

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1435-IWD-E **TCEQ ID:** RN100225085 **CASE NO.:** 34570
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 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 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
<p>SITE WHERE VIOLATION(S) OCCURRED: La Porte Plant, 12501 Strang Road, La Porte, Harris County</p> <p>TYPE OF OPERATION: Industrial wastewater treatment system</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2007-1531-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lynley Doyen, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1364; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. John R. Laughlin, Plant Manager, E.I. du Pont de Nemours and Company, P.O. Box 347, La Porte, Texas 77572-0347 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 26, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 22, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limitations for biochemical oxygen demand, ammonia nitrogen, and total Kjeldahl nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 1 for Outfalls 001 and 101].</p>	<p>Total Assessed: \$20,400</p> <p>Total Deferred: \$4,080 <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: \$16,320</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has taken the following corrective measures at the Facility:</p> <p>a. On February 23, 2007, completed the installation of more powerful mixers in the mixing basins;</p> <p>b. On March 3, 2007 and March 7, 2007, added approximately nine truck loads of activated sludge from an off-site wastewater treatment system to the nitrification section of the Facility;</p> <p>c. By March 24, 2007, replaced the corroded galvanized grating and piping, which was determined to be the source of zinc;</p> <p>d. By March 30, 2007, obtained an air permit and installed two additional 25 horse-power mixers to the north aeration basin; and</p> <p>e. During July 2007, achieved compliance with the permitted effluent limitations.</p>

Additional ID No(s): WQ0000474000



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned PCW	29-Aug-2007	Screening	6-Sep-2007	EPA Due	5-Sep-2007
		24-Oct-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	E.I. du Pont de Nemours and Company
Reg. Ent. Ref. No.	RN100225085
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	34570	No. of Violations	1	
Docket No.	2007-1435-IWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen	
Multi-Media		EC's Team	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Enhancement** **Subtotals 2, 3, & 7**

Notes
 The penalty is enhanced due to 26 self-reported effluent violations, 17 NOVs with unrelated violations, two final agreed enforcement orders containing a denial of liability, three notices of intent to conduct a self audit and two disclosures of violations under the Audit Act.

Culpability **Enhancement** **Subtotal 4**

Notes
 The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Reduction** **Subtotal 5**

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

Notes
 The Respondent achieved compliance during July 2007.

0% Enhancement* **Subtotal 6**
 *Capped at the Total EB \$ Amount

Total EB Amounts	\$623
Approx. Cost of Compliance	\$15,450

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
 Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 6-Sep-2007

Docket No. 2007-1435-IWD-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 34570

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100225085

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

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)	26	130%
	Other written NOVs	17	34%
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 submitted)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%

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) 197%

>> **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 penalty is enhanced due to 26 self-reported effluent violations, 17 NOVs with unrelated violations, two final agreed enforcement orders containing a denial of liability, three notices of intent to conduct a self audit and two disclosures of violations under the Audit Act.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 197%

Screening Date 6-Sep-2007	Docket No. 2007-1435-IWD-E	PCW
Respondent E.I. du Pont de Nemours and Company	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34570	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN100225085		
Media [Statute] Water Quality		
Enf. Coordinator Lynley Doyen		
Violation Number 1		
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 1 for Outfalls 001 and 101	
Violation Description	Failed to comply with the permitted effluent limitations, as described in the attached table.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 A simplified model was used to evaluate ammonia nitrogen, biochemical oxygen demand and zinc to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow, total Kjeldahl nitrogen, and methomyl were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three quarterly events (two quarterly events for Outfall 001 and one quarterly event for Outfall 101) are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$623"/>	Violation Final Penalty Total <input type="text" value="\$20,400"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$20,400"/>	

Economic Benefit Worksheet

Respondent E.I. du Pont de Nemours and Company
Case ID No. 34570
Reg. Ent. Reference No. RN100225085
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$10,000	31-Dec-2006	31-Jul-2007	0.6	\$19	\$387	\$407
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2006	31-Jul-2007	0.6	\$10	\$194	\$203
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	\$450	31-Dec-2006	31-Jul-2007	0.6	\$13	n/a	\$13
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to install new equipment, obtain required permits, and make necessary adjustments to the Facility. Date required is the first month of noncompliance. Final date is the 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

\$15,450

TOTAL

\$623

EFFLUENT VIOLATION TABLE

**E.I. du Pont de Nemours and Company
 TPDES Permit No. WQ0000474000
 Docket No. 2007-1435-IWD-E**

Effluent Limits	Monitoring Period			
	12/31/06	1/31/07	2/28/07	3/31/07
OUTFALL 001				
NH3-N daily avg. (384 lbs/day)	526.55	555.03	c	695.03
NH3-N daily max. (1152 lbs/day)	1270.64	c	c	1963.36
TKN daily avg. (580 lbs/day)	673.21	701.18	599.30	823.44
TKN daily max. (1452 lbs/day)	1534.26	c	c	2230.27
Zinc daily avg. (0.26 mg/L)	c	0.31	c	0.32
Zinc daily max. (0.551 mg/L)	0.56	0.73	c	0.81
OUTFALL 101				
BOD5 daily avg. (400 lbs/day)	453.16	c	c	c
BOD5 daily max. (1095 lbs/day)	1313.8	c	c	c
Methomyl daily avg. (0.088 lbs/day)	0.108	c	0.104	c
Methomyl daily max. (0.191 lbs/day)	0.23	c	c	c

avg. = average

BOD5 = biochemical oxygen demand

c = compliant

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per liter

NH3-N = ammonia nitrogen

TKN = total Kjeldahl nitrogen

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 2.23
Regulated Entity:	RN100225085	E I DU PONT DE NEMOURS	Classification: AVERAGE	Site Rating: 1.36
		LA PORTE PLANT		

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0218K
	AIR OPERATING PERMITS	PERMIT	1845
	AIR OPERATING PERMITS	PERMIT	1846
	AIR OPERATING PERMITS	PERMIT	1905
	AIR OPERATING PERMITS	PERMIT	1906
	AIR OPERATING PERMITS	PERMIT	1907
	AIR OPERATING PERMITS	PERMIT	1911
	AIR OPERATING PERMITS	PERMIT	1990
	AIR OPERATING PERMITS	PERMIT	1908
	AIR OPERATING PERMITS	PERMIT	1891
	AIR NEW SOURCE PERMITS	REGISTRATION	71966
	AIR NEW SOURCE PERMITS	REGISTRATION	71932
	AIR NEW SOURCE PERMITS	PERMIT	51618
	AIR NEW SOURCE PERMITS	PERMIT	51352
	AIR NEW SOURCE PERMITS	PERMIT	52051
	AIR NEW SOURCE PERMITS	PERMIT	54634
	AIR NEW SOURCE PERMITS	REGISTRATION	55092
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0218K
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	25405
	AIR NEW SOURCE PERMITS	REGISTRATION	54748
	AIR NEW SOURCE PERMITS	PERMIT	55472
	AIR NEW SOURCE PERMITS	REGISTRATION	55169
	AIR NEW SOURCE PERMITS	PERMIT	53691
	AIR NEW SOURCE PERMITS	PERMIT	53898
	AIR NEW SOURCE PERMITS	PERMIT	53933
	AIR NEW SOURCE PERMITS	PERMIT	54142
	AIR NEW SOURCE PERMITS	PERMIT	55100
	AIR NEW SOURCE PERMITS	PERMIT	55125
	AIR NEW SOURCE PERMITS	REGISTRATION	75780
	AIR NEW SOURCE PERMITS	REGISTRATION	75781
	AIR NEW SOURCE PERMITS	REGISTRATION	75939
	AIR NEW SOURCE PERMITS	REGISTRATION	55914
	AIR NEW SOURCE PERMITS	PERMIT	55942
	AIR NEW SOURCE PERMITS	REGISTRATION	RN100225085
	AIR NEW SOURCE PERMITS	REGISTRATION	75522
	AIR NEW SOURCE PERMITS	REGISTRATION	70090
	AIR NEW SOURCE PERMITS	REGISTRATION	70680
	AIR NEW SOURCE PERMITS	REGISTRATION	71485
	AIR NEW SOURCE PERMITS	REGISTRATION	71515
	AIR NEW SOURCE PERMITS	REGISTRATION	71521
	AIR NEW SOURCE PERMITS	REGISTRATION	71555
	AIR NEW SOURCE PERMITS	REGISTRATION	71589
	AIR NEW SOURCE PERMITS	REGISTRATION	71637
	AIR NEW SOURCE PERMITS	REGISTRATION	71079
	AIR NEW SOURCE PERMITS	REGISTRATION	71600
	AIR NEW SOURCE PERMITS	PERMIT	70683
	AIR NEW SOURCE PERMITS	PERMIT	54434
	AIR NEW SOURCE PERMITS	PERMIT	55709
	AIR NEW SOURCE PERMITS	PERMIT	54656
	AIR NEW SOURCE PERMITS	REGISTRATION	71745
	AIR NEW SOURCE PERMITS	PERMIT	71787
	AIR NEW SOURCE PERMITS	REGISTRATION	72501
	AIR NEW SOURCE PERMITS	REGISTRATION	73137
	AIR NEW SOURCE PERMITS	PERMIT	55614
	AIR NEW SOURCE PERMITS	PERMIT	56529
	AIR NEW SOURCE PERMITS	PERMIT	55864
	AIR NEW SOURCE PERMITS	REGISTRATION	74445
	AIR NEW SOURCE PERMITS	REGISTRATION	74547
	AIR NEW SOURCE PERMITS	REGISTRATION	73850
	AIR NEW SOURCE PERMITS	REGISTRATION	74781
	AIR NEW SOURCE PERMITS	REGISTRATION	77245
	AIR NEW SOURCE PERMITS	REGISTRATION	77924
	AIR NEW SOURCE PERMITS	REGISTRATION	77101
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1064
	AIR NEW SOURCE PERMITS	REGISTRATION	79091
	AIR NEW SOURCE PERMITS	PERMIT	12705
	AIR NEW SOURCE PERMITS	PERMIT	12725
	AIR NEW SOURCE PERMITS	PERMIT	20800
	AIR NEW SOURCE PERMITS	PERMIT	21130
	AIR NEW SOURCE PERMITS	PERMIT	23740
	AIR NEW SOURCE PERMITS	PERMIT	23688
	AIR NEW SOURCE PERMITS	PERMIT	25009
	AIR NEW SOURCE PERMITS	PERMIT	25657
	AIR NEW SOURCE PERMITS	PERMIT	25400
	AIR NEW SOURCE PERMITS	PERMIT	27385
	AIR NEW SOURCE PERMITS	PERMIT	26222
	AIR NEW SOURCE PERMITS	PERMIT	26496
	AIR NEW SOURCE PERMITS	PERMIT	26340

AIR NEW SOURCE PERMITS	PERMIT	28315
AIR NEW SOURCE PERMITS	PERMIT	28383
AIR NEW SOURCE PERMITS	PERMIT	24984
AIR NEW SOURCE PERMITS	PERMIT	26592
AIR NEW SOURCE PERMITS	PERMIT	30182
AIR NEW SOURCE PERMITS	PERMIT	30428
AIR NEW SOURCE PERMITS	PERMIT	32351
AIR NEW SOURCE PERMITS	PERMIT	32328
AIR NEW SOURCE PERMITS	PERMIT	34030
AIR NEW SOURCE PERMITS	PERMIT	34178
AIR NEW SOURCE PERMITS	PERMIT	35510
AIR NEW SOURCE PERMITS	PERMIT	36110
AIR NEW SOURCE PERMITS	PERMIT	36341
AIR NEW SOURCE PERMITS	PERMIT	37427
AIR NEW SOURCE PERMITS	PERMIT	37277
AIR NEW SOURCE PERMITS	PERMIT	37750
AIR NEW SOURCE PERMITS	PERMIT	40064
AIR NEW SOURCE PERMITS	PERMIT	39520
AIR NEW SOURCE PERMITS	PERMIT	41316
AIR NEW SOURCE PERMITS	PERMIT	41436
AIR NEW SOURCE PERMITS	PERMIT	41786
AIR NEW SOURCE PERMITS	PERMIT	43111
AIR NEW SOURCE PERMITS	PERMIT	44102
AIR NEW SOURCE PERMITS	PERMIT	44807
AIR NEW SOURCE PERMITS	PERMIT	44835
AIR NEW SOURCE PERMITS	PERMIT	44934
AIR NEW SOURCE PERMITS	PERMIT	45783
AIR NEW SOURCE PERMITS	PERMIT	46250
AIR NEW SOURCE PERMITS	PERMIT	46795
AIR NEW SOURCE PERMITS	PERMIT	47006
AIR NEW SOURCE PERMITS	PERMIT	47657
AIR NEW SOURCE PERMITS	PERMIT	48201
AIR NEW SOURCE PERMITS	PERMIT	48336
AIR NEW SOURCE PERMITS	PERMIT	50145
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0218K
AIR NEW SOURCE PERMITS	PERMIT	157
AIR NEW SOURCE PERMITS	PERMIT	663
AIR NEW SOURCE PERMITS	PERMIT	1834
AIR NEW SOURCE PERMITS	PERMIT	2295A
AIR NEW SOURCE PERMITS	PERMIT	2295B
AIR NEW SOURCE PERMITS	PERMIT	2314
AIR NEW SOURCE PERMITS	PERMIT	2446A
AIR NEW SOURCE PERMITS	PERMIT	2751
AIR NEW SOURCE PERMITS	PERMIT	2925
AIR NEW SOURCE PERMITS	PERMIT	3406
AIR NEW SOURCE PERMITS	PERMIT	4445
AIR NEW SOURCE PERMITS	PERMIT	5034A
AIR NEW SOURCE PERMITS	PERMIT	6502
AIR NEW SOURCE PERMITS	PERMIT	7820
AIR NEW SOURCE PERMITS	PERMIT	7941
AIR NEW SOURCE PERMITS	PERMIT	7986
AIR NEW SOURCE PERMITS	AFS NUM	4820100011
AIR NEW SOURCE PERMITS	REGISTRATION	79153
AIR NEW SOURCE PERMITS	REGISTRATION	79624
AIR NEW SOURCE PERMITS	REGISTRATION	79912
AIR NEW SOURCE PERMITS	REGISTRATION	79682
AIR NEW SOURCE PERMITS	REGISTRATION	80234
AIR NEW SOURCE PERMITS	REGISTRATION	79824
AIR NEW SOURCE PERMITS	REGISTRATION	81545
AIR NEW SOURCE PERMITS	REGISTRATION	81161
AIR NEW SOURCE PERMITS	REGISTRATION	81466
AIR NEW SOURCE PERMITS	REGISTRATION	81328
AIR NEW SOURCE PERMITS	REGISTRATION	82048
AIR NEW SOURCE PERMITS	REGISTRATION	82394
AIR NEW SOURCE PERMITS	PERMIT	82353
WASTEWATER	PERMIT	WQ0000474000
WASTEWATER	PERMIT	TPDES0007293
WASTEWATER	PERMIT	TX0007293
UNDERGROUND INJECTION CONTROL	PERMIT	WDW082
UNDERGROUND INJECTION CONTROL	PERMIT	WDW083
UNDERGROUND INJECTION CONTROL	PERMIT	WDW149
UNDERGROUND INJECTION CONTROL	PERMIT	WDW360
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011171
PETROLEUM STORAGE TANK	REGISTRATION	35066
REGISTRATION		
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008079212
GENERATION		
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION	30046
GENERATION	# (SWR)	
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50213
STORAGE		
WATER LICENSING	LICENSE	1011171
STORMWATER	PERMIT	TXR05P548
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION	30046
	# (SWR)	
AIR NEW SOURCE PERMITS	REGISTRATION	81487L001
AIR NEW SOURCE PERMITS	REGISTRATION	81488L001

Location: 12501 STRANG RD, LA PORTE, HARRIS CO, TX

Rating Date: September 01 07
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 05, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 05, 2002 to September 05, 2007

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

Name: Lynley Doyen Phone: 512-239-1364

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 03/03/2005

ADMINORDER 2002-1118-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limit. and Mon. Requirements PERMIT
Description: Failure to comply with permit limits.

Effective Date: 08/23/2007

ADMINORDER 2006-2093-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit # 1834, SC #1 PA

Description: Failed to prevent unauthorized emissions during an emissions event that started on June 15, 2006.

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

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 09/20/2002 (160424)
- 2 10/07/2002 (10398)
- 3 10/23/2002 (160427)
- 4 11/22/2002 (160431)
- 5 12/19/2002 (160435)
- 6 01/21/2003 (20308)
- 7 01/24/2003 (160439)
- 8 02/20/2003 (13324)
- 9 02/24/2003 (160398)
- 10 03/22/2003 (352533)
- 11 03/24/2003 (160401)
- 12 04/22/2003 (160406)
- 13 05/05/2003 (34898)
- 14 05/05/2003 (34905)
- 15 05/05/2003 (34907)
- 16 05/22/2003 (160410)
- 17 06/09/2003 (60399)
- 18 06/09/2003 (60395)
- 19 06/09/2003 (60409)
- 20 06/24/2003 (160414)
- 21 06/26/2003 (126894)
- 22 07/18/2003 (160418)
- 23 08/05/2003 (147695)
- 24 08/19/2003 (149431)
- 25 08/22/2003 (352538)
- 26 08/27/2003 (152726)
- 27 08/27/2003 (152724)
- 28 08/27/2003 (152718)
- 29 09/16/2003 (248235)
- 30 09/16/2003 (247800)

31 09/22/2003 (352540)
32 10/01/2003 (248244)
33 10/01/2003 (248459)
34 10/01/2003 (248494)
35 10/28/2003 (352542)
36 10/30/2003 (249902)
37 11/14/2003 (250909)
38 11/14/2003 (254715)
39 11/14/2003 (254795)
40 11/14/2003 (254759)
41 11/24/2003 (255660)
42 11/24/2003 (352544)
43 12/22/2003 (352546)
44 01/06/2004 (259141)
45 01/20/2004 (352547)
46 01/30/2004 (250497)
47 02/13/2004 (262618)
48 02/13/2004 (262614)
49 02/13/2004 (262620)
50 02/23/2004 (296324)
51 04/06/2004 (9880)
52 04/07/2004 (256711)
53 04/16/2004 (268261)
54 04/16/2004 (268264)
55 04/16/2004 (268256)
56 04/23/2004 (352534)
57 05/10/2004 (271820)
58 05/19/2004 (270868)
59 05/19/2004 (270871)
60 05/19/2004 (272282)
61 05/19/2004 (270860)
62 05/19/2004 (272284)
63 05/19/2004 (272286)
64 05/21/2004 (352535)
65 05/25/2004 (250494)
66 06/02/2004 (274059)
67 06/21/2004 (352536)
68 07/20/2004 (275971)
69 07/23/2004 (352537)
70 07/30/2004 (277027)
71 07/30/2004 (276699)
72 08/03/2004 (278176)
73 08/20/2004 (352539)
74 09/29/2004 (352548)
75 10/22/2004 (352543)
76 11/10/2004 (340381)
77 11/13/2004 (292315)
78 11/22/2004 (352545)
79 12/15/2004 (340124)
80 12/16/2004 (343461)
81 12/20/2004 (382026)
82 12/21/2004 (339014)
83 01/03/2005 (352541)
84 01/04/2005 (341359)
85 01/31/2005 (343388)
86 03/16/2005 (373933)
87 03/22/2005 (350004)
88 03/22/2005 (382025)
89 04/07/2005 (376192)
90 04/07/2005 (376218)
91 04/11/2005 (376215)
92 04/18/2005 (350288)
93 04/25/2005 (377502)
94 04/25/2005 (419877)
95 04/25/2005 (372807)
96 04/25/2005 (377508)
97 04/25/2005 (372813)
98 04/25/2005 (377506)
99 04/25/2005 (372818)
100 05/06/2005 (379898)
101 05/23/2005 (419878)
102 06/06/2005 (376261)
103 06/13/2005 (393264)
104 06/16/2005 (395000)
105 06/16/2005 (396330)
106 06/21/2005 (419879)
107 07/14/2005 (397623)
108 07/14/2005 (397608)
109 07/14/2005 (397619)
110 07/21/2005 (440994)
111 08/19/2005 (440995)
112 08/23/2005 (377109)
113 09/28/2005 (440996)
114 10/18/2005 (468719)
115 10/19/2005 (440993)
116 11/21/2005 (435492)
117 11/28/2005 (468720)
118 12/02/2005 (437474)
119 12/07/2005 (438530)

120 12/07/2005 (438533)
121 12/07/2005 (438536)
122 12/07/2005 (438537)
123 12/19/2005 (449755)
124 12/20/2005 (449884)
125 01/17/2006 (468721)
126 01/17/2006 (468722)
127 01/20/2006 (449883)
128 01/27/2006 (432622)
129 02/24/2006 (468717)
130 03/07/2006 (449762)
131 03/10/2006 (450047)
132 03/24/2006 (468718)
133 04/24/2006 (498402)
134 05/09/2006 (461347)
135 05/15/2006 (465457)
136 05/15/2006 (465445)
137 05/15/2006 (465437)
138 05/23/2006 (498403)
139 05/25/2006 (467420)
140 05/30/2006 (480436)
141 06/15/2006 (464682)
142 06/21/2006 (498404)
143 06/23/2006 (481674)
144 06/28/2006 (462251)
145 07/25/2006 (520408)
146 07/31/2006 (480156)
147 08/02/2006 (480157)
148 08/21/2006 (489548)
149 08/23/2006 (486603)
150 08/23/2006 (486587)
151 08/23/2006 (486595)
152 08/23/2006 (520409)
153 08/29/2006 (509906)
154 09/22/2006 (520410)
155 09/25/2006 (520411)
156 10/13/2006 (515906)
157 10/24/2006 (544748)
158 10/27/2006 (514269)
159 10/30/2006 (517651)
160 10/30/2006 (482067)
161 11/21/2006 (519058)
162 11/21/2006 (519064)
163 11/27/2006 (544749)
164 11/29/2006 (515929)
165 12/19/2006 (544750)
166 01/24/2007 (533714)
167 02/22/2007 (575705)
168 03/12/2007 (540373)
169 03/12/2007 (540364)
170 03/22/2007 (575706)
171 04/16/2007 (542380)
172 04/24/2007 (575707)
173 04/25/2007 (543355)
174 04/25/2007 (543346)
175 04/25/2007 (543358)
176 05/22/2007 (543552)
177 05/23/2007 (575708)
178 05/23/2007 (560156)
179 05/25/2007 (558836)
180 05/31/2007 (543650)
181 06/20/2007 (543376)
182 06/25/2007 (575709)
183 07/10/2007 (559490)
184 07/20/2007 (543549)
185 07/23/2007 (575710)
186 07/24/2007 (564176)
187 07/31/2007 (558826)
188 08/22/2007 (570072)
189 08/27/2007 (462372)
190 08/28/2007 (543551)

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

Date: 12/31/2002 (160439)

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

Classification: Moderate

Date: 01/31/2003 (160398)

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

Classification: Moderate

Date: 02/28/2003 (160401)

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

Classification: Moderate

Date: 03/31/2003 (160406)

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

Classification: Moderate

Date: 05/31/2003 (160414)

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

Classification: Moderate

Date: 06/30/2003 (160418)

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

Classification: Moderate

Date: 09/30/2003 (352542)

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

Classification: Moderate

Date: 10/01/2003 (248494)

Self Report? NO
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
Description: Failure to include compounds in final report. Classification - Min(3)(C)

Classification: Minor

Date: 10/01/2003 (248244)

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

Classification: Moderate

Date: 10/01/2003 (248459)

Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent or control emissions. Classification - Mod(2)(D)

Classification: Moderate

Date: 10/31/2003 (352544)

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

Classification: Moderate

Date: 11/30/2003 (352546)

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

Classification: Moderate

Date: 12/31/2003 (352547)

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

Classification: Moderate

Date: 02/29/2004 (352533)

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

Classification: Moderate

Date: 03/31/2004 (352534)

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

Classification: Moderate

Date: 04/30/2004 (352535)

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

Date: 07/31/2004 (352539)

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

Date: 09/30/2004 (352543)

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

Date: 12/31/2004 (352548)

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

Date: 02/28/2005 (382025)

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

Date: 04/11/2005 (376215)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(2)
Description: Failure to limit production of hydrogen fluoride to the amount approved in Permit by Rule Registration # 71515, resulting in excess emissions of 0.50 pounds of sulfur dioxide.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.262(2)
Description: Failure to limit production of hydrogen fluoride to the amount approved in Permit by Rule Registration # 71515, resulting in excess emissions of 0.01 pounds of hydrogen fluoride.

Date: 04/30/2005 (419878)

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

Date: 05/31/2005 (419879)

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

Date: 06/06/2005 (376261)

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
Rqmt Prov: PERMIT NSR Permit 2446A, Special Condition 3 B
Description: Failure to maintain pilot flame at all times.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP Permit # O-01905
Description: Failed to conduct an annual visible emission observation within the compliance certification period 12/12/2003 and 12/11/2004.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
Rqmt Prov: PERMIT Air Permit # 2446A, SC 3 A

Description: Failure to maintain the required amount of net heating value in the Velpar flare during the dates and times stated in the report.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)
Rqmt Prov: PERMIT Air Permit # 2446A, SC 9
Description: Failure by DuPont to submit the Notification of Compliance Status Report for the Velpar Unit within the 150 day time frame allowed.

Date: 08/23/2005 (377109) -

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)
Description: Failure to submit a PI-7 Form within 10 days for a Permit by Rule registration under 30 TAC 106.262.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
Description: Failure to submit an Off-permit notification to the Agency to notify them of a change at the site that met the requirements of 30 TAC 122.222(k).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)
Description: Failure to submit Notification of compliance status for the Lannate Unit within 150 days after the compliance date of 12/23/2003.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii)
Description: Failure to keep the incinerator temperature above the established minimum temperature of 1700 F required by for 40 CFR 63, Subpart MMM.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(j)(1)
Description: Failure to ensure that the methylene chloride is not released to the atmosphere from the by-pass vent valve.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(iii)
Description: Failure to record the continuous monitoring data required for the condenser temperature and the scrubber re-circulation rate.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii)
Description: Failure to ensure that the temperature of the incinerator is continuously recorded as required by this rule.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)
Description: Failure to daily sample the caustic scrubber and to ensure that the scrubber solution is maintained above the minimum level established in their Notification of Compliance Status.

Date: 10/31/2005 (468720)

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

Date: 02/28/2006 (468718)

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

Date: 06/15/2006 (464682)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H.63.174(b)(3)(I)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP FOP #O-01911, Special Condition # 1F
OP FOP #O-01911, Special Condition #1
Description: Failure to monitor 32 connectors in HON service as required by 40 CFR 63, Subpart H.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(3)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP FOP #O-01911, Special Condition #1
OP FOP #O-01911, Special Condition #1F
Description: Failure to monitor 4 difficult to monitor valves on an annual basis as required by 40 CFR 63.168(i)(3).

Self Report? NO Classification: Minor

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

Rqmt Prov: OP FOP #O-01911, Special Condition #1
OP FOP #O-01911, Special Condition #15
PA NSR Permit #4445, Special Condition #7E

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

Self Report? NO Classification: Minor

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

Rqmt Prov: OP FOP #O-01911, Special Condition #1
OP FOP #O-01911, Special Condition #15

PA NSR Permit #4445, Special Condition #6

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

Self Report? NO Classification: Minor

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

Rqmt Prov: OP FOP #O-01911, Special Condition #1
OP FOP #O-01911, Special Condition #15
PA NSR Permit #4445, Special Condition #7F

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

Self Report? NO Classification: Minor

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

Rqmt Prov: OP Special Condition #16

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP FOP #O-01911, Special Condition #1

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

Self Report? NO Classification: Minor

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

Rqmt Prov: OP FOP #O-01911, Special Condition #1

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

Date: 06/28/2006 (462251)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit initial notification in a timely manner.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA Permit #4445, SC#1

Description: Failure to prevent the unauthorized emission of ethylene from the atmospheric vent valve.

Date: 07/31/2006 (480156)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01905, Special Condition #1

Description: Failure to perform continuous recording of the Velpar Flare.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(iv)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP FOP #O-01905, Special Condition #1
Description: Failure to continuously record the exhaust gas temperature of the NaOMe Flare.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP FOP #O-01905, Special Condition #17A
Description: Failure to perform verification testing to refrigeration equipment after performing maintenance.

Date: 08/02/2006 (480157)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(i)(3)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP FOP #O-01990, Special Condition #11A
Description: Failure to perform verification testing to refrigeration equipment after completion of repairs.

Date: 12/06/2006 (533714)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure to submit Disinfectant Level Quarterly Operating Reports.

Date: 12/31/2006 (520411)

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: 01/25/2007 (533714)

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failure to be under the direct supervision of a licensed waterworks operator.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to initiate maintenance and housekeeping practices for the curbing on the roof of the ground storage tank.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to initiate maintenance and housekeeping practices for the concrete sealing block at well #8.

Date: 01/31/2007 (575705)

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: 02/28/2007 (575706)

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: 03/31/2007 (575707)

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: 05/25/2007 (558836)

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(1)(i)
Description: Failure to record the water flow rate on February 27, 2006 from 12:30 pm through 1:30 pm for the HF-01 Scrubber.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01846 STC 4
Description: Failure to operate HF-01 scrubber at a minimum water flow rate of 87 gpm during February 25, 2006, February 27, 2006, and August 4, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116(c)(1)(B)[G]
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to maintain a minimum temperature of -66 degrees F for the cryogenic compressor (LN05CRY) as represented in the New Source Review (NSR) Permit No. 1834 application during the operation on October 28, 2006 through October 31, 2006 and on December 13, 2006.

Date: 08/28/2007 (568558)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.767(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. O-01911, Spec. Cond. 15
Description: Failure to maintain a minimum of five (5) psig differential pressures between the process side and cooling tower water side on North Cooling Tower.

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 63, SubChapter C, PT 63, SubPT H 63.171(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01911, Spec. Cond. 1A
OP FOP Permit No. O-01911, Spec. Cond 15
PERMIT NSR Permit No. 4445, Spec. Cond. 7H & 7I
Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. O-01911, Spec. Cond. 15
OP FOP No. O-01911, Spec. Cond. 1A
Description: Failure to monthly monitor fugitive components (pumps) that were not included in LDAR program.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. O-01911, Spec. Cond. 15
OP FOP No. O-01911, Spec. Cond. 1A
PERMIT NSR Permit No. 4445, Spec. Cond. 7G
Description: Failure to quarterly monitor fugitive components (pumps) that were not included in LDAR program.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. O-01911, Spec. Cond. 1A
OP FOP Permit No. O-01911, Spec. Cond. 15
Description: Failure to make a first attempt at repairing fugitive components within five (5) days after discovery.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP Permit No. O-01911, Spec. Cond. 15
Description: Failure to complete quarterly calibration tests on South Cooling Tower.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP Permit No. O-01911, Spec. Cond. 15
Description: Failure to complete quarterly calibration tests on the vinyls flare (VS-202).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.766(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP Permit No. O-01911, Spec. Cond. 15
Description: Failure to record ethylene emissions from South Cooling Tower.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.766(a)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP Permit No. O-01911, Spec. Cond. 15
Description: Failure to record recirculation flow from South Cooling Tower.

Date: 06/22/2007 (543376)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP No. O-01845, Special Condition 4
Description: failure to operate the Sulfuric Acid Plant within the Oleum filling rate of 30 gpm represented in the application submitted for NSR Permit No. 21130.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.263
30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP No. O-01845, Special Condition 6
Description: failure to register a rental air compressor operated under Permit by Rule 106.263 within 180 days of the start-up of the compressor.

Date: 06/30/2007 (575710)

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: 07/20/2007 (543549)

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 63, SubChapter C, PT 63, SubPT H 63.171(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. 01905, Spec. Cond. 11
PERMIT NSR Permit No. 2446A, Spec. Cond. 8H
Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown.

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 63, SubChapter C, PT 63, SubPT H 63.171(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. 01905, Spec. Cond. 11
PERMIT NSR Permit No. 2446A, Spec. Cond. 8H
Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown. The unit was restarted without completing the repairs.

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 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. 01905 Spec. Cond. 1A
Description: Failure to make a first attempt at repairing fugitive components within five (5) days after discovery.

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 63, SubChapter C, PT 63, SubPT H 63.169(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. 01905, Spec. Cond 11
PERMIT NSR Permit No. 2446A, Spec. Cond 8H
Description: Failure to complete final repairs on two (2) fugitive components within fifteen (15) days of initial discovery.

Date: 07/31/2007 (567547)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01906 STC 9
PERMIT NSR Permit No. 1834 SC 10C
Description: Failure to change the carbon canister within four hours when the breakthrough had occurred at the first canister on August 31, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to conduct first attempt repair for fugitive leaking component within five days after the leak was discovered.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. O-01911, Spec. Cond. 15

Description: Failure to include a recordable emission event in a deviation report.

F. Environmental audits.

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

Disclosure Date: 04/29/2004

Viol. Classification: Minor
Rqmt Prov: PERMIT REPORTING REQUIREMENTS
Description: DISCHARGE MONITORING REPORTS DEFICIENT

Viol. Classification: Minor
Rqmt Prov: PERMIT NOTIFICATION REQUIREMENTS
Description: DAILY DISCHARGE VIOLATION NOTIFICATIONS NOT PROVIDED

Viol. Classification: Minor
Rqmt Prov: PERMIT REPORTING REQUIREMENTS
Description: EFFLUENT LIMITATION DEVIATIONS NOT REPORTED WITHIN 5 DAYS

Viol. Classification: Minor
Rqmt Prov: PERMIT REPORTING REQUIREMENTS
Description: CYANIDE AMENABLE TO CHLORINATION DATA NOT REPORTED

Viol. Classification: Moderate
Rqmt Prov: PERMIT sampling plan
Description: permit requirement for lab to run acute mysid screening samples prior to running the compliance acute mysid shrimp toxicity test

Viol. Classification: Minor
Rqmt Prov: PERMIT sampling plan
Description: conflict in TPDES permit requirement relating to acute toxicity

Viol. Classification: Minor
Rqmt Prov: PERMIT sampling plan
Description: process samples for methomyl data was not reported on the monthly effluent reports

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

Disclosure Date: 08/08/2005

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM
Description: Fugitive monitoring data includes data with questionable validity due to response time of the instrument.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Description: DuPont identified 6250 components that should have been included in the site Leak Detection and Repair Program, but have not previously been.

Notice of Intent Date: 02/07/2005 (371582)

No DOV Associated

- 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
RN100225085**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1435-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E.I. du Pont de Nemours and Company ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial wastewater treatment system located at 12501 Strang Road in La Porte, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 27, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty Thousand Four Hundred Dollars (\$20,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixteen Thousand Three Hundred Twenty Dollars (\$16,320) of the administrative penalty and Four Thousand Eighty Dollars (\$4,080) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has taken the following corrective measures at the Facility:
 - a. On February 23, 2007, completed the installation of more powerful mixers in the mixing basins;
 - b. On March 3, 2007 and March 7, 2007, added approximately nine truck loads of activated sludge from an off-site wastewater treatment system to the nitrification section of the Facility;
 - c. By March 24, 2007, replaced the corroded galvanized grating and piping, which was determined to be the source of zinc;
 - d. By March 30, 2007, obtained an air permit and installed two additional 25 horse-power mixers to the north aeration basin; and
 - e. During July 2007, achieved compliance with the permitted effluent limitations.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 1 for Outfalls 001 and 101, as documented during a record review conducted on July 26, 2007 and described in the following table:

EFFLUENT VIOLATION TABLE				
Effluent Limits	Monitoring Period			
	12/31/06	1/31/07	2/28/07	3/31/07
OUTFALL 001				
NH3-N daily avg. (384 lbs/day)	526.55	555.03	c	695.03
NH3-N daily max. (1152 lbs/day)	1270.64	c	c	1963.36
TKN daily avg. (580 lbs/day)	673.21	701.18	599.30	823.44
TKN daily max. (1452 lbs/day)	1534.26	c	c	2230.27
Zinc daily avg. (0.26 mg/L)	c	0.31	c	0.32
Zinc daily max. (0.551 mg/L)	0.56	0.73	c	0.81
OUTFALL 101				
BOD5 daily avg. (400 lbs/day)	453.16	c	c	c
BOD5 daily max. (1095 lbs/day)	1313.8	c	c	c
Methomyl daily avg. (0.088 lbs/day)	0.108	c	0.104	c
Methomyl daily max. (0.191 lbs/day)	0.23	c	c	c

avg. = average

BOD5 = biochemical oxygen demand

c = compliant

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per liter

NH3-N = ammonia nitrogen

TKN = total Kjeldahl nitrogen

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E.I. du Pont de Nemours and Company, Docket No. 2007-1435-IWD-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 the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. 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.

John R. Laughlin
Signature

Nov. 16, 2007
Date

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

PLANT MANAGER
Title

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

