

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2009-0861-AIR-E **TCEQ ID:** RN100216035 **CASE NO.:** 37753**RESPONDENT NAME:** E. I. du Pont de Nemours and Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Dupont Beaumont Works Industrial Park, 5740 North Twin City Highway, Nederland, Jefferson County</p> <p>TYPE OF OPERATION: Industrial organic 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 two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1230-AIR-E and 2008-1520-IHW-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 October 26, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Connie Hargraves, Regional Safety, Health and Environmental Manager, E. I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704 Mr. Thomas C. Davis, Plant Manager, E. I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 3, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 2, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions during Incident No. 117097. Specifically, the November 25, 2008 emissions event resulted from the compressor discharge pressure gauge being adjusted below 3.0 pound-force per square inch, activating the interlock safety mechanism which shut down the Ammonia Oxidation Process Abater (Emission Point Number: ANI-STK83) releasing 537.53 pounds of unauthorized Nitrogen Oxides for 34 minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-01961, General Terms and Conditions and Special Condition ("SC") 16, and Air Permit No. 4351, SC 1].</p>	<p>Total Assessed: \$6,075</p> <p>Total Deferred: \$1,215 <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: \$4,860</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 revised the configuration of controller 507PC on July 16, 2009, so that the high pressure override system remains in service for automatic and manual modes.</p>

Additional ID No(s): JE0033C



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	8-Jun-2009	Screening	9-Jun-2009	EPA Due	6-Mar-2010
	PCW	9-Jun-2009				

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

CASE INFORMATION			
Enf./Case ID No.	37753	No. of Violations	1
Docket No.	2009-0861-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Audra Benoit
		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
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	153.0% Enhancement	Subtotals 2, 3, & 7 \$3,825
Notes	Penalty enhancement due to four unrelated NOVs, six agreed orders with denial of liability and one agreed order without denial of liability.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5 \$250
Economic Benefit	0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$48	
Approx. Cost of Compliance	\$1,500	
	*Capped at the Total EB \$ Amount	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,075
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment \$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	Final Penalty Amount	\$6,075
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$6,075
DEFERRAL	20.0% Reduction	Adjustment -\$1,215
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		\$4,860

Screening Date	9-Jun-2009	Docket No.	2009-0861-AIR-E	PCW
Respondent	E. I. du Pont de Nemours and Company			Policy Revision 2 (September 2002)
Case ID No.	37753			PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN100216035			
Media [Statute]	Air			
Enf. Coordinator	Audra Benoit			

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	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	1	25%
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)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	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) 153%

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

Adjustment Percentage (Subtotal 3) 0%

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

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to four unrelated NOVs, six agreed orders with denial of liability and one agreed order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 153%

Screening Date 9-Jun-2009 **Docket No.** 2009-0861-AIR-E **PCW**
Respondent E. I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*
Case ID No. 37753 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100216036
Media [Statute] Air
Enf. Coordinator Audra Benoit

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O-01961, General Terms and Conditions, and Special Condition ("SC") 16, and Air Permit No. 4351, SC 1
Violation Description Failed to prevent unauthorized emissions during Incident No. 117097. Specifically, the November 25, 2008 emissions event resulted from the compressor discharge pressure gauge being adjusted below 3.0 pound-force per square inch, activating the interlock safety mechanism which shut down the Ammonia Oxidation Process Abator (Emission Point Number: ANI-STK83) releasing 537.53 pounds of unauthorized Nitrogen Oxides for 34 minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix
 OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes Human health and the environment have been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
Adjustment \$7,500

Violation Events \$2,500

Violation Events
 Number of Violation Events: 1 Number of violation days: 1
 mark only one with an x.

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500
 One quarterly event is recommended based on the exceedance that occurred on November 25, 2008.

Good Faith Efforts to Comply 10.0% Reduction \$250
 Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent achieved compliance on July 16, 2009. The NOE was mailed on June 2, 2009.
Violation Subtotal \$2,250

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$48 **Violation Final Penalty Total** \$6,075
This violation Final Assessed Penalty (adjusted for limits) \$6,075

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company
Case ID No.: 37753
Reg. Ent. Reference No.: RN100216035
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	25-Nov-2008	16-Jul-2009	0.64	\$48	n/a	\$48

Notes for DELAYED costs

Estimated cost to revise the configuration of controller 507PC so that the high pressure override system remains in-service for automatic and manual modes. The date required is the date of the emissions event. The final date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$48

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600128284 E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 3.06
Regulated Entity:	RN100216035 DUPONT BEAUMONT WORKS INDUSTRIAL PARK	Classification: AVERAGE	Site Rating: 10.15

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C
	AIR OPERATING PERMITS	PERMIT	1959
	AIR OPERATING PERMITS	PERMIT	1960
	AIR OPERATING PERMITS	PERMIT	1961
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081101
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30010
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50166
	AIR NEW SOURCE PERMITS	PERMIT	16323
	AIR NEW SOURCE PERMITS	PERMIT	18127
	AIR NEW SOURCE PERMITS	PERMIT	24141
	AIR NEW SOURCE PERMITS	PERMIT	29106
	AIR NEW SOURCE PERMITS	PERMIT	29192
	AIR NEW SOURCE PERMITS	PERMIT	31224
	AIR NEW SOURCE PERMITS	PERMIT	31444
	AIR NEW SOURCE PERMITS	PERMIT	36730
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0033C
	AIR NEW SOURCE PERMITS	PERMIT	318
	AIR NEW SOURCE PERMITS	PERMIT	1331
	AIR NEW SOURCE PERMITS	PERMIT	1710
	AIR NEW SOURCE PERMITS	PERMIT	1743A
	AIR NEW SOURCE PERMITS	PERMIT	2053
	AIR NEW SOURCE PERMITS	PERMIT	2324
	AIR NEW SOURCE PERMITS	PERMIT	2340
	AIR NEW SOURCE PERMITS	PERMIT	2672
	AIR NEW SOURCE PERMITS	PERMIT	3310
	AIR NEW SOURCE PERMITS	PERMIT	3879
	AIR NEW SOURCE PERMITS	PERMIT	4351
	AIR NEW SOURCE PERMITS	PERMIT	4351A
	AIR NEW SOURCE PERMITS	PERMIT	4704
	AIR NEW SOURCE PERMITS	PERMIT	4752
	AIR NEW SOURCE PERMITS	PERMIT	5310
	AIR NEW SOURCE PERMITS	PERMIT	5777

AIR NEW SOURCE PERMITS	PERMIT	6183
AIR NEW SOURCE PERMITS	PERMIT	6301
AIR NEW SOURCE PERMITS	PERMIT	8106
AIR NEW SOURCE PERMITS	PERMIT	8143
AIR NEW SOURCE PERMITS	PERMIT	10013
AIR NEW SOURCE PERMITS	PERMIT	11844
AIR NEW SOURCE PERMITS	PERMIT	12208
AIR NEW SOURCE PERMITS	PERMIT	12368
AIR NEW SOURCE PERMITS	PERMIT	12835
AIR NEW SOURCE PERMITS	PERMIT	12888
AIR NEW SOURCE PERMITS	PERMIT	12894
AIR NEW SOURCE PERMITS	PERMIT	12895
AIR NEW SOURCE PERMITS	PERMIT	12896
AIR NEW SOURCE PERMITS	PERMIT	13542
AIR NEW SOURCE PERMITS	PERMIT	14020
AIR NEW SOURCE PERMITS	PERMIT	14134
AIR NEW SOURCE PERMITS	PERMIT	14489
AIR NEW SOURCE PERMITS	REGISTRATION	75778
AIR NEW SOURCE PERMITS	REGISTRATION	75676
AIR NEW SOURCE PERMITS	AFS NUM	4824500003
AIR NEW SOURCE PERMITS	REGISTRATION	71190
AIR NEW SOURCE PERMITS	REGISTRATION	71144
AIR NEW SOURCE PERMITS	PERMIT	52189
AIR NEW SOURCE PERMITS	PERMIT	54296
AIR NEW SOURCE PERMITS	PERMIT	50568
AIR NEW SOURCE PERMITS	PERMIT	52358
AIR NEW SOURCE PERMITS	PERMIT	71369
AIR NEW SOURCE PERMITS	PERMIT	54705
UNDERGROUND INJECTION CONTROL	PERMIT	WDW188
UNDERGROUND INJECTION CONTROL	PERMIT	WDW388
UNDERGROUND INJECTION CONTROL	PERMIT	WDW391
WASTEWATER	PERMIT	WQ0000473000
WASTEWATER	EPA ID	TPDES0004669
WASTEWATER	PERMIT	TPDES0004669
WASTEWATER	PERMIT	TX0004669
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
WATER LICENSING	LICENSE	1230066
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30010

(SWR)

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50166
POST CLOSURE

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50166
COMPLIANCE PLANS

Location: 5740 N TWIN CITY HWY, NEDERLAND, TX, 77627

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 08, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 08, 2004 to June 08, 2009

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

Name: Audra Benoit Phone: (409) 899-8799

Site Compliance History Components

- 1. Has the site been in existence and/or operation for the full five year compliance period? Yes
- 2. Has there been a (known) change in ownership of the site during the compliance period? Yes
- 3. If Yes, who is the current owner? E. I. du Pont de Nemours and Company
Lucite International, Inc.
- 4. If Yes, who was/were the prior owner(s)? N/A
- 5. When did the change(s) in ownership occur? N/A
- 6. Rating Date: 9/1/2008 Repeat Violator: NO

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: 05/12/2006 ADMINORDER 2005-1978-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 1743 PERMIT

1743/Special Conditions 4 PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 1743 PERMIT
1743/Special Condition 4 PERMIT

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

Effective Date: 08/31/2007

ADMINORDER 2003-1371-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(e)(1)

Rqmt Prov: 2796A, Special Condition 12F PERMIT

Description: Failure to conduct valid stack sampling for nitrogen oxides ("NOx") on Boiler 7, Emission Point Number ("EPN") P&S-BLR7, within 60 days, but no later than 180 days after the initial start up of the Plant, which occurred in December 2002.

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permitted effluent limitations at Outfall 001A and 101A as documented on December 8, 2003.

Classification: Moderate

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

Rqmt Prov: 1743, SPECIAL CONDITION 1 PERMIT

Description: Failure to maintain an emission rate within the allowable emission limits in the Maximum Allowable Emissions Rate Table ("MAERT") of the permit as documented on April 16, 2004, thru April 19, 2004.

Classification: Moderate

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

Rqmt Prov: 1743 PERMIT

Description: Failure to maintain an emission rate within the allowable emission limits in the MAERT of the permit, as documented on July 22, 2004.

Classification: Moderate

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

Rqmt Prov: 1743 PERMIT

Description: Failure to maintain an emission rate within the allowable emission limits in the MAERT of the permit.

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

Operational Limitations 4 PERMIT

Description: Failure to maintain an emission rate within the allowable emission limits in the MAERT of the permit as documented on September 1, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Allowed unauthorized emissions from a dehydrating nitrogen line at the Aniline Unit on October 2, 2004.

Classification: Moderate

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

Rqmt Prov: 1743, Special Condition 1 PERMIT

Description: Allowed unauthorized emissions from an absorber vent (EPN ACR-VNT 51) at the acrylonitrile process area on December 27, 2004.

Effective Date: 11/09/2007

ADMINORDER 2007-0155-IHW-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent an unauthorized discharge.

Effective Date: 03/08/2008

ADMINORDER 2007-1308-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1961, General Terms and Conditions OP

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/29/2008

ADMINORDER 2007-2044-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to maintain the water flow to scrubber ACR/ABS61 as specified in the Notification of Compliance Status Report.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to maintain the water flow to scrubber ACR/ABS156 as specified in the Notification of Compliance Status Report.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP

FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to maintain the water flow to scrubber ACR/ABS159 as specified in the Notification of Compliance Status Report.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP

FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to maintain the water flow to scrubber ACR/ABS218 as specified in the Notification of Compliance Status Report.

Classification: Moderate

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

Rqmt Prov: FOP O-01960 General Terms and Conditions OP

Description: Failure to submit the semi-annual deviation report for the period of September 22, 2005 through October 10, 2005, in a timely manner.

Effective Date: 03/12/2009

ADMINORDER 2008-1298-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01961, General Terms and Condition OP
FOP O-01961, Special Condition 2F OP

Description: Failed to notify the TCEQ Regional Office within the required 24 hours of a reportable emissions event. The emissions event occurred on January 7, 2008, but was not reported until January 9, 2008 (Incident No. 102237).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01961, General Terms and Condition OP
FOP O-01961, Special Condition 16 OP
Permit 4351, Special Condition 1 OP

Description: Failed to prevent unauthorized emissions of 1,425.86 pounds of oxides of nitrogen from the Ammonia Oxidation Process Abater, Emissions Point Number ANI-STK83 due to a power outage damaging the catalyst and the unit shutdown for repair.

Effective Date: 03/23/2009

ADMINORDER 2008-1571-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit 4351, Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a 40-minute emissions event on January 17, 2008, the Ammonia Oxidation Process ("AOP") Abater, Emissions Point Number ANI-STK83, released 741.21 pounds of unauthorized nitrogen oxides. The abater was shutdown due to a loss of boiler feed water.

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	06/11/2004	(269850)
2	08/31/2004	(262540)
3	09/02/2004	(285264)
4	09/23/2004	(290932)
5	09/23/2004	(291787)
6	10/06/2004	(334229)
7	12/15/2004	(342892)
8	12/22/2004	(341799)
9	01/04/2005	(344102)
10	02/25/2005	(347899)
11	03/04/2005	(348330)
12	04/25/2005	(377491)
13	05/24/2005	(380302)
14	06/13/2005	(267115)
15	07/14/2005	(397732)
16	08/30/2005	(398843)
17	08/30/2005	(398952)
18	08/30/2005	(398956)
19	08/31/2005	(349444)
20	11/15/2005	(435807)
21	11/22/2005	(436056)
22	11/22/2005	(436069)
23	11/22/2005	(438124)
24	11/23/2005	(435758)
25	02/23/2006	(454153)
26	02/27/2006	(453635)
27	04/18/2006	(439023)
28	05/12/2006	(465540)
29	05/16/2006	(461492)
30	05/16/2006	(465147)
31	06/08/2006	(461493)
32	06/08/2006	(465140)
33	06/09/2006	(464979)
34	06/23/2006	(481385)
35	06/23/2006	(483323)
36	07/20/2006	(481088)
37	07/20/2006	(484761)
38	08/23/2006	(486519)
39	08/23/2006	(486526)
40	08/23/2006	(486528)
41	08/30/2006	(487349)
42	08/31/2006	(438112)
43	08/31/2006	(449843)
44	08/31/2006	(463773)
45	08/31/2006	(497541)
46	08/31/2006	(509139)

47 10/30/2006 (511265)
48 11/08/2006 (518131)
49 11/10/2006 (518881)
50 11/15/2006 (515866)
51 11/17/2006 (513262)
52 12/19/2006 (531150)
53 12/20/2006 (514400)
54 12/29/2006 (344561)
55 01/30/2007 (538186)
56 02/12/2007 (539047)
57 04/12/2007 (543282)
58 04/12/2007 (543292)
59 04/12/2007 (543295)
60 04/25/2007 (555253)
61 04/25/2007 (557419)
62 06/13/2007 (559952)
63 06/18/2007 (563733)
64 06/20/2007 (560649)
65 07/13/2007 (563518)
66 08/29/2007 (567227)
67 09/10/2007 (466042)
68 09/17/2007 (572715)
69 10/19/2007 (573592)
70 11/05/2007 (594907)

71 11/07/2007 (518772)
72 12/14/2007 (597009)
73 12/17/2007 (599959)
74 12/19/2007 (611284)
75 03/31/2008 (638733)
76 04/04/2008 (618550)
77 04/29/2008 (640755)
78 05/27/2008 (671278)
79 05/30/2008 (671477)
80 06/18/2008 (656983)
81 07/09/2008 (684335)
82 08/01/2008 (681179)
83 08/04/2008 (687589)
84 08/12/2008 (685941)
85 09/10/2008 (699791)
86 10/06/2008 (688814)
87 10/22/2008 (700426)
88 11/13/2008 (706839)
89 11/17/2008 (706201)
90 11/19/2008 (700565)
91 12/04/2008 (708769)
92 12/04/2008 (709114)
93 12/04/2008 (709823)
94 12/09/2008 (707372)
95 12/31/2008 (722045)
96 01/15/2009 (710311)
97 03/10/2009 (736037)
98 03/11/2009 (735910)
99 03/23/2009 (726682)
100 04/06/2009 (738481)
101 05/29/2009 (744149)
102 06/02/2009 (726996)
103 06/04/2009 (743995)
104 06/04/2009 (744167)

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

Date: 07/21/2006 (481088) CN600128284
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01961 OP
Permit 4351 PA
Description: Failure to equip open-ended lines with a cap, blind flange, plug, or a second valve for lines in Volatile Organic Compound service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.43b(f)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01961 OP
Permit 2796A PA
Description: Failure to conduct an alternate method of monitoring when the Continuous Emission Monitoring System (CEMS) of Nitrous Oxides at the Number 7 Boiler was malfunctioning.

Date: 06/14/2007 (559952) CN600128284
Self Report? NO Classification: Moderate
Citation: 1961, General Terms and Conditions OP
1961, Special Terms and Conditions 16 OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4351, Special Condition 5.D. PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to perform weekly calibrations for hydrogen concentration on a flare.
Self Report? NO Classification: Moderate
Citation: 1961, General Terms and Conditions OP
1961, Special Terms and Conditions 16 OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4351, Special Condition 5.D. PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain minimum natural gas flow to flare.
Self Report? NO Classification: Moderate
Citation: 1961, General Terms and Conditions OP
1961, Special Terms and Conditions 16 OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4351, Special Condition 5.D. PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to perform weekly calibration on natural gas flow meter of flare.
Self Report? NO Classification: Moderate
Citation: 1961, General Terms and Conditions OP
1961, Special Terms and Conditions 6.F. OP
30 TAC Chapter 117, SubChapter C 117.413(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to perform daily calibrations on a Continuous Emission Monitoring System (CEMS).

Date: 12/14/2007 (597215) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart A 63.11(b)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 1A OP
 NSR Permit 1743, Special Condition 2 PERMIT
 NSR Permit 1743, Special Condition 9 PERMIT

Description: Failure to operate Flare ACR/FLR57 with a pilot flame present at all times.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 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)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 4 OP
 NSR Permit 1743, Special Condition 13 PERMIT

Description: Failure to maintain the water flow to scrubber ACR/ABS59.
 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)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 NSR Permit 1743, Special Condition 15 PERMIT

Description: Failure to perform the Second and Fourth Quarter 2005 CGAs of ACR/INC60.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)

FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 FOP O-01960, Special Condition 1E OP
 NSR Permit 1743, Special Condition 16E PERMIT
 NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to maintain a cap or plug on an open-ended line.
 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)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 NSR Permit 318, Special Condition 5 PERMIT

Description: Failure to perform Audio, Visual, and Olfactory (AVO) inspections for Ammonia (NH3) leaks in EPN AMM/FDKAMB once per twelve hour shift.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.118(f)(1)
 FOP O-01960 General Terms and Conditions OP
 FOP O-01960, Special Condition 19 OP
 NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to include all daily averages of measured parameters in the HON Periodic Report for the period of October 11, 2005 through April 10, 2006.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 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)
 FOP O-01960 General Terms and Conditions OP

FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT

Description: Failure to maintain the water flow to scrubber ACR/ABS219.

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)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 12 PERMIT

Description: Failure to maintain the operating parameter of the Oxygen concentration and to continuously monitor the Oxygen concentration of the Unit ACR/INC60.

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 THSC Chapter 382 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 8C PERMIT

Description: Failure to maintain the operating temperature of Vapor Combustor Unit ACR/VC51.

Date: 03/31/2008 (638733) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
4351, Special Condition 8E PERMIT
5C THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP
O-01961, Special Condition 16 OP
O-01961, Special Condition 1A OP

Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01961 General Terms and Conditions OP
O-01961, Special Condition 3D OP

Description: Failure to perform quarterly visible emission observations (VEO).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failure to keep a container of hazardous waste closed in a satellite accumulation area (SAA).

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 THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP

Description: Failure to accurately certify compliance in Annual Compliance Certifications (ACCs).

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 THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP
O-01961, Special Condition 16 OP
Permit 4351, Special Condition 5D PERMIT

Description: Failure to perform annual calibrations on the process flow monitor.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
5C THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP
O-01961, Special Condition 1A OP

Description: Failure to conduct inspections on the Benzene internal floating roof tank within the previous 12 months.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)
5C THSC Chapter 382 382.085(b)
O-01961, General Terms and Conditions OP
O-01961, Special Condition 1A OP

Description: Failure to maintain the required audio, visual, olfactory (AVO) weekly inspections on the pumps and flanges.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0861-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 an industrial organic chemical plant at 5740 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and 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 June 7, 2009.
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 Six Thousand Seventy-Five Dollars (\$6,075) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The Respondent has paid Four Thousand Eight Hundred Sixty Dollars (\$4,860) of the administrative penalty and One Thousand Two Hundred Fifteen Dollars (\$1,215) 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 revised the configuration of controller 507PC on July 16, 2009, so that the high pressure override system remains in service for automatic and manual modes.
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 during Incident No. 117097, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-01961, General Terms and Conditions and Special Condition ("SC") 16, and Air Permit No. 4351, SC 1, as documented during an investigation conducted on April 3, 2009. Specifically, the November 25, 2008 emissions event resulted from the compressor discharge pressure gauge being adjusted below 3.0 pound-force per square inch, activating the interlock safety mechanism which shut down the Ammonia Oxidation Process Abater (Emission Point Number: ANI-STK83) releasing 537.53 pounds of unauthorized Nitrogen Oxides for 34 minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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. 2009-0861-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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. S. S.
For the Executive Director

9/30/2009
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.

Thomas C. Davis
Signature

8-18-09
Date

Thomas C. Davis
Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

Plant Manager
Title

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