 | (563733) |
| 220 | 06/20/2007 | (560649) |
| 221 | 07/13/2007 | (563518) |

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

Date: 08/27/2002 (7544)

Self Report? NO

Classification: Minor

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

Failure to maintain the paint of the interior on the ground storage tank.

During the investigation, it was noted that the annual tank inspection stated there are areas of corrosion on the inside of the ground storage tank that need to be cleaned and repainted.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide secondary containment for the aqua ammonia, polymer 1195, and sodium chlorite bulk tanks.

Self Report? NO

Classification: Major

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

Description: Failure to maintain the coatings on the interior of the rapid mix tank and both sedimentation basins.

During the investigation, the operator stated that there were areas of corrosion on the interior of the rapid mix tank and both sedimentation basins that need to be cleaned and repainted.

Date: 08/31/2002 (157350)

Self Report? YES Classification: Moderate

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

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

Date: 02/28/2003 (157325)

Self Report? YES Classification: Moderate

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

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

Date: 03/31/2003 (157331)

Self Report? YES Classification: Moderate

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

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

Date: 04/07/2003 (28862)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description: Failure to install the required backflow prevention assembly on the water line to a medical clinic.

Self Report? NO Classification: Minor

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

Description: Failure to maintain the interior of the surface water treatment plant (the number 1 mix tank, the sedimentation basins, and the filters) and the interior of the ground storage tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)[G]

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

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Minor

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

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

Date: 04/30/2003 (157335)

Self Report? YES Classification: Moderate

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

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

Date: 06/30/2003 (157344)

Self Report? YES Classification: Moderate

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

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

Date: 08/31/2003 (295071)

Self Report? YES Classification: Moderate

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

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

Date: 11/06/2003 (248835)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Date: 01/30/2004 (260913)

Self Report? -NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PA 1743 SC 13(E)

PA 1743 SC 18

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130

30 TAC Chapter 115, SubChapter D 115.356(2)(A)

30 TAC Chapter 115, SubChapter D 115.356(2)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)

Rqmt Prov: PA 1743 SC 18

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.149(a)

Rqmt Prov: PA 1743 SC 18

Description: Failure to install a tightly fitting solid cover (TFSC) on drains.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130

30 TAC Chapter 115, SubChapter D 115.354(7)(A)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(3)

Rqmt Prov: PA 1743 SC 13(K)

PA 1743 SC 18

Description: Failure to monitor valves at least once during the semiannual monitoring period.

Date: 01/31/2004 (295058)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 03/31/2004 (295062)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 04/30/2004 (295064)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2004 (295066)

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

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

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: 01/10/2005 (345865)

Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT PC 2(g)
 Description: Failure to contain wastewater from the acrylonitrile plant resulting in an unauthorized discharge.

Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT PC 2(g)
 Description: Failure to contain steam condensate resulting in an unauthorized discharge along Dock Road.

Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT PC 2(g)
 Description: Failure to contain steam condensate at the acrylonitrile dock in an unauthorized discharge.

Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT PC 2(g)
 Description: Failure to contain diesel and hydrocarbon resulting in an unauthorized discharge.

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

Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT M&RR 2
 Description: Failure to perform total chlorine residual analysis using approved test procedures specified in 30 TAC 319.11 - 319.12.

Date: 01/31/2005 (381780)

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: 02/28/2005 (381781)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2005 (419611)

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: 07/13/2005 (398792)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Date: 10/31/2005 (468291)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 11/30/2005 (468292)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 12/31/2005 (468293)

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: 01/31/2006 (468288)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 02/28/2006 (498099)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 03/31/2006 (498100)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 05/31/2006 (498102)

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: 06/30/2006 (498103)

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: 07/21/2006 (481088)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP O-01961
 PA Permit 4351
 Description: Failure to equip open-ended lines with a cap, blind flange, plug, or a second valve for lines in Volatile Organic Compound service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.43b(f)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP O-01961
 PA Permit 2796A
 Description: Failure to conduct an alternate method of monitoring when the Continuous Emission Monitoring System (CEMS) of Nitrous Oxides at the Number 7 Boiler was malfunctioning.
 Date: 10/31/2006 (544378)
 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: 01/31/2007 (544377)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/11/2007 (559579)
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT EL&MR 2
 Description: Failure by Lucite to properly operate units of conveyance. On 03/21/2007, effluent pH was measured to be 9.06 SU at Outfall 008.
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT Opr 1
 Description: Failure by Lucite International to properly maintain units of treatment. On 03/21/2007, the Bio-Ox clarifier effluent weir was in poor condition, allowing short circuiting of the unit.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT EL&MR 1, Outfall 101
 Description: Failure by Lucite International to discharge domestic wastewater plant effluent compliant with the permitted single grab fecal coliform limitation of 800 colonies per 100 mls.
 Date: 06/14/2007 (559952)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP 1961, General Terms and Conditions
 OP 1961, Special Terms and Conditions 16
 PERMIT 4351, Special Condition 5.D.
 Description: Failure to perform weekly calibrations for hydrogen concentration on a flare.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP 1961, General Terms and Conditions
 OP 1961, Special Terms and Conditions 16
 PERMIT 4351, Special Condition 5.D.
 Description: Failure to maintain minimum natural gas flow to flare.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP 1961, General Terms and Conditions

Description: OP 1961, Special Terms and Conditions 16
PERMIT 4351, Special Condition 5.D.
Failure to perform weekly calibration on natural gas flow meter of flare.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter C 117.413(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP 1961, General Terms and Conditions
OP 1961, Special Terms and Conditions 6.F.
Description: Failure to perform daily calibrations on a Continuous Emission Monitoring System (CEMS).

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS AND
COMPANY
RN100216035**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1308-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. Du Pont owns and operates an industrial organic chemicals plant at 5470 North Twin City Highway in Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Du Pont agree that the Commission has jurisdiction to enter this Agreed Order, and that Du Pont is subject to the Commission's jurisdiction.
4. Du Pont received notice of the violations alleged in Section II ("Allegations") on or about July 18, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Du Pont of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Du Pont has paid Three Thousand Nine Hundred Sixty Dollars (\$3,960) of the administrative penalty and Nine Hundred Ninety Dollars (\$990) is deferred contingent upon Du Pont's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Du Pont fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Du Pont to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Du Pont have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on August 6, 2007, Du Pont added the flange plug to the Ammonia Oxidation Process Retorque List, the procedure implemented following any shutdown of the Ammonia Oxidation Process Unit.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Du Pont has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Du Pont is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.110(a)(1) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a), as documented during an investigation conducted on June 7, 2007. Specifically, an emissions event occurred on February 17, 2007 at a Re-Heater Flange Plug located in the Ammonia Oxidation Process Unit releasing 235.80 pounds of nitrogen oxides to the atmosphere for a period of two hours. The emissions from Re-Heater Flange Plug are not authorized by the permit. Since these emissions were avoidable, the demonstrations in TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Du Pont pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Du Pont's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2007-1308-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon Du Pont. Du Pont is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Du Pont in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Du Pont, or three days after the date on which the Commission mails notice of the Order to Du Pont, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. Introduction

The purpose of this report is to provide a comprehensive overview of the current state of the market and to identify key trends and opportunities. The analysis is based on a thorough review of industry data and expert opinions. The findings indicate a strong growth potential in the sector, driven by increasing demand and technological advancements. It is recommended that stakeholders focus on innovation and strategic partnerships to capitalize on these opportunities.

2. Market Overview

The market is characterized by a high level of competition and rapid technological change. Key players are investing heavily in research and development to stay ahead of the curve. The overall market size is projected to increase significantly over the next few years, with a focus on expanding into emerging markets. This growth is supported by favorable government policies and a growing consumer base. However, challenges such as regulatory changes and economic fluctuations remain a concern for industry participants.

Key trends include the integration of artificial intelligence and data analytics into business operations. These technologies are enabling companies to optimize their processes and improve customer experiences. Additionally, there is a growing emphasis on sustainability and corporate social responsibility, which is influencing consumer behavior and investment decisions. Companies that embrace these trends are likely to gain a competitive edge in the market.

The report also highlights the importance of talent acquisition and retention in driving growth. As the industry evolves, companies need to attract and retain skilled professionals who can navigate the complexities of the market. Investing in employee training and development is crucial for long-term success. Furthermore, building a strong brand and maintaining a positive reputation are essential for attracting and retaining customers.

In conclusion, the market presents a significant opportunity for growth and innovation. By staying informed of the latest trends and challenges, stakeholders can make strategic decisions that position their organizations for long-term success. The report provides a detailed analysis of the market landscape and offers actionable insights to guide decision-making. It is essential for all industry participants to stay agile and responsive to the ever-changing market conditions.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sullivan
For the Executive Director

1/11/08
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

Edward K Reiff Jr
Signature

22 Oct 07
Date

Edward K Reiff, Jr.
Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

Beaumont Works Plant Manager
Title

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

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