EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0760-AIR-E **TCEQ ID:** RN100542711 **CASE NO.:** 33493

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

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

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

TYPE OF OPERATION: Chemical plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are six additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0037-AIR-E, 2007-1755-PWS-E, 2004-2036-AIR-E, 2004-1135-MLM-E, 2004-0081-AIR-E, and 2002-1317-IWD-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 14, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2134; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. M. N. Sanchez, Site Manager, E. I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** February 6 and July 5, 2007 **Date of NOV/NOE Relating to this Case:** May 4 and July 24, 2007 (NOE) **Background Facts:** This was a routine investigation and record review. **AIR** 1) Failed to sample cooling tower water according to the requirements of the TCEQ Sampling Procedures Manual Appendix P. Specifically, the Respondent only sampled the middle of seven risers on the cooling tower, and the sample is required to be drawn from a location prior to the risers unless sample ports are installed on each riser and the distribution of water flow to each riser can be determined [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), Air Permit No. 914, Spec. Cond. No. 7, Federal Operating Permit ("FOP") No. O-02074, Spec. Cond. No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to represent 176 flanges and 88 valves in the permit application for Air Permit No. 914 [30 TEX. ADMIN. CODE § 116.110(a), and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)]. 3) Failed to monitor 88 valves, and 15 pumps [30 TEX. ADMIN. CODE §§ 113.520, 115.354(2)(C), 122.143(4), FOP No. O-02074, Spec. Cond. No. 1H, 40 CODE OF FEDERAL REGULATONS ("CFR") § 63.1026(b)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failed to conduct quarterly opacity observations. Specifically, observations were not made for EPN No. PK-10 during the third quarter of 2006 [30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-02074, Spec. Cond.	**Total Assessed:** $77,860 **Total Deferred:** $15,572 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $62,288 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a. Properly identified and marked equipment on February 8, 2006; b. Properly secured and sealed the gaskets and lids, and placed them in an upright position on April 4, 2006; c. Began proper determination of the annual benzene waste quantity at the point of waste generation and began keeping records for those points at the Ethylene Unit on June 19, 2006; d. Completed repairs and capped off the OEL's on August 22, 2006; e. Began monitoring components on August 31, 2006; f. Trained staff and added additional supervision for plant personnel responsible for the drum feed to the incinerator on September 6, 2006; g. Obtained Permit By Rule No. 79817 to represent the 176 flanges and 88 valves on September 13, 2006; h. Isolated and repaired the reactor pressure strain cell on September 19, 2006; i. Began carbon canister monitoring on September 29, 2006; j. Began conducting required quarterly opacity readings on October 2, 2006; k. Isolated the feeder, completed electrical repairs, purged the unit, replaced the steam heater, and restarted the D-Unit on January 18, 2007; l. Began correct sampling of the cooling water tower on February 17, 2007; and m. Closed the high pressure separator level automatic valve, reseated the guard valve, and replaced the rupture disk on May 16, 2007.

No. 3(A)(iv)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 5) Failed to equip eight open ended lines ("OEL's") with a cap, blind flange, plug, or a second valve during the certification period of September 1, 2005 through February 28, 2006, and failed to equip 29 OEL's with a cap, blind flange, plug, or a second valve during the certification period of April 11, 2006 through October 10, 2006 [30 TEX. ADMIN. CODE §§ 101.20(2), 115.352(4), 116.115(c), and 122.143(4), 40 CFR § 61.242-6(a), Air Permit No. 914, Spec. Cond. No. 9(E), FOP No. O-01896, Spec. Cond. No. 1(A), FOP No. O-02074, Spec. Cond. Nos. 1(A) and 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 6) Failed to monitor carbon canisters on five different occasions. Specifically, the carbon canisters from the carbon adsorption system were not being monitored on a daily basis or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater [30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR § 61.354(d), FOP No. O-02074, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 7) Failed to prevent visible emissions at the flare (EPN No. PK-16) for greater than five minutes in any two consecutive hours on two separate occasions [30 TEX. ADMIN. CODE §§ 111.111(a)(4), 116.115(c), 122.143(4), Air Permit No. 914, Spec. Cond. No. 4(C), FOP No. O-02074, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 8) Failed to identify and mark two pieces of equipment in benzene service during the certification period of September 1, 2005 to February 28, 2006 [30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR § 61.242-1(d), FOP No. O-01896, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 9) Failed to maintain 24 drums containing waste material in a properly sealed position. Specifically, these drums had gasketed lids, but they were not latched [30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR § 61.345(a)(1)(ii), FOP No. O-01896, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 10) Failed to determine the annual benzene waste quantity at the point of waste generation and to keep records for those points for the reporting period of April 11,		**Ordering Provisions:** 2) The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, implement training procedures for all plant personnel responsible for completing and submitting emission event reports on all the requirements of 30 TEX. ADMIN. CODE § 101.201; b. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the reoccurrence of emissions events and opacity events due to the same causes as that of the May 6, 2006 and May 20, 2006 opacity events, and the September 19, 2006, January 17, 2007, and May 16, 2007 emission events; and c. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. and 2.b.

2006 through October 10, 2006 [30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR §§ 61.355(b), 61.356(b), FOP No. O-02074, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 11) Failed to maintain the fluoride content feed rate below 19 pounds per hour. Specifically, drums containing up to 36 pounds each of material exceeded the fluoride feed rate due to manually feeding the incinerator on September 6, 2006 [30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-01896, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 12) Failed to report a reportable emission event within 24 hours after discovery. Specifically, Incident No. 81795, which occurred on September 19, 2006, was not reported until September 26, 2006 [30 TEX. ADMIN. CODE § 101.201(a)(1)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 13) Failed to prevent the unauthorized release of air contaminants into the atmosphere. Specifically, on September 19, 2006, during a one minute event, 403.2 lbs. of ethylene was released from the Reactor (EPN No. PL-5B), and on May 16, 2007, during a nine minute event, 370 lbs. of ethylene was released from the No. 1 Low Pressure Separator Rupture Disk (EPN No. PL-3A). The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-2001, Spec. Cond. No. 8, Air Permit No. 9176, Spec. Cond. No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 14) Failed to prevent the unauthorized release of air contaminants into the atmosphere. Specifically, on January 17, 2007, during a 15 minute event, a combined amount of 12,693 lbs. of ethylene was released from EPN Nos. PL-5L, PL-5M, No. 2 make up suction relief valve, PL-5K, PL-5I, PL-5H, and PL-5J. The event did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), Air Permit No. 20204, Spec. Cond. No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: OC0007J

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision March 19, 2007*

TCEQ

DATES					
Assigned	30-Jul-2007				
PCW	2-Oct-2007	Screening	30-Jul-2007	EPA Due	19-Apr-2008

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	33493	No. of Violations	14
Docket No.	2007-0760-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Suzanne Walrath
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* **$45,800**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 70% Enhancement — *Subtotals 2, 3, & 7* **$32,060**

Notes: The Respondent has received four NOVs with same or similar violations, 17 NOVs without same or similar violations, was issued one 1660 order, and has submitted four Notice of Intent of Audit letters.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,700
Approx. Cost of Compliance	$47,511

SUM OF SUBTOTAL Three quarterly events are recommended for the 37 open — *Final Subtotal* **$77,860**

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 **$77,860**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$77,860**

DEFERRAL — 20% Reduction — *Adjustment* **-$15,572**

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

Notes: Deferral offerred for expedited settlement.

PAYABLE PENALTY **$62,288**

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

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*)	4	20%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 70%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has received four NOVs with same or similar violations, 17 NOVs without same or similar violations, was issued one 1660 order, and has submitted four Notice of Intent of Audit letters.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 70%

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), Air Permit No. 914, Spec. Cond. No. 7, Federal Operating Permit ("FOP") No. O-02074, Spec. Cond. No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to sample cooling tower water according to the requirements of the TCEQ Sampling Procedures Manual Appendix P. Specifically, the Respondent only sampled the middle of seven risers on the cooling tower, and the sample is required to be drawn from a location prior to the risers unless sample ports are installed on each riser and the distribution of water flow to each riser can be determined.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $22

Statutory Limit Test

Violation Final Penalty Total $1,700

This violation Final Assessed Penalty (adjusted for limits) $1,700

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Req. Ent. Reference No. RN100542711
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$14,400	6-Feb-2007	17-Feb-2007	0.0	$22	n/a	$22
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is an estimate of the costs for correct sampling of the cooling water tower, beginning on the date of the investigation, and ending 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 $14,400

TOTAL $22

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a), and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to represent 176 flanges and 88 valves in the permit application for Air Permit No. 914.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1

13 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $4,250

This violation Final Assessed Penalty (adjusted for limits) $4,250

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$2,500	31-Aug-2006	13-Sep-2006	0.0	$4	n/a	$4
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is the estimated cost of obtaining Permit By Rule ("PBR") No. 79817 to represent the 176 flanges and 88 valves, beginning on the date the PBR application was submitted and the unauthorized components were discovered, and ending on the date the PBR was obtained.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $2,500

TOTAL $4

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 113.520, 115.354(2)(C), 122.143(4), 40 Code of Federal Regulatons ("CFR") § 63.1026(b)(1), Federal Operating Permit ("FOP") No. O-02074, Spec. Cond. No. 1H, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to monitor 88 valves and 15 pumps. Specifically, these unmonitored components were discovered during the certification period beginning on 4/11/06, and monitoring began on 8/31/06.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2

142 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events are recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $118

Statutory Limit Test

Violation Final Penalty Total $8,500

This violation Final Assessed Penalty (adjusted for limits) $8,500

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$111	11-Apr-2006	31-Aug-2006	1.3	$7	$111	$118
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	These are avoided costs for not monitoring 103 components for 2 quarters, beginning on the date they were discovered, and ending on the date monitoring began and compliance was achieved.						

Approx. Cost of Compliance $111

TOTAL $118

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), FOP No. O-02074, Spec. Cond. No. 3(A)(iv)(1), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct quarterly opacity observations. Specifically, observations were not made for EPN No. PK-10 during the third quarter of 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $1,700

This violation Final Assessed Penalty (adjusted for limits) $1,700

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel	$100	1-Oct-2006	2-Oct-2006	0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	This is the estimated cost for an opacity reading, beginning on the date the reading was not performed, and ending on the date compliance was achieved.						

Approx. Cost of Compliance $100

TOTAL $0

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 115.352(4), 116.115(c), 122.143(4), 40 CFR § 61.242-6(a), FOP No. O-01896, Spec. Cond. No. 1(A), Air Permit No. 914, Spec. Cond. No. 9(E), FOP No. O-02074, Spec. Cond. Nos. 1(A) and 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to equip eight open ended lines ("OEL's") with a cap, blind flange, plug, or a second valve during the certification period of September 1, 2005 through February 28, 2006, and failed to equip 29 OEL's with a cap, blind flange, plug or a second valve during the certification period of April 11, 2006 through October 10, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 4

37 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $10,000

Four quarterly events are recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $91

Statutory Limit Test

Violation Final Penalty Total $17,000

This violation Final Assessed Penalty (adjusted for limits) $17,000

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Req. Ent. Reference No. RN100542711
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$2,000	27-Dec-2005	22-Aug-2006	0.7	$4	$87	$91
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	These are costs for the repair of the OEL's, beginning on the date that the first OEL was discovered, and ending on the date the last OEL was capped and 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: $2,000

TOTAL: $91

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 122.143(4), 40 CFR § 61.354(d), FOP No. O-02074, Spec. Cond. No. 1(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to monitor carbon canisters on five different occassions. Specifically, the carbon canisters from the carbon adsorption system were not being monitored on a daily basis or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 5 | 5 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

Five single events are recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $500

Statutory Limit Test

Violation Final Penalty Total $8,500

This violation Final Assessed Penalty (adjusted for limits) $8,500

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$500	8-Sep-2006	29-Sep-2006	0.0	$0	$500	$500
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	These are avoided costs for carbon canister monitoring, beginning on the date that the first canister was discovered not monitored, and ending on the date compliance was achieved.						

Approx. Cost of Compliance $500

TOTAL $500

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(4), 116.115(c), 122.143(4), Air Permit No. 914, Spec. Cond. No. 4(C), FOP No. O-02074, Spec. Cond. No. 1(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent visible emissions at the flare (EPN No. PK-16) for greater than five minutes in any two consecutive hours on two separate occasions. Specifically, on May 6, 2006 and May 20, 2006, EPN No. PK-16 had visible emissions for greater than five minutes in any two consecutive hours.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

2 | 2 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

Two single events are recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $8,500

This violation Final Assessed Penalty (adjusted for limits) $8,500

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$500	6-May-2006	7-May-2006	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)	$500	20-May-2006	21-May-2006	0.0	$0	n/a	$0
Notes for DELAYED costs	These costs are to modify operation process and provide for additional staff oversight which could have prevented the visible emission events, beginning and ending on the dates of the events.						
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 $1,000

TOTAL $0

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 122.143(4), 40 CFR § 61.242-1(d), FOP No. O-01896, Spec. Cond. No. 1(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to identify and mark two pieces of equipment in benzene service during the certification period of September 1, 2005 through February 28, 2005. Specifically, the equipment was found not properly identified and marked on February 5, 2006, and February 8, 2006, and was properly marked on the same days of discovery.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Les than 30% of the rule requirement was not met.

Adjustment $9,900

$100

Violation Events

2 | 2 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Two single events are recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $340

This violation Final Assessed Penalty (adjusted for limits) $340

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Req. Ent. Reference No. RN100542711
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$50	8-Feb-2006	8-Feb-2006	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)	$50	5-Feb-2006	5-Feb-2006	0.0	$0	n/a	$0
Notes for DELAYED costs	These costs are for the proper identification of equipment, beginning and ending on the dates the equipment was discovered unidentified, and properly marked.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $100

TOTAL $0

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 122.143(4), 40 CFR § 61.345(a)(1)(ii), FOP No. O-01896, Spec. Cond. No. 1(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain 24 drums containing waste material in a properly sealed position. Specifically, these drums had gasketed lids, but they were not latched.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $1,700

This violation Final Assessed Penalty (adjusted for limits) $1,700

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$200	4-Apr-2006	4-Apr-2006	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)	$200	4-Apr-2006	4-Apr-2006	0.0	$0	n/a	$0
Notes for DELAYED costs	These are estimated costs for properly securing and sealing the drums, beginning and ending on the date the drums were discovered with gasket lids not properly attached.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $400

TOTAL $0

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		
Violation Number	10		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(2), 122.143(4), 40 CFR §§ 61.355(b), 61.356(b), FOP No. O-02074, Spec. Cond. No. 1(A), and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to determine the annual benzene waste quantity at the point of waste generation and failed to keep records for those points for the reporting period of April 11, 2006 through October 10, 2006. Specifically, in June of 2006, the Respondent discovered this requirement was not being met, and began determining the benzene waste quantity and keeping these records on June 19, 2006.		

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events: 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $4,250

This violation Final Assessed Penalty (adjusted for limits) $4,250

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$6,000	1-Jun-2006	19-Jun-2006	0.0	$1	$20	$21
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	These are estimated costs for taking corrective action to determine the annual benzene waste quantity at the point of waste generation and keeping records for those points at the Ethylene Unit, beginning on the date the violation was discovered, and ending 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 $6,000

TOTAL $21

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), FOP No. O-01896, Spec. Cond. No. 1(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the fluoride content feed rate below 19 pounds per hour. Specifically, drums containing up to 36 pounds each of material exceeded the fluoride feed rate due to manually feeding the incinerator on September 6, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $4,250

This violation Final Assessed Penalty (adjusted for limits) $4,250

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$150	6-Sep-2006	6-Sep-2006	0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	These costs are for additional training and supervision for staff responsible for the drum feed to the incinerator, beginning on the date of the violation, and ending on the same day when the instruction/training occurred.						
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 $150

TOTAL $0

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

	12
Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1)(B), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to report a reportable emission event within 24 hours after discovery. Specifically, Incident No. 81795, which occurred on September 19, 2006, was not reported until September 26, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Less than 30% of the rule requirement was not met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events: 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $25

Statutory Limit Test

Violation Final Penalty Total $170

This violation Final Assessed Penalty (adjusted for limits) $170

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$250	19-Sep-2006	1-Mar-2008	1.4	$1	$24	$25
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	These are estimated costs for filing an emission event report in a timely manner, beginning on the date of the emission event, and ending on the projected 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 $250

TOTAL $25

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-02001, Spec. Cond. No. 8, Air Permit No. 9176, Spec. Cond. No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent the unauthorized release of air contaminants into the atmosphere. Specifically, on September 19, 2006, during a one minute event, 403.2 lbs. of ethylene was released from the Reactor (EPN No. PL-5B), and on May 16, 2007, during a 9 minute event, 370 lbs. of ethylene was released from the No. 1 Low Pressure Separator Rupture Disk (EPN No. PL-3A). The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

Two single events are recommended as documented by the investigation on February 6, 2007, and the file review on July 5, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $637

Statutory Limit Test

Violation Final Penalty Total $8,500

This violation Final Assessed Penalty (adjusted for limits) $8,500

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$6,000	19-Sep-2006	16-May-2007	0.7	$13	$262	$275
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,000	19-Sep-2006	1-Mar-2008	1.4	$362	n/a	$362
Notes for DELAYED costs	These are estimated costs for the repair of the reactor pressure strain cell, replacement of the rupture disk, and to implement measures designed to prevent the reoccurrence of emissions due to similar causes, beginning on the date of the emission event, and ending on the date the repairs were completed, and on the projected 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: $11,000

TOTAL: $637

Screening Date	30-Jul-2007	**Docket No.** 2007-0760-AIR-E	**PCW**
Respondent	E. I. du Pont de Nemours and Company		*Policy Revision 2 (September 2002)*
Case ID No.	33493		*PCW Revision March 19, 2007*
Reg. Ent. Reference No.	RN100542711		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), Air Permit No. 20204, Spec. Cond. No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent the unauthorized release of air contaminants into the atmosphere. Specifically, on January 17, 2007, during a 15 minute event, a combined amount of 12,693 lbs. of ethylene was released from EPN Nos. PL-5L, PL-5M, No. 2 make up suction relief valve, PL-5K, PL-5I, PL-5H, and PL-5J. The event did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended as documented by the investigation on February 6, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $281

Statutory Limit Test

Violation Final Penalty Total $8,500

This violation Final Assessed Penalty (adjusted for limits) $8,500

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 33493
Req. Ent. Reference No. RN100542711
Media Air
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$4,000	17-Jan-2007	18-Jan-2007	0.0	$0	$1	$1
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,000	17-Jan-2007	1-Mar-2008	1.1	$280	n/a	$280

Notes for DELAYED costs: These are estimated costs for the electrical repairs, for the replacement of a new steam heater for the Ethylene Unit, and to implement measures designed to prevent the reoccurrence of emissions due to similar causes, beginning on the date of the emission event, and ending on the date the repairs were made, and on the projected 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 $9,000

TOTAL $281

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: Average	Rating: 2.15
Regulated Entity:	RN100542711	DUPONT SABINE RIVER WORKS	Classification: Average	Site Rating: 1.70

ID Number(s):

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

AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J
AIR NEW SOURCE PERMITS	REGISTRATION	72030
AIR NEW SOURCE PERMITS	PERMIT	71863
AIR NEW SOURCE PERMITS	REGISTRATION	75999
AIR NEW SOURCE PERMITS	REGISTRATION	75839
AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	AFS NUM	4836100002
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	PERMIT	53324
AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	REGISTRATION	73921
AIR NEW SOURCE PERMITS	REGISTRATION	73779
AIR NEW SOURCE PERMITS	REGISTRATION	74503
AIR NEW SOURCE PERMITS	REGISTRATION	76581
AIR NEW SOURCE PERMITS	REGISTRATION	76955
AIR NEW SOURCE PERMITS	REGISTRATION	76719
AIR NEW SOURCE PERMITS	REGISTRATION	76580
AIR NEW SOURCE PERMITS	REGISTRATION	76726
AIR NEW SOURCE PERMITS	REGISTRATION	76690
AIR NEW SOURCE PERMITS	REGISTRATION	76686
AIR NEW SOURCE PERMITS	REGISTRATION	78770
AIR NEW SOURCE PERMITS	REGISTRATION	78820
AIR NEW SOURCE PERMITS	REGISTRATION	79048
AIR NEW SOURCE PERMITS	REGISTRATION	78445
AIR NEW SOURCE PERMITS	REGISTRATION	79512
AIR NEW SOURCE PERMITS	REGISTRATION	80163
AIR NEW SOURCE PERMITS	REGISTRATION	80331
AIR NEW SOURCE PERMITS	REGISTRATION	79817
AIR NEW SOURCE PERMITS	REGISTRATION	80113
AIR NEW SOURCE PERMITS	REGISTRATION	80067
AIR NEW SOURCE PERMITS	REGISTRATION	80740
AIR NEW SOURCE PERMITS	REGISTRATION	80742
AIR NEW SOURCE PERMITS	REGISTRATION	80739
AIR NEW SOURCE PERMITS	REGISTRATION	80738
AIR NEW SOURCE PERMITS	REGISTRATION	80736
AIR NEW SOURCE PERMITS	REGISTRATION	80747
AIR NEW SOURCE PERMITS	REGISTRATION	80712
AIR NEW SOURCE PERMITS	REGISTRATION	80930
AIR NEW SOURCE PERMITS	REGISTRATION	80784
AIR NEW SOURCE PERMITS	REGISTRATION	81074
AIR NEW SOURCE PERMITS	REGISTRATION	80705
AIR NEW SOURCE PERMITS	REGISTRATION	80706
AIR NEW SOURCE PERMITS	REGISTRATION	80707
AIR NEW SOURCE PERMITS	REGISTRATION	80708
AIR NEW SOURCE PERMITS	REGISTRATION	80709
AIR NEW SOURCE PERMITS	REGISTRATION	80711
AIR NEW SOURCE PERMITS	REGISTRATION	80743
AIR NEW SOURCE PERMITS	REGISTRATION	81410
AIR NEW SOURCE PERMITS	REGISTRATION	81411
AIR NEW SOURCE PERMITS	REGISTRATION	81429
AIR NEW SOURCE PERMITS	REGISTRATION	81431
AIR NEW SOURCE PERMITS	REGISTRATION	81430
AIR NEW SOURCE PERMITS	REGISTRATION	81292
AIR NEW SOURCE PERMITS	REGISTRATION	81828
AIR NEW SOURCE PERMITS	REGISTRATION	81587
AIR NEW SOURCE PERMITS	REGISTRATION	82031
AIR NEW SOURCE PERMITS	REGISTRATION	82838
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114

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

Location: 3055 FM 1006, ORANGE, TX, 77631

Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 17, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 11, 2002 to May 11, 2007

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

Name: Suzanne Walrath Phone: 512/239-2134

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 4 PERMIT
Description: Failure to conduct monthly fugitive monitoring on 3 pumps in benzene service during April, May, June, August, and September 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 4 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 4 PERMIT
Description: Failure to mark one valve in benzene service to distinguish them readily from other pieces of equipment.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/23/2002	(285872)
2	05/23/2002	(159099)
3	06/27/2002	(159103)
4	08/06/2002	(159107)
5	08/19/2002	(159111)
6	08/20/2002	(8387)
7	08/20/2002	(8425)
8	08/20/2002	(6454)
9	08/20/2002	(6664)
10	08/20/2002	(6442)
11	08/29/2002	(6836)
12	09/18/2002	(159114)
13	09/26/2002	(11826)
14	09/26/2002	(10956)
15	09/26/2002	(11809)
16	10/15/2002	(13368)
17	10/25/2002	(159117)
18	10/28/2002	(10886)
19	11/08/2002	(16114)
20	11/19/2002	(14903)
21	11/21/2002	(159121)

22	12/02/2002	(17606)
23	12/18/2002	(18737)
24	12/18/2002	(18754)
25	12/20/2002	(159125)
26	01/15/2003	(20284)
27	01/16/2003	(159129)
28	02/21/2003	(159088)
29	03/21/2003	(159091)
30	03/27/2003	(26363)
31	04/13/2003	(31391)
32	04/13/2003	(31376)
33	04/13/2003	(31386)
34	04/13/2003	(31383)
35	04/15/2003	(159096)
36	04/16/2003	(26146)
37	04/16/2003	(33743)
38	05/16/2003	(28165)
39	05/19/2003	(159100)
40	06/25/2003	(112308)
41	06/27/2003	(159108)
42	06/27/2003	(159104)
43	07/01/2003	(134042)
44	07/01/2003	(133983)
45	07/01/2003	(134010)
46	07/15/2003	(38074)
47	07/15/2003	(112514)
48	07/15/2003	(112516)
49	07/15/2003	(112518)
50	07/15/2003	(112519)
51	07/22/2003	(295812)
52	08/04/2003	(125899)
53	08/18/2003	(295810)
54	08/22/2003	(144190)
55	08/27/2003	(152757)
56	08/27/2003	(152763)
57	08/27/2003	(152759)
58	08/27/2003	(152760)
59	08/27/2003	(152752)
60	08/29/2003	(152995)
61	08/29/2003	(153012)
62	10/17/2003	(252339)
63	10/21/2003	(295815)
64	10/29/2003	(251998)
65	11/13/2003	(295816)
66	12/08/2003	(255358)
67	12/08/2003	(255362)
68	12/08/2003	(255366)
69	12/11/2003	(295817)
70	12/15/2003	(255071)
71	12/29/2003	(258574)
72	12/29/2003	(258639)
73	12/29/2003	(258593)
74	12/29/2003	(258585)
75	12/29/2003	(258553)
76	01/20/2004	(295819)
77	01/28/2004	(261078)
78	01/28/2004	(260132)
79	01/29/2004	(258780)
80	02/06/2004	(257858)
81	02/13/2004	(262593)
82	02/13/2004	(262596)
83	02/13/2004	(262585)
84	02/23/2004	(295799)

85	02/25/2004	(263758)
86	03/04/2004	(264387)
87	03/04/2004	(263186)
88	03/26/2004	(295802)
89	03/30/2004	(264141)
90	03/30/2004	(264137)
91	04/02/2004	(332777)
92	04/20/2004	(269279)
93	04/20/2004	(269271)
94	04/20/2004	(269276)
95	04/20/2004	(264114)
96	04/26/2004	(295803)
97	04/28/2004	(266290)
98	05/13/2004	(271900)
99	05/19/2004	(270883)
100	05/19/2004	(270872)
101	05/19/2004	(270885)
102	05/19/2004	(270887)
103	05/21/2004	(267872)
104	05/24/2004	(295805)
105	05/26/2004	(266492)
106	06/10/2004	(269300)
107	06/16/2004	(271873)
108	06/16/2004	(274638)
109	06/17/2004	(272995)
110	06/21/2004	(295807)
111	06/21/2004	(295813)
112	06/22/2004	(274776)
113	06/22/2004	(274848)
114	06/22/2004	(274709)
115	06/24/2004	(269645)
116	07/07/2004	(352267)
117	07/09/2004	(273112)
118	07/23/2004	(274856)
119	07/26/2004	(279807)
120	07/30/2004	(285129)
121	08/13/2004	(352268)
122	08/20/2004	(276576)
123	08/23/2004	(288711)
124	08/31/2004	(253065)
125	08/31/2004	(253079)
126	09/02/2004	(289441)
127	09/13/2004	(282801)
128	10/13/2004	(336687)
129	10/13/2004	(336664)
130	10/18/2004	(352269)
131	10/20/2004	(292086)
132	10/20/2004	(291761)
133	10/20/2004	(291770)
134	10/20/2004	(292048)
135	10/20/2004	(291861)
136	10/20/2004	(292076)
137	10/20/2004	(291763)
138	10/20/2004	(293180)
139	10/20/2004	(292069)
140	10/20/2004	(291767)
141	10/20/2004	(292578)
142	10/20/2004	(291769)
143	10/20/2004	(292063)
144	11/08/2004	(339532)
145	11/22/2004	(338251)
146	11/29/2004	(352270)
147	11/29/2004	(338082)

148	12/09/2004	(285339)
149	12/09/2004	(337881)
150	12/09/2004	(337904)
151	12/22/2004	(381921)
152	01/09/2005	(342372)
153	01/09/2005	(342410)
154	01/21/2005	(381922)
155	02/21/2005	(348629)
156	02/22/2005	(381920)
157	03/03/2005	(350005)
158	03/04/2005	(371431)
159	03/04/2005	(371423)
160	03/04/2005	(371426)
161	03/29/2005	(419759)
162	03/30/2005	(375164)
163	03/30/2005	(375158)
164	04/01/2005	(349907)
165	04/08/2005	(373226)
166	04/20/2005	(373311)
167	04/25/2005	(419760)
168	04/25/2005	(419763)
169	04/28/2005	(378722)
170	04/28/2005	(378717)
171	04/29/2005	(348352)
172	04/29/2005	(379040)
173	05/16/2005	(374625)
174	05/31/2005	(419761)
175	05/31/2005	(393307)
176	06/13/2005	(379238)
177	06/28/2005	(419762)
178	07/12/2005	(397336)
179	07/12/2005	(397233)
180	07/13/2005	(397746)
181	07/13/2005	(397015)
182	07/13/2005	(397437)
183	07/15/2005	(397147)
184	07/15/2005	(397700)
185	07/15/2005	(396777)
186	08/17/2005	(404042)
187	08/18/2005	(402083)
188	08/19/2005	(440895)
189	08/26/2005	(402989)
190	10/21/2005	(431191)
191	10/27/2005	(468549)
192	10/27/2005	(440896)
193	11/15/2005	(436523)
194	11/28/2005	(468550)
195	12/05/2005	(437856)
196	12/27/2005	(468551)
197	01/13/2006	(451620)
198	01/30/2006	(468552)
199	01/30/2006	(438126)
200	02/04/2006	(452772)
201	02/04/2006	(452809)
202	02/23/2006	(452806)
203	02/28/2006	(454800)
204	02/28/2006	(468547)
205	02/28/2006	(456864)
206	03/23/2006	(454880)
207	03/27/2006	(498278)
208	04/05/2006	(453563)
209	04/13/2006	(468548)
210	04/25/2006	(461211)

211 05/01/2006 (459960)
212 05/01/2006 (459864)
213 05/01/2006 (460085)
214 05/11/2006 (462874)
215 05/16/2006 (498279)
216 05/24/2006 (467236)
217 05/30/2006 (467025)
218 06/20/2006 (498280)
219 07/12/2006 (498281)
220 07/31/2006 (484359)
221 08/22/2006 (520290)
222 08/22/2006 (520291)
223 08/24/2006 (487772)
224 08/31/2006 (458269)
225 10/23/2006 (520292)
226 12/06/2006 (532890)
227 12/11/2006 (514581)
228 12/28/2006 (270174)
229 01/03/2007 (534464)
230 02/01/2007 (538491)
231 05/04/2007 (542914)
232 05/10/2007 (555087)

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

Date: 09/30/2002 (159117)
Self Report? YES Classification: Moderate

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

Date: 02/28/2003 (159091)
Self Report? YES Classification: Moderate

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

Date: 04/17/2003 (26146)
Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A)
Description: Failure to provide vacuum breakers on five hose bibbs within the surface water treatment plant.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to provide the manual disinfectant residual analyzer calibration log during the investigation.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failure to provide concrete sealing blocks on Well # 1 and Well # 2 that extend at least 36 inches in all directions from the well casings.

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]
Description: Failure to maintain the surface water treatment plant.

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(E)
Description: Failure to provide facilities to monitor the depth of the sludge-blanket.
Date: 08/31/2003 (295812)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/29/2004 (295802)
Self Report? YES Classification: Moderate

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

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date: 04/20/2004 (264114)
Self Report? NO Classification: Minor

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

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

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(1)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
Description: Failure to place the name of the inspector on the container storage area (CSA) inspection log for Building #568.
Date: 06/10/2004 (269300)
Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 0475-000
Description: Numerous willows and tallows were observed growing in the embankments on the pond system.
Date: 06/16/2004 (271873)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)[G]
Description: Failure to protect the public drinking water supply system from potential contamination hazards.

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]
Description: Failure to maintain the surface water treatment plant.

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]
Description: Failure to maintain perform needed maintenance.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)
Description: Failure to protect the public drinking water supply system from a potential contamination hazard.
Self Report? NO Classification: Minor.

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)
Description: Failure to provide containment on the overhead bulk polymer tank.
Date: 08/23/2004 (288711)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 1468, Special Condition 7B
OP O-02075, Special Condition 4F
OP O-02075, Special Condition 9
Description: Failure to conduct quarterly Cylinder Gas Audit (CGA) and Calibration Error (CE) testing on the Continuous Emissions Monitoring System (CEMS) for the Adiponitrile (ADN) North Boiler, Emission Point Number (EPN) PP-40B.
Date: 09/02/2004 (289441)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 21236, Special Condition 5E
OP O-01895, Special Condition 6

Description: Failure to submit a final sampling report within 30 days of performing the stack sampling.
Date: 04/08/2005 (373226)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]

Description: Failure to prevent an unauthorized discharge.
Date: 08/18/2005 (404042)
Self Report? NO Classification: Minor

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

Description: Failure to provide containment on the overhead bulk polymer tank.
Self Report? NO Classification: Minor

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

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

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known concentrations.
Date: 11/30/2005 (468551)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/30/2006 (438126)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
Description: Failure to maintain records of weekly container storage area inspections.

Date: 02/28/2006 (498278)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/24/2006 (467236)
Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 0475-000
Description: Numerous willows and tallows were observed growing in the embankments on the pond system.
Self Report? NO Classification: Minor

Rqmt Prov: PERMIT M&RR 2
Description: Failure by E. I. Dupont De Nemours and Company-Sabine River Works to include correction factors obtained during thermometer verification in temperature measurements.
Date: 05/30/2006 (467025)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)
Description: Failure to provide containment on the overhead bulk polymer tank.

Self Report? NO Classification: Minor

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

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

Description: Failure to provide filter to waste connections with an air gap.
Self Report? NO Classification: Minor

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

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

Description: Failure to provide a well blow -off that is not subject to submergence.
Self Report? NO Classification: Moderate

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

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

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

Description: Failure to perform primary calibrations on the on-line turbidity meters with primary standards.
Self Report? NO Classification: Minor

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

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to properly inspect the potable filter well.

Date: 08/24/2006 (487772)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 9176
OP O-02001, General Terms and Conditions
OP O-02001, Special Condition 8A
Description: Failure to re-monitor replaced valves and compressor seals as required by permit.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 9176
OP O-02001, General Terms and Conditions
OP O-02001, Special Condition 1A
OP O-02001, Special Condition 8A
Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-02074, General Terms and Conditions

OP O-02074, Special Condition 1E
OP O-02074, Special Condition 1H

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.520

30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP O-02074

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

Date: 12/12/2006 (514581)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 49076
OP O-01901

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

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-02055

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

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT 49076

OP O-01901
Description: Failure to keep records of visible emissions observations.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to submit an accurate deviation report.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-02055
Description: Failure to conduct a floating roof tank inspection.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 20204
OP O-02055
Description: Failure to install a continuous flow monitor and a Btu Analyzer and have them operational within 180 days from the approval of the permit amendment.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 20204
OP O-02055
Description: Failure to record Abater emissions in maximum pounds per hour and tons per year at least quarterly for review by TCEQ personnel.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-02055
Description: Failure to monitor a pressure relief valve, that has vented to the atmosphere, within 24 hours of the release.

Date: 05/10/2007 (555087)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)
Description: Failure to provide filter to waste connections with an air gap.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)
Description: Failure to provide a well blow -off that is not subject to submergence.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)[G]
Description: Failure to provide appropriate labels on several of the water lines and chemical feed lines.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
Description: Failure to complete the December 2006 surface water monthly operating report (SWMOR) with the proper contact time (CT) numbers.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
Description: Failure to monitor and record the quantity of water used each day for backwashing as required by the water system's exception to the rule for a backwash flow meter.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)
Description: Failure to calibrate the benchtop pH meter according to manufacturer's specifications at least once a day.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)
Description: Failure to check the calibration of the benchtop turbidimeter with secondary standards each time a series of samples is tested.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)
Description: Failure to calibrate the online turbidimeters with primary standards at least once every 90 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)[G]
Description: Failure to provide unexpired buffer solutions to calibrate the benchtop pH meter.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
Description: Failure to install and test an appropriate backflow prevention assembly before the bulk water loading station at Well #3.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
Description: Failure to maintain an adequate free chlorine residual.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)
Description: Failure to calibrate the online pH meter according to manufacturer's specifications at least once every 30 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iv)
Description: Failure to check the calibration of the online pH meter at least once each week with a primary standard or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.

F. Environmental audits.

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

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

Notice of Intent Date: 03/21/2006 (461674)
No DOV Associated

Notice of Intent Date: 03/28/2006 (462849)
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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
E. I. DU PONT DE NEMOURS AND	§	**TEXAS COMMISSION ON**
COMPANY	§	
RN100542711	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-0760-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 ("E. I. 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 E. I. du Pont, appear before the Commission and together stipulate that:

1. E. I. du Pont owns and operates a chemical plant at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and E. I. du Pont agree that the Commission has jurisdiction to enter this Agreed Order, and that E. I. du Pont is subject to the Commission's jurisdiction.

4. E. I. du Pont received notices of the violations alleged in Section II ("Allegations") on or about May 9, 2007, and July 29, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by E. I. du Pont of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Seventy-Seven Thousand Eight Hundred Sixty Dollars ($77,860) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). E. I. du Pont has paid Sixty-Two Thousand Two Hundred Eighty-Eight

Dollars ($62,288) of the administrative penalty, and Fifteen Thousand Five Hundred Seventy-Two Dollars ($15,572) is deferred contingent upon E. I. 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 E. I. du Pont fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require E. I. 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 E. I. 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 E. I. du Pont has implemented the following corrective measures at the Plant:

   a. Properly identified and marked equipment by February 8, 2006;

   b. Properly secured and sealed the gaskets and lids, and placed them in an upright position on April 4, 2006;

   c. Began proper determination of the annual benzene waste quantity at the point of waste generation and began keeping records for those points at the Ethylene Unit on June 19, 2006;

   d. Completed repairs and capped off the open ended lines ("OEL's") on August 22, 2006;

   e. Began monitoring components on August 31, 2006;

   f. Trained staff and added additional supervision for plant personnel responsible for the drum feed to the incinerator on September 6, 2006;

   g. Obtained Permit By Rule ("PBR") No. 79817 to represent the 176 flanges and 88 valves on September 13, 2006;

   h. Isolated and repaired the reactor pressure strain cell on September 19, 2006;

   i. Began carbon canister monitoring on September 29, 2006;

   j. Began conducting required quarterly opacity readings on October 2, 2006;

   k. Isolated the feeder, completed electrical repairs, purged the unit, replaced the steam heater, and restarted the D-Unit on January 18, 2007;

   l. Began correct sampling of the cooling water tower on February 17, 2007; and

   m. Closed the high pressure separator level automatic valve, reseated the guard valve, and replaced the rupture disk on May 16, 2007.

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 E. I. 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, E. I. du Pont is alleged to have:

1. Failed to sample cooling tower water according to the requirements of the TCEQ Sampling Procedures Manual Appendix P, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), Air Permit No. 914, Spec. Cond. No. 7, Federal Operating Permit ("FOP") No. O-02074, Spec. Cond. No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007. Specifically, E. I. du Pont only sampled the middle of seven risers on the cooling tower, and the sample is required to be drawn from a location prior to the risers unless sample ports are installed on each riser and the distribution of water flow to each riser can be determined.

2. Failed to represent 176 flanges and 88 valves in the permit application for Air Permit No. 914, in violation of 30 TEX. ADMIN. CODE § 116.110(a), and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on February 6, 2007.

3. Failed to monitor 88 valves, and 15 pumps, in violation of 30 TEX. ADMIN. CODE §§ 113.520, 115.354(2)(C), 122.143(4), FOP No. O-02074, Spec. Cond. No. 1H, 40 CODE OF FEDERAL REGULATONS ("CFR") § 63.1026(b)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on February 6, 2007.

4. Failed to conduct quarterly opacity observations, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-02074, Spec. Cond. No. 3(A)(iv)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007. Specifically, observations were not made for EPN No. PK-10 during the third quarter of 2006.

5. Failed to equip eight OEL's with a cap, blind flange, plug, or a second valve during the certification period of September 1, 2005 through February 28, 2006, and failed to equip 29 OEL's with a cap, blind flange, plug, or a second valve during the certification period of April 11, 2006 through October 10, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 115.352(4), 116.115(c), and 122.143(4), 40 CFR § 61.242-6(a), Air Permit No. 914, Spec. Cond. No. 9(E), FOP No. O-01896, Spec. Cond. No. 1(A), FOP No. O-02074, Spec. Cond. Nos. 1(A) and 15, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007.

6. Failed to monitor carbon canisters on five different occasions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR § 61.354(d), FOP No. O-02074, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007. Specifically, the carbon canisters from the carbon adsorption system were not being monitored on a daily basis or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater.

7. Failed to prevent visible emissions at the flare (EPN No. PK-16) for greater than five minutes in any two consecutive hours on two separate occasions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(4), 116.115(c), 122.143(4), Air Permit No. 914, Spec. Cond. No. 4(C), FOP No. O-02074, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007.

8. Failed to identify and mark two pieces of equipment in benzene service during the certification period of September 1, 2005 to February 28, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR § 61.242-1(d), FOP No. O-01896, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007.

9. Failed to maintain 24 drums containing waste material in a properly sealed position, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR § 61.345(a)(1)(ii), FOP No. O-01896, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007. Specifically, these drums had gasketed lids, but they were not latched.

10. Failed to determine the annual benzene waste quantity at the point of waste generation and to keep records for those points for the reporting period of April 11, 2006 through October 10, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR §§ 61.355(b), 61.356(b), FOP No. O-02074, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007.

11. Failed to maintain the fluoride content feed rate below 19 pounds per hour, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-01896, Spec. Cond. No. 1(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007. Specifically, drums containing up to 36 pounds each of material exceeded the fluoride feed rate due to manually feeding the incinerator on September 6, 2006.

12. Failed to report a reportable emission event within 24 hours after discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007. Specifically, Incident No. 81795, which occurred on September 19, 2006, was not reported until September 26, 2006.

13. Failed to prevent the unauthorized release of air contaminants into the atmosphere, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-2001, Spec. Cond. No. 8, Air Permit No. 9176, Spec. Cond. No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007, and a file review conducted on July 5, 2007. Specifically, on September 19, 2006, during a one minute event, 403.2 lbs. of ethylene was released from the Reactor (EPN No. PL-5B), and on May 16,

2007, during a nine minute event, 370 lbs. of ethylene was released from the No. 1 Low Pressure Separator Rupture Disk (EPN No. PL-3A). The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions.

14. Failed to prevent the unauthorized release of air contaminants into the atmosphere, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), Air Permit No. 20204, Spec. Cond. No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 6, 2007. Specifically, on January 17, 2007, during a 15 minute event, a combined amount of 12,693 lbs. of ethylene was released from EPN Nos. PL-5L, PL-5M, No. 2 make up suction relief valve, PL-5K, PL-5I, PL-5H, and PL-5J. The event did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions.

III. DENIALS

E. I. du Pont generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that E. I. du Pont pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and E. I. 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. 2007-0760-AIR-E" to:

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

2. It is further ordered that E. I. du Pont shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement training procedures for all plant personnel responsible for completing and submitting emission event reports on all the requirements of 30 TEX. ADMIN. CODE § 101.201;

   b. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the reoccurrence of emissions events and opacity events due to the same causes as that of the May 6, 2006 and May 20, 2006 opacity events, and the September 19, 2006, January 17, 2007, and May 16, 2007 emission events; and

   c. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. and 2.b.

The certifications shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 169A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon E. I. du Pont. E. I. 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.

4. If E. I. du Pont fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, E. I. du Pont's failure to comply is not a violation of this Agreed Order. E. I. du Pont shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. E. I. du Pont shall notify the Executive Director within seven days after E. I. du Pont becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by E. I. du Pont shall be made in writing to the Executive Director. Extensions are not effective until E. I. du Pont receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against E. I. 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.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to E. I. du Pont, or three days after the date on which the Commission mails notice of the Order to E. I. du Pont, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 3/5/2008
For the Executive Director 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.

_____ 10.5.2007
Signature Date

M.N. SANCHEZ SITE MANAGER
Name (Printed or typed) Title
Authorized Representative of
E. I. du Pont de Nemours and Company

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.