

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2008-0037-AIR-E **TCEQ ID:** RN100542711 **CASE NO.:** 35170**RESPONDENT NAME:** E. I. du Pont de Nemours and Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Du Pont Sabine River Works, 3055 Farm-to-Market Road 1008, Orange, Orange County</p> <p>TYPE OF OPERATION: Chemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0499-AIR-E, 2007-1755-PWS-E, and 2004-1135-MLM-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 2, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8784; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Michael 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</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 24, 2007</p> <p>Date of NOV/NOE Relating to this Case: December 18, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions. Specifically, 854 pounds of ethylene were vented to the atmosphere for approximately 40 minutes on September 3, 2007 due to a 3/16 inch bleed valve left partially open while D-3 Hyper Compressor was being depressurized for maintenance (Incident No. 97091). The D-3 Hyper Compressor Atmospheric Vent is not a permitted emissions point (Permit 20204). Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), (c), and 122.143(3), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit O-2055, General Terms and Conditions, and Special Condition ("SC") 8, and New Source Review Permit 20204, SC 1].</p>	<p>Total Assessed: \$3,675</p> <p>Total Deferred: \$735 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,940</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Closed the atmospheric vent responsible for the emissions event on September 3, 2007; and</p> <p>b. Signage was placed at the location of the involved valve to clarify normal operation and at similar valves within D-unit where a same or similar error could occur. This corrective action was completed by October 31, 2007.</p>

Additional ID No(s): OC0007J



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	2-Jan-2007	Screening	3-Jan-2008	EPA Due	
	PCW	10-Jan-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.	35170	No. of Violations	1
Docket No.	2008-0037-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Aaron Houston
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	72% Enhancement	Subtotals 2, 3, & 7	\$1,800
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Notes: Penalty enhancement due to: twenty-nine (29) NOVs with unrelated violations including five (5) self-reported violations, and one (1) Agreed Order containing a denial of liability. Penalty reduction due to: four (4) letters of intended audits and one (1) audit disclosing violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$625
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent completed corrective actions on October 31, 2007.

Total EB Amounts	\$8	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$1,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,675
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$3,675
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,675
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DEFERRAL	20% Reduction	Adjustment	-\$735
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,940
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Screening Date 3-Jan-2008

Docket No. 2008-0037-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35170

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Aaron Houston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	29	58%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%

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) 72%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to: twenty-nine (29) NOVs with unrelated violations including five (5) self-reported violations, and one (1) Agreed Order containing a denial of liability. Penalty reduction due to: four (4) letters of intended audits and one (1) audit disclosing violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 72%

Screening Date 3-Jan-2008

Docket No. 2008-0037-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35170

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Aaron Houston

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), (c), and 122.143(3), Tex. Health and Safety Code § 382.085(b), Federal Operating Permit O-2055, General Terms and Conditions, and Special Condition ("SC") 8, and New Source Review Permit 20204, SC 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 854 pounds of ethylene were vented to the atmosphere for approximately forty minutes on September 3, 2007 due to a 3/16 inch bleed valve left partially open while D-3 Hyper Compressor was being depressurized for maintenance (Incident No. 97091). The D-3 Hyper Compressor Atmospheric Vent is not a permitted emissions point. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events

Number of violation days

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

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 35170
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	3-Sep-2007	31-Oct-2007	0.2	\$8	n/a	\$8
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of training personnel in proper usage of valves within the D-Unit. Date required is the date of the emissions event; final date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$8

Compliance History

Customer/Respondent/Owner-Operator: CN600128284 E. I. du Pont de Nemours and Company Classification: AVERAGE Rating: 2.23

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

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	83519
AIR NEW SOURCE PERMITS	REGISTRATION	82838
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008079642
GENERATION		
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30019
GENERATION	(SWR)	
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50230

STORAGE		
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50230
STORAGE		
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	PERMIT	50230
COMPLIANCE PLANS		

Location: 3055 FM 1008, ORANGE, TX, 77631 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 02, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 02, 2003 to January 02, 2008

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

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

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

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

Classification: Moderate

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

Rqmt Prov: Permit 914, SC 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Permit 914, SC 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Permit 914, SC 4 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: Permit 914, SC 14I PERMIT

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	01/15/2003	(20284)
2	01/16/2003	(159129)
3	02/21/2003	(159088)
4	03/21/2003	(159091)
5	03/27/2003	(26363)
6	04/13/2003	(31391)
7	04/13/2003	(31376)
8	04/13/2003	(31386)
9	04/13/2003	(31383)
10	04/15/2003	(159096)
11	04/16/2003	(26146)
12	04/16/2003	(33743)
13	05/16/2003	(28165)
14	05/19/2003	(159100)
15	06/25/2003	(112308)
16	06/27/2003	(159108)
17	06/27/2003	(159104)
18	07/01/2003	(134042)
19	07/01/2003	(133983)
20	07/01/2003	(134010)
21	07/15/2003	(38074)
22	07/15/2003	(112514)
23	07/15/2003	(112516)
24	07/15/2003	(112518)
25	07/15/2003	(112519)
26	07/22/2003	(295812)
27	08/04/2003	(125899)
28	08/18/2003	(295810)
29	08/22/2003	(144190)
30	08/27/2003	(152757)
31	08/27/2003	(152763)
32	08/27/2003	(152759)
33	08/27/2003	(152760)
34	08/27/2003	(152752)
35	08/29/2003	(152995)
36	08/29/2003	(153012)
37	10/17/2003	(252339)
38	10/21/2003	(295815)
39	10/29/2003	(251998)
40	11/13/2003	(295816)
41	12/08/2003	(255358)
42	12/08/2003	(255362)

43	12/08/2003	(255366)
44	12/11/2003	(295817)
45	12/15/2003	(255071)
46	12/29/2003	(258574)
47	12/29/2003	(258639)
48	12/29/2003	(258593)
49	12/29/2003	(258585)
50	12/29/2003	(258553)
51	01/20/2004	(295819)
52	01/28/2004	(261078)
53	01/28/2004	(260132)
54	01/29/2004	(258780)
55	02/06/2004	(257858)
56	02/13/2004	(262593)
57	02/13/2004	(262596)
58	02/13/2004	(262585)
59	02/23/2004	(295799)
60	02/25/2004	(263758)
61	03/04/2004	(264387)
62	03/04/2004	(263186)
63	03/26/2004	(295802)
64	03/30/2004	(264141)
65	03/30/2004	(264137)
66	04/02/2004	(332777)
67	04/20/2004	(269279)
68	04/20/2004	(269271)
69	04/20/2004	(269276)
70	04/20/2004	(264114)
71	04/26/2004	(295803)
72	04/28/2004	(266290)
73	05/13/2004	(271900)
74	05/19/2004	(270883)
75	05/19/2004	(270872)
76	05/19/2004	(270885)
77	05/19/2004	(270887)
78	05/21/2004	(267872)
79	05/24/2004	(295805)
80	05/26/2004	(266492)
81	06/10/2004	(269300)
82	06/16/2004	(271873)
83	06/16/2004	(274638)
84	06/17/2004	(272995)
85	06/21/2004	(295807)
86	06/21/2004	(295813)
87	06/22/2004	(274776)
88	06/22/2004	(274848)
89	06/22/2004	(274709)
90	06/24/2004	(269645)
91	07/07/2004	(352267)
92	07/09/2004	(273112)
93	07/23/2004	(274856)
94	07/26/2004	(279807)
95	07/30/2004	(285129)
96	08/13/2004	(352268)
97	08/20/2004	(276576)
98	08/23/2004	(288711)
99	08/31/2004	(253065)
100	08/31/2004	(253079)
101	09/02/2004	(289441)
102	09/13/2004	(282801)
103	10/13/2004	(336687)
104	10/13/2004	(336664)
105	10/18/2004	(352269)
106	10/20/2004	(292086)
107	10/20/2004	(291761)
108	10/20/2004	(291770)
109	10/20/2004	(292048)
110	10/20/2004	(291861)

111	10/20/2004	(292076)
112	10/20/2004	(291763)
113	10/20/2004	(293180)
114	10/20/2004	(292069)
115	10/20/2004	(291767)
116	10/20/2004	(292578)
117	10/20/2004	(291769)
118	10/20/2004	(292063)
119	11/08/2004	(339532)
120	11/22/2004	(338251)
121	11/29/2004	(352270)
122	11/29/2004	(338082)
123	12/09/2004	(285339)
124	12/09/2004	(337881)
125	12/09/2004	(337904)
126	12/22/2004	(381921)
127	01/09/2005	(342372)
128	01/09/2005	(342410)
129	01/21/2005	(381922)
130	02/21/2005	(348629)
131	02/22/2005	(381920)
132	03/03/2005	(350005)
133	03/04/2005	(371431)
134	03/04/2005	(371423)
135	03/04/2005	(371426)
136	03/29/2005	(419759)
137	03/30/2005	(375164)
138	03/30/2005	(375158)
139	04/01/2005	(349907)
140	04/08/2005	(373226)
141	04/20/2005	(373311)
142	04/25/2005	(419760)
143	04/25/2005	(419763)
144	04/28/2005	(378722)
145	04/28/2005	(378717)
146	04/29/2005	(348352)
147	04/29/2005	(379040)
148	05/16/2005	(374625)
149	05/31/2005	(419761)
150	05/31/2005	(393307)
151	06/13/2005	(379238)
152	06/28/2005	(419762)
153	07/12/2005	(397336)
154	07/12/2005	(397233)
155	07/13/2005	(397746)
156	07/13/2005	(397015)
157	07/13/2005	(397437)
158	07/15/2005	(397147)
159	07/15/2005	(397700)
160	07/15/2005	(396777)
161	08/17/2005	(404042)
162	08/18/2005	(402083)
163	08/19/2005	(440895)
164	08/26/2005	(402989)
165	10/21/2005	(431191)
166	10/27/2005	(468549)
167	10/27/2005	(440896)
168	11/15/2005	(436523)
169	11/28/2005	(468550)
170	12/05/2005	(437856)
171	12/27/2005	(468551)
172	01/13/2006	(451620)
173	01/30/2006	(468552)
174	01/30/2006	(438126)
175	02/04/2006	(452772)
176	02/04/2006	(452809)
177	02/23/2006	(452806)
178	02/28/2006	(454800)

179	02/28/2006	(468547)
180	02/28/2006	(456864)
181	03/23/2006	(454880)
182	03/27/2006	(498278)
183	04/05/2006	(453563)
184	04/13/2006	(468548)
185	04/25/2006	(461211)
186	05/01/2006	(459960)
187	05/01/2006	(459864)
188	05/01/2006	(460085)
189	05/11/2006	(462874)
190	05/16/2006	(498279)
191	05/24/2006	(467236)
192	05/30/2006	(467025)
193	06/20/2006	(498280)
194	07/12/2006	(498281)
195	07/31/2006	(484359)
196	08/22/2006	(520290)
197	08/22/2006	(520291)
198	08/24/2006	(487772)
199	08/31/2006	(458269)
200	10/23/2006	(520292)
201	11/15/2006	(575471)
202	12/06/2006	(532890)
203	12/11/2006	(514581)
204	12/12/2006	(575472)
205	12/28/2006	(270174)
206	01/03/2007	(534464)
207	01/23/2007	(593178)
208	01/25/2007	(575473)
209	02/01/2007	(538491)
210	02/21/2007	(575463)
211	03/14/2007	(575464)
212	04/12/2007	(575465)
213	04/12/2007	(575466)
214	05/04/2007	(542914)
215	05/10/2007	(555087)
216	05/21/2007	(556693)
217	06/07/2007	(575467)
218	06/27/2007	(565892)
219	06/29/2007	(564203)
220	07/10/2007	(575468)
221	07/10/2007	(575469)
222	07/10/2007	(562896)
223	07/17/2007	(575470)
224	07/19/2007	(565918)
225	07/19/2007	(565912)
226	07/19/2007	(565922)
227	07/20/2007	(565938)
228	07/20/2007	(565947)
229	07/20/2007	(565942)
230	07/24/2007	(564002)
231	07/30/2007	(564905)
232	08/03/2007	(568577)
233	08/28/2007	(573506)
234	08/30/2007	(567177)
235	09/07/2007	(572061)
236	09/25/2007	(607568)
237	10/03/2007	(595357)
238	10/10/2007	(607567)
239	10/12/2007	(567973)
240	10/23/2007	(607569)
241	10/24/2007	(594503)
242	11/20/2007	(596110)
243	12/18/2007	(598952)

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

Date: 02/28/2003 (159091)

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
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)		
Description:	Failure to protect the public drinking water supply system from potential contamination hazards.		
	During the investigation, it was noted that the water system did not have the required backflow prevention assemblies on the water lines to a medical clinic, a dock, and a public swimming pool.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.111(e)(1)		
Description:	Failure to notify the Commission by the next business day of a combined filter effluent turbidity level exceeding 1.0 NTU.		
	During the investigation, it was noted that the water system had a combined filter effluent turbidity level of 2.5 NTUs on April 18, 2002.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A)		
Description:	Failure to provide vacuum breakers on five hose bibbs within the surface water treatment plant.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)		
Description:	Failure to provide the manual disinfectant residual analyzer calibration log during the investigation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)		
Description:	Failure to provide concrete sealing blocks on Well # 1 and Well # 2 that extend at least 36 inches in all directions from the well casings.		
	During the investigation, it was noted that the sealing blocks on Well # 1 and Well # 2 extended about 21 inches from the well casings.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the surface water treatment plant.		
	During the investigation, it was noted that the interiors of both clarifiers have areas of corrosion, and the water system manager told the investigator she believed that the underdrain on filter # 2 is damaged.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(15)(E)		
Description:	Failure to provide facilities to monitor the depth of the sludge-blanket.		
Date:	08/31/2003 (295812)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/29/2004 (295802)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/02/2004 (332777)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	04/20/2004 (264114)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)		
Description:	Failure to provide written notification of the container storage area for the hazardous waste railcar.		
Self Report?	NO	Classification:	Minor

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

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(1)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
 Description: Failure to place the name of the inspector on the container storage area (CSA) inspection log for Building #568.
 Date: 06/10/2004 (269300)
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT WQ 0475-000
 Description: Numerous willows and tallows were observed growing in the embankments on the pond system.
 Date: 06/16/2004 (271873)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)
 Description: Failure to protect the public drinking water supply system from potential contamination hazards.
 During the investigation, it was noted that the water system did not have the required backflow prevention assemblies on the water lines to a medical clinic, a dock, and a public swimming pool.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain the surface water treatment plant.
 During the investigation, it was noted that the interiors of both clarifiers have areas of corrosion, and the water system manager told the investigator she believed that the underdrain on filter # 2 is damaged.
 Self Report? NO Classification: Minor

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

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

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

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

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 21236, Special Condition 5E
 OP O-01895, Special Condition 6
 Description: Failure to submit a final sampling report within 30 days of performing the stack sampling.
 Date: 04/08/2005 (373226)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4
 Description: Failure to prevent an unauthorized discharge.
 Date: 08/18/2005 (404042)
 Self Report? NO Classification: Minor

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

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

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

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

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/30/2006 (438126)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
 Description: Failure to maintain records of weekly container storage area inspections.
 Date: 02/24/2006 (565912)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)
 Description: December 2005 - 4 days with a low concentration time for more than 4 consecutive hours.
 Date: 02/24/2006 (565892)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)
 Description: November 2004 - 4 days with a low CT for more than 4.0 consecutive hours.
 Treatment Technique Violation.
 Date: 02/28/2006 (498278)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/11/2006 (565922)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)
 Description: February 2006 - 1 day with a low concentration time for more than 4 consecutive hours.
 Date: 05/24/2006 (467236)
 Self Report? NO Classification: Minor

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

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

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

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

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

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(I)
 Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least

once every thirty days using chlorine solutions of known concentrations.

Self Report? NO Classification: Minor

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

Description: Failure to provide a well blow -off that is not subject to submergence.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Description: Failure to maintain calibration records for laboratory equipment.

Self Report? NO Classification: Minor

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

Description: Failure to restandardized the secondary standards each time the Bench top turbidity meter is calibrated with primary standards.

Self Report? NO Classification: Moderate

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

Description: Failure to perform primary calibrations on the on-line turbidity meters with primary standards.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Description: Failure to maintain complete records of on-line pH meter calibrations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to properly inspect the potable filter well.

Date: 07/07/2006 (565938)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: May 2006 - 32.7% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)

Description: May 2006 - 1 day when concentration time data were not collected.

Date: 08/24/2006 (487772)

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 113, SubChapter E 113.3050

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

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

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

Self Report? NO **Classification:** Moderate

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

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

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

Self Report? NO **Classification:** Moderate

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

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

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

Self Report? NO **Classification:** Moderate

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

Rqmt Prov: OP O-02074

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

Date: 11/17/2006 (565918)

Self Report? NO **Classification:** Moderate

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

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

Date: 12/12/2006 (514581)

Self Report? NO **Classification:** Moderate

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

Rqmt Prov: PERMIT 49076
 OP O-01901

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

Self Report? NO **Classification:** Minor

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

Rqmt Prov: OP O-02055

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

Self Report? NO **Classification:** Minor

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

Rqmt Prov: PERMIT 49076
 OP O-01901

Description: Failure to keep records of visible emissions observations.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

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

Description: Failure to conduct a floating roof tank inspection.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 20204
 OP O-02055

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

Description: Failure to record Abater emissions in maximum pounds per hour and tons per year
 at least quarterly for review by TCEQ personnel.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-02055

Description: Failure to monitor a pressure relief valve, that has vented to the atmosphere,
 within 24 hours of the release.
 Date: 01/23/2007 (593178)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 01/30/2007 (565942)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: December 2006 - 52.2% of the combined filter effluent turbidity readings above 0.3
 NTU, exceeding the 5% limit.
 Date: 03/07/2007 (565947)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: January 2007 - 32.5% of the combined filter effluent turbidity readings above 0.3
 NTU, exceeding the 5% limit.
 Date: 05/10/2007 (555087)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failure to provide filter to waste connections with an air gap.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)

Description: Failure to provide a well blow -off that is not subject to submergence.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)

Description: Failure to provide appropriate labels on several of the water lines and chemical
 feed lines.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Description: Failure to complete the December 2006 surface water monthly operating report
 (SWMOR) with the proper contact time (CT) numbers.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)

Description: Failure to monitor and record the quantity of water used each day for backwashing
 as required by the water system's exception to the rule for a backwash flow meter.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)

Description: Failure to calibrate the benchtop pH meter according to manufacturer's
 specifications at least once a day.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(II)
 Description: Failure to check the calibration of the benchtop turbidimeter with secondary standards each time a series of samples is tested.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(III)
 Description: Failure to calibrate the online turbidimeters with primary standards at least once every 90 days.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)
 Description: Failure to provide unexpired buffer solutions to calibrate the benchtop pH meter.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
 Description: Failure to install and test an appropriate backflow prevention assembly before the bulk water loading station at Well #3.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain an adequate free chlorine residual.

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(IV)
 Description: Failure to check the calibration of the online pH meter at least once each week with a primary standard or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.

Date: 08/31/2007 (567177)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 9176, Special Condition 3E
 OP O-02001, Special Condition 1A
 OP O-02001, Special Condition 8
 Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-02001, Special Condition 1A
 Description: Failure to monitor a pressure relief device (PRD) within 24 hours after the PRD has failed as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.

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)
 Disclosure Date: 09/01/2006

Viol. Classification: Moderate
 Rqmt Prov: PERMIT Operating Permit 02074
 Description: Failure to use certified opacity reader and meet all requirements of Test Method 9.
 Viol. Classification: Moderate
 Rqmt Prov: PERMIT NSR Permit 49076
 Description: Failure to monitor air filter vents daily.

Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D
 Description: Failure to monitor valves quarterly.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D
 Description: Failure to monitor and record filter backwash used.
 Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F
40 CFR Chapter 264, SubChapter I, PT 264, SubPT B
Description: Failure to post "Danger-Unauthorized Personnel Keep Out" signs at 4 permitted facilities.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A
30 TAC Chapter 335, SubChapter C
Description: Failure to update NOR.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter O
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A
Description: Failure to properly complete land disposal restriction forms
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C
Description: Failure to timely transport hazardous waste from satellite accumulation location to approved NOR location.
Viol. Classification: Moderate
Rqmt Prov: PERMIT RCRA Permit HW-50230-001
Description: Failure to update waste characterization forms.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A
30 TAC Chapter 335, SubChapter C
Description: Failure to dispose of one dumpster hazardous waste within 90 days.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0037-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical plant at 3055 Farm-to-Market Road 1008 in Orange, Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in the TEX. HEALTH and SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 23, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Six Hundred Seventy-Five Dollars (\$3,675) is assessed by the Commission in settlement of the violation alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Nine Hundred Forty Dollars (\$2,940) of the administrative penalty and Seven Hundred Thirty-Five Dollars (\$735) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of

this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Closed the atmospheric vent responsible for the emissions event on September 3, 2007; and
 - b. Signage was placed at the location of the involved valve to clarify normal operation and at similar valves within D-unit where a same or similar error could occur. This corrective action was completed by October 31, 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), (c), and 122.143(3), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit O-2055, General Terms and Conditions, and Special Condition ("SC") 8, and New Source Review Permit 20204, SC 1, as documented during an investigation conducted on October 24, 2007. Specifically, 854 pounds of ethylene were vented to the atmosphere for approximately 40 minutes on September 3, 2007 due to a 3/16 inch bleed valve left partially open while D-3 Hyper Compressor was being depressurized for maintenance (Incident No. 97091). The D-3 Hyper Compressor Atmospheric Vent is not a permitted emissions point (Permit 20204). Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2008-0037-AIR-E " to:

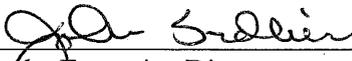
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

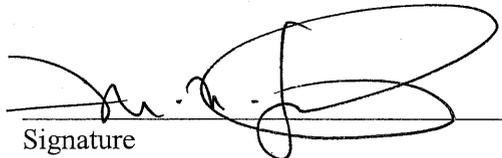
5/11/2008
Date

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

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

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

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


Signature

2.27.08
Date

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

Site Manager
Title

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

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