

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-1298-AIR-E **TCEQ ID:** RN100216035 **CASE NO.:** 36368
RESPONDENT NAME: E. I. du Pont de Nemours and Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: DuPont Beaumont Works Industrial Park, 5470 North Twin City Highway, Nederland, Jefferson County</p> <p>TYPE OF OPERATION: Industrial organic chemicals plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1520-IHW-E and 2008-1571-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 19, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Raymond Marlow, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Connie Hargraves, Regional SHE 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: June 24, 2008</p> <p>Date of NOV/NOE Relating to this Case: August 4, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure 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) [30 TEX. ADMIN. CODE §§ 101.201(a) and 122.143(4), Federal Operating Permit ("FOP") No. O-01961, General Terms and Conditions ("GTC") and Special Condition ("SC") 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure 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. The emissions event occurred on January 7, 2008 for 42 minutes, January 8, 2008 for two hours ("hrs") and five minutes and on January 9, 2008 for one hr and five minutes, totaling three hrs and 52 minutes. Since the emissions event was not reported within 24 hrs of discovery, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c) and 122.143(4), FOP No. O-01961, GTC and SC 16, Air Permit No. 4351, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$6,656</p> <p>Total Deferred: \$1,331 <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: \$5,325</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 reviewed procedures in place for determining an emissions event is reportable and conducted training on January 9, 2008, for the environmental personnel to ensure timely reporting of such events.</p> <p>Additional ID No(s): JE0033C</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

DATES	Assigned	11-Aug-2008	Screening	12-Aug-2008	EPA Due	9-May-2009
	PCW	28-Aug-2008				

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.	36368	No. of Violations	2
Docket No.	2008-1298-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Daniel Siringi
		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	\$2,600
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	181.0% Enhancement	Subtotals 2, 3, & 7	\$4,706
Notes	Penalty enhancement due to four 1660 orders with denial of liability, one findings order without a denial of liability, two NOV's issued for the same or similar violations and 33 NOV's issued for unrelated violations of which 25 are self-reported effluent violations.		
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	\$650
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$0	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$2,000		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$6,656
OTHER FACTORS AS JUSTICE MAY REQUIRE		0.0% Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
Final Penalty Amount			\$6,656
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$6,656
DEFERRAL	20.0% Reduction	Adjustment	-\$1,331
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$5,325

Screening Date 12-Aug-2008

Docket No. 2008-1298-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 36368

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Daniel Siringi

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)	2	10%
	Other written NOVs	33	66%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	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) 181%

>> 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 four 1660 orders with denial of liability, one findings order without a denial of liability, two NOVs issued for the same or similar violations and 33 NOVs issued for unrelated violations of which 25 are self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 181%

Screening Date 12-Aug-2008	Docket No. 2008-1298-AIR-E	PCW			
Respondent E. I. du Pont de Nemours and Company	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 36368	<i>PCW Revision June 12, 2008</i>				
Reg. Ent. Reference No. RN100216035					
Media [Statute] Air					
Enf. Coordinator Daniel Siringi					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a) and 122.143(4), Federal Operating Permit ("FOP") No. O-01961, General Terms and Conditions ("GTC") and Special Condition ("SC") 2F, and Tex. Health & Safety Code § 382.085(b)				
Violation 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).				
Base Penalty		<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm			Percent <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="1%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	
Matrix Notes	At least 70% of the rule requirement was met.				
Adjustment		<input type="text" value="\$9,900"/>			
				<input type="text" value="\$100"/>	
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$100"/>	
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
single event	x				
Notes		One single event is recommended for the initial report.			
Good Faith Efforts to Comply		25.0% Reduction		<input type="text" value="\$25"/>	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	x	<input type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)			
Notes	The Respondent achieved compliance on January 9, 2008.				
Violation Subtotal				<input type="text" value="\$75"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test			
	Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$256"/>	
		This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$256"/>	

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 36368
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$1,500	8-Jan-2008	9-Jan-2008	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)	\$500	8-Jan-2008	9-Jan-2008	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs for Plant personnel to properly file an emissions event report, and for the implementation of new Plant procedures concerning emissions event reporting requirements. Date required is 24 hours after the Plant discovered the event and the final date is the date all the corrective actions were completed.

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

\$2,000

TOTAL

\$0

Screening Date 12-Aug-2008	Docket No. 2008-1298-AIR-E	PCW												
Respondent E. I. du Pont de Nemours and Company	<small>Policy Revision 2 (September 2002)</small>													
Case ID No. 36368	<small>PCW Revision June 12, 2008</small>													
Reg. Ent. Reference No. RN100216035														
Media [Statute] Air														
Enf. Coordinator Daniel Siringi														
Violation Number <input type="text" value="2"/>														
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c) and 122.143(4), FOP No. O-01961, GTC and SC 16, Air Permit No. 4351, SC 1, and Tex. Health & Safety Code § 382.085(b)													
Violation Description	Failed to prevent authorized 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. The emissions event occurred on January 7, 2008 for 42 minutes, January 8, 2008 for two hours ("hrs") and five minutes and on January 9, 2008 for one hr and five minutes, totaling three hrs and 52 minutes. Since the emissions event was not reported within 24 hrs of discovery, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.													
Base Penalty		<input type="text" value="\$10,000"/>												
>> Environmental, Property and Human Health Matrix														
OR	Harm													
	Release Major Moderate Minor													
	Actual <input type="text"/> <input type="text"/> <input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>												
Potential <input type="text"/> <input type="text"/> <input type="text"/>														
>> Programmatic Matrix														
	Falsification Major Moderate Minor													
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="0%"/>												
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.													
Adjustment		<input type="text" value="\$7,500"/>												
		<input type="text" value="\$2,500"/>												
Violation Events														
	Number of Violation Events <input type="text" value="1"/>	Number of violation days <input type="text" value="3"/>												
<small>mark only one with an x</small>	<table style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td style="text-align: center;"><input type="text"/></td></tr> </table>	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 <input type="text" value="\$2,500"/>
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"/>													
One quarterly event is recommended.														
Good Faith Efforts to Comply		<input type="text" value="25.0% Reduction"/> <input type="text" value="\$625"/>												
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>													
Extraordinary	<input type="text"/>													
Ordinary	<input checked="" type="checkbox"/>													
N/A	<input type="text"/> (mark with x)													
Notes	The Respondent achieved compliance on January 9, 2008.													
Violation Subtotal		<input type="text" value="\$1,875"/>												
Economic Benefit (EB) for this violation														
Estimated EB Amount		<input type="text" value="\$0"/>												
Statutory Limit Test		<input type="text" value="\$6,400"/>												
Violation Final Penalty Total		<input type="text" value="\$6,400"/>												
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$6,400"/>												

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 36368
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 2

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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No commas or \$

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Refer to Economic Benefit for Violation No. 1.

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

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 2.29
Regulated Entity:	RN100216035	DUPONT BEAUMONT WORKS INDUSTRIAL PARK	Classification: AVERAGE	Site Rating: 4.61
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	EPA ID	TXD008081101	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30010	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50166	
	AIR NEW SOURCE PERMITS	PERMIT	16323	
	AIR NEW SOURCE PERMITS	PERMIT	18127	
	AIR NEW SOURCE PERMITS	PERMIT	24141	
	AIR NEW SOURCE PERMITS	PERMIT	29106	
	AIR NEW SOURCE PERMITS	PERMIT	29192	
	AIR NEW SOURCE PERMITS	PERMIT	31224	
	AIR NEW SOURCE PERMITS	PERMIT	31444	
	AIR NEW SOURCE PERMITS	PERMIT	36730	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0033C	
	AIR NEW SOURCE PERMITS	PERMIT	318	
	AIR NEW SOURCE PERMITS	PERMIT	1331	
	AIR NEW SOURCE PERMITS	PERMIT	1710	
	AIR NEW SOURCE PERMITS	PERMIT	1743	
	AIR NEW SOURCE PERMITS	PERMIT	1743A	
	AIR NEW SOURCE PERMITS	PERMIT	2053	
	AIR NEW SOURCE PERMITS	PERMIT	2324	
	AIR NEW SOURCE PERMITS	PERMIT	2340	
	AIR NEW SOURCE PERMITS	PERMIT	2672	
	AIR NEW SOURCE PERMITS	PERMIT	2796A	
	AIR NEW SOURCE PERMITS	PERMIT	3310	
	AIR NEW SOURCE PERMITS	PERMIT	3879	
	AIR NEW SOURCE PERMITS	PERMIT	4351	
	AIR NEW SOURCE PERMITS	PERMIT	4351A	
	AIR NEW SOURCE PERMITS	PERMIT	4704	
	AIR NEW SOURCE PERMITS	PERMIT	4752	
	AIR NEW SOURCE PERMITS	PERMIT	5310	
	AIR NEW SOURCE PERMITS	PERMIT	5777	
	AIR NEW SOURCE PERMITS	PERMIT	6183	
	AIR NEW SOURCE PERMITS	PERMIT	6301	
	AIR NEW SOURCE PERMITS	PERMIT	8106	
	AIR NEW SOURCE PERMITS	PERMIT	8143	
	AIR NEW SOURCE PERMITS	PERMIT	10013	
	AIR NEW SOURCE PERMITS	PERMIT	11844	
	AIR NEW SOURCE PERMITS	PERMIT	12208	
	AIR NEW SOURCE PERMITS	PERMIT	12368	
	AIR NEW SOURCE PERMITS	PERMIT	12835	
	AIR NEW SOURCE PERMITS	PERMIT	12888	
	AIR NEW SOURCE PERMITS	PERMIT	12894	
	AIR NEW SOURCE PERMITS	PERMIT	12895	
	AIR NEW SOURCE PERMITS	PERMIT	12896	
	AIR NEW SOURCE PERMITS	PERMIT	13542	
	AIR NEW SOURCE PERMITS	PERMIT	14020	
	AIR NEW SOURCE PERMITS	PERMIT	14134	
	AIR NEW SOURCE PERMITS	PERMIT	14489	
	AIR NEW SOURCE PERMITS	REGISTRATION	75823	
	AIR NEW SOURCE PERMITS	REGISTRATION	75778	
	AIR NEW SOURCE PERMITS	REGISTRATION	75676	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500003	
	AIR NEW SOURCE PERMITS	REGISTRATION	71190	

AIR NEW SOURCE PERMITS	REGISTRATION	71144
AIR NEW SOURCE PERMITS	PERMIT	52189
AIR NEW SOURCE PERMITS	PERMIT	54296
AIR NEW SOURCE PERMITS	PERMIT	50568
AIR NEW SOURCE PERMITS	PERMIT	52358
AIR NEW SOURCE PERMITS	PERMIT	71369
AIR NEW SOURCE PERMITS	PERMIT	54705
AIR NEW SOURCE PERMITS	REGISTRATION	73587
AIR NEW SOURCE PERMITS	EPA ID	PSDTX753
UNDERGROUND INJECTION CONTROL	PERMIT	WDW100
UNDERGROUND INJECTION CONTROL	PERMIT	WDW101
UNDERGROUND INJECTION CONTROL	PERMIT	WDW188
UNDERGROUND INJECTION CONTROL	PERMIT	WDW388
UNDERGROUND INJECTION CONTROL	PERMIT	WDW389
UNDERGROUND INJECTION CONTROL	PERMIT	WDW390
UNDERGROUND INJECTION CONTROL	PERMIT	WDW391
WASTEWATER	PERMIT	WQ0000473000
WASTEWATER	EPA ID	TPDES0004669
WASTEWATER	PERMIT	TPDES0004669
WASTEWATER	PERMIT	TX0004669
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
WATER LICENSING	LICENSE	1230066
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30010
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50166
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50166

Location: 5470 N TWIN CITY HWY, NEDERLAND, TX, 77627

Rating Date: September 01 07 Repeat Violator: N

TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: August 11, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 11, 2003 to August 11, 2008

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

Name: Daniel Siringi 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)?
5. When did the change(s) in ownership occur? 3/30/2007

Components (Multimedia) for the Site :

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

Effective Date: 10/10/2003 ADMINORDER 2002-1012-AIR-E
Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Table 1A, Application Representations PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: SC 18 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT

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

Effective Date: 05/12/2006

ADMINORDER 2005-1978-AIR-E

Classification: Moderate

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

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

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: 1743 PERMIT

1743/Special Conditions 4 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: 1743 PERMIT
1743/Special Condition 4 PERMIT

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

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 Lilitations 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.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/13/2003	(38072)
2	08/15/2003	(148544)
3	08/15/2003	(148560)
4	08/19/2003	(148348)
5	08/20/2003	(148356)
6	08/20/2003	(149878)
7	08/25/2003	(149730)
8	08/26/2003	(295069)
9	08/28/2003	(152838)
10	08/28/2003	(152835)
11	08/28/2003	(152837)
12	08/28/2003	(152976)
13	09/05/2003	(144597)
14	09/30/2003	(295071)
15	10/16/2003	(251734)
16	10/16/2003	(251808)
17	10/16/2003	(251662)
18	10/16/2003	(251656)
19	10/16/2003	(251736)
20	10/16/2003	(251667)
21	10/16/2003	(251668)
22	10/16/2003	(251785)
23	10/16/2003	(251793)
24	10/17/2003	(251784)
25	10/29/2003	(253502)
26	10/29/2003	(253508)
27	10/29/2003	(252290)
28	10/30/2003	(295073)
29	11/06/2003	(248835)
30	12/02/2003	(295074)
31	12/02/2003	(295076)
32	12/08/2003	(255561)
33	12/08/2003	(255609)
34	12/18/2003	(257374)

35	12/18/2003	(257360)
36	12/18/2003	(257365)
37	01/05/2004	(295075)
38	01/08/2004	(280674)
39	01/10/2004	(257154)
40	01/30/2004	(260913)
41	01/30/2004	(261137)
42	02/13/2004	(262579)
43	02/25/2004	(262312)
44	03/03/2004	(295058)
45	03/29/2004	(295061)
46	03/30/2004	(266349)
47	04/08/2004	(264649)
48	04/16/2004	(265198)
49	04/27/2004	(295062)
50	05/19/2004	(270221)
51	05/19/2004	(270228)
52	05/19/2004	(272204)
53	05/19/2004	(270225)
54	05/19/2004	(272201)
55	05/19/2004	(272699)
56	06/01/2004	(295064)
57	06/11/2004	(269850)
58	06/28/2004	(295066)
59	06/28/2004	(351959)
60	08/30/2004	(351960)
61	08/31/2004	(262540)
62	09/02/2004	(285264)
63	09/23/2004	(291787)
64	09/23/2004	(290929)
65	09/23/2004	(290932)
66	09/23/2004	(290922)
67	09/28/2004	(351961)
68	10/06/2004	(334229)
69	10/29/2004	(351962)
70	12/03/2004	(351963)
71	12/06/2004	(341765)
72	12/15/2004	(342892)
73	12/22/2004	(341799)
74	01/03/2005	(381782)
75	01/04/2005	(344102)
76	01/06/2005	(345865)
77	01/25/2005	(381783)
78	02/25/2005	(347899)
79	03/02/2005	(381780)
80	03/04/2005	(348330)
81	03/04/2005	(372053)
82	03/29/2005	(381781)
83	04/25/2005	(377491)
84	04/25/2005	(377489)
85	04/27/2005	(419609)
86	04/28/2005	(378691)
87	05/24/2005	(380302)
88	05/31/2005	(419610)
89	05/31/2005	(419612)
90	06/13/2005	(377480)
91	06/13/2005	(267115)
92	06/28/2005	(419611)
93	07/13/2005	(398792)
94	07/14/2005	(397732)
95	07/27/2005	(398824)
96	07/27/2005	(398839)
97	07/27/2005	(400272)
98	08/30/2005	(440751)
99	08/30/2005	(398952)
100	08/30/2005	(398843)
101	08/30/2005	(398956)
102	08/31/2005	(349444)
103	10/18/2005	(440752)
104	10/21/2005	(419148)

105	11/08/2005	(419146)
106	11/15/2005	(435807)
107	11/16/2005	(468290)
108	11/22/2005	(436056)
109	11/22/2005	(436069)
110	11/22/2005	(438124)
111	11/23/2005	(435758)
112	12/12/2005	(468291)
113	01/10/2006	(468292)
114	02/15/2006	(468293)
115	02/23/2006	(454153)
116	02/27/2006	(453635)
117	03/02/2006	(468288)
118	03/29/2006	(498099)
119	04/17/2006	(462368)
120	04/18/2006	(439023)
121	05/01/2006	(498100)
122	05/12/2006	(465540)
123	05/16/2006	(465147)
124	05/16/2006	(461492)
125	05/26/2006	(498101)
126	06/08/2006	(465140)
127	06/08/2006	(461493)
128	06/09/2006	(464979)
129	06/23/2006	(481385)
130	06/23/2006	(483323)
131	06/27/2006	(498102)
132	06/27/2006	(498103)
133	07/20/2006	(484761)
134	07/20/2006	(481088)
135	08/23/2006	(486519)
136	08/23/2006	(486526)
137	08/23/2006	(486528)
138	08/25/2006	(520117)
139	08/30/2006	(487349)
140	08/31/2006	(449843)
141	08/31/2006	(438112)
142	08/31/2006	(497541)
143	08/31/2006	(463773)
144	08/31/2006	(509139)
145	09/25/2006	(520118)
146	10/25/2006	(520119)
147	10/30/2006	(511265)
148	11/08/2006	(518131)
149	11/10/2006	(518881)
150	11/15/2006	(515866)
151	11/17/2006	(513262)
152	11/21/2006	(544378)
153	12/19/2006	(531150)
154	12/20/2006	(514400)
155	12/22/2006	(544379)
156	12/29/2006	(344561)
157	01/24/2007	(544380)
158	01/25/2007	(537695)
159	01/30/2007	(538186)
160	02/12/2007	(539047)
161	02/23/2007	(544377)
162	03/23/2007	(575120)
163	04/12/2007	(543282)
164	04/12/2007	(543292)
165	04/12/2007	(543295)
166	04/25/2007	(555253)
167	04/25/2007	(557419)
168	04/25/2007	(575121)
169	04/25/2007	(557239)
170	05/11/2007	(559579)
171	05/25/2007	(575122)
172	06/13/2007	(559952)
173	06/18/2007	(563733)
174	06/20/2007	(560649)

175 06/22/2007 (575123)
 176 07/13/2007 (563518)
 177 07/20/2007 (575124)
 178 08/24/2007 (607518)
 179 08/29/2007 (567227)
 180 09/10/2007 (466042)
 181 09/17/2007 (572715)
 182 09/25/2007 (607519)
 183 10/03/2007 (596368)
 184 10/19/2007 (573592)
 185 10/23/2007 (607520)
 186 11/05/2007 (594907)
 187 11/07/2007 (518772)
 188 11/15/2007 (619460)
 189 12/14/2007 (597009)
 190 12/17/2007 (599959)
 191 12/18/2007 (619461)
 192 12/19/2007 (611284)
 193 01/25/2008 (619462)
 194 02/21/2008 (671971)
 195 03/25/2008 (671972)
 196 03/31/2008 (638733)
 197 04/04/2008 (618550)
 198 04/17/2008 (671973)
 199 04/17/2008 (671974)
 200 04/29/2008 (640755)
 201 05/27/2008 (671278)
 202 05/30/2008 (671477)
 203 06/06/2008 (680550)
 204 06/18/2008 (681815)
 205 06/18/2008 (656983)
 206 07/09/2008 (684335)
 207 08/01/2008 (681179)
 208 08/04/2008 (687589)

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

Date 08/31/2003 (295071)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 11/06/2003 (248835)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)
 Description: Failure to provide an air gap on the filter-to-waste pipe.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(iii)
 Description: Failure to provide a theoretical detention time of at least two hours in the sludge-blanket clarifiers.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain the interior of the surface water treatment plant (the number 1 mix tank, the sedimentation basins, and the filters) and the interior of the ground storage tank. This is a repeat violation from the February 18, 2003, investigation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain the system's facilities and equipment.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
 Description: Failure to maintain records of the dates that dead-end mains were flushed.
 Date 01/30/2004 (260913)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 Rqmt Prov: PA 1743 SC 13(E)
 PA 1743 SC 18
 Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second

valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.356(2)(A)
30 TAC Chapter 115, SubChapter D 115.356(2)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)

Rqmt Prov: PA 1743 SC 18

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.149(a)

Rqmt Prov: PA 1743 SC 18

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(7)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(3)

Rqmt Prov: PA 1743 SC 13(K)
PA 1743 SC 18

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

Date 01/31/2004 (295058)

Self Report? YES Classification: Moderate

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

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

Date 03/31/2004 (295062)

Self Report? YES Classification: Moderate

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

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

Date 04/30/2004 (295064)

Self Report? YES Classification: Moderate

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

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

Date 05/31/2004 (295066)

Self Report? YES Classification: Moderate

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

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

Date 10/31/2004 (351963)

Self Report? YES Classification: Moderate

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

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

Date 12/31/2004 (381783)

Self Report? YES Classification: Moderate

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

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

Date 01/10/2005 (345865)

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT PC 2(g)

Description: Failure to contain wastewater from the acrylonitrile plant resulting in an unauthorized discharge.

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT PC 2(g)

Description: Failure to contain steam condensate resulting in an unauthorized discharge along Dock Road.

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT PC 2(g)
Description: Failure to contain steam condensate at the acrylonitrile dock in an unauthorized discharge.

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT PC 2(g)
Description: Failure to contain diesel and hydrocarbon resulting in an unauthorized discharge.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT M&RR
Description: Failure to report TSS 40% noncompliances to the TNRCC within the required notification period.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT M&RR 2
Description: Failure to perform total chlorine residual analysis using approved test procedures specified in 30 TAC 319.11 - 319.12.

Date 01/31/2005 (381780)

Self Report? YES Classification: Moderate

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

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

Date 02/28/2005 (381781)

Self Report? YES Classification: Moderate

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

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

Date 05/31/2005 (419611)

Self Report? YES Classification: Moderate

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

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

Date 07/13/2005 (398792)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Date 10/31/2005 (468291)

Self Report? YES Classification: Moderate

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

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

Date 11/30/2005 (468292)

Self Report? YES Classification: Moderate

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

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

Date 12/31/2005 (468293)

Self Report? YES Classification: Moderate

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

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

Date 01/31/2006 (468288)

Self Report? YES Classification: Moderate

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

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

Date 02/28/2006 (498099)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 03/31/2006 (498100)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 05/31/2006 (498102)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 06/30/2006 (498103)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 07/21/2006 (481088)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP O-01961
 PA Permit 4351
 Description: Failure to equip open-ended lines with a cap, blind flange, plug, or a second valve for lines in Volatile Organic Compound service.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.43b(f)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP O-01961
 PA Permit 2796A
 Description: Failure to conduct an alternate method of monitoring when the Continuous Emission Monitoring System (CEMS) of Nitrous Oxides at the Number 7 Boiler was malfunctioning.
 Date 10/31/2006 (544378)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 01/31/2007 (544377)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 03/31/2007 (575121)
 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 04/30/2007 (575122)
 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 05/11/2007 (559579)
 Self Report? NO Classification: Minor

Rqmt Prov: PERMIT EL&MR 2
 Description: Failure by Lucite to properly operate units of conveyance. On 03/21/2007, effluent pH was measured to be 9.06 SU at Outfall 008.

Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by Lucite International to properly maintain units of treatment. On 03/21/2007, the Bio-Ox clarifier effluent weir was in poor condition, allowing short circuiting of the unit.

Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT EL&MR 1, Outfall 101
 Description: Failure by Lucite International to discharge domestic wastewater plant effluent compliant with the permitted single grab fecal coliform limitation of 800 colonies per 100 mls.

Date 05/31/2007 (575123)
 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 06/14/2007 (559952)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP 1961, General Terms and Conditions
 OP 1961, Special Terms and Conditions 16
 PERMIT 4351, Special Condition 5.D.
 Description: Failure to perform weekly calibrations for hydrogen concentration on a flare.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP 1961, General Terms and Conditions
 OP 1961, Special Terms and Conditions 16
 PERMIT 4351, Special Condition 5.D.
 Description: Failure to maintain minimum natural gas flow to flare.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP 1961, General Terms and Conditions
 OP 1961, Special Terms and Conditions 16
 PERMIT 4351, Special Condition 5.D.
 Description: Failure to perform weekly calibration on natural gas flow meter of flare.

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

Date 06/30/2007 (575124)
 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 09/30/2007 (607520)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 12/14/2007 (597215)
 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)
 Rqmt Prov: OP FOP O-01960 General Terms and Conditions

OP FOP O-01960, Special Condition 19
 OP FOP O-01960, Special Condition 1A
 PERMIT NSR Permit 1743, Special Condition 2
 PERMIT NSR Permit 1743, Special Condition 9
 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)
 Rqmt Prov: OP FOP O-01960 General Terms and Conditions
 OP FOP O-01960, Special Condition 19
 OP FOP O-01960, Special Condition 4
 PERMIT NSR Permit 1743, Special Condition 13
 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)
 Rqmt Prov: OP FOP O-01960 General Terms and Conditions
 OP FOP O-01960, Special Condition 19
 PERMIT NSR Permit 1743, Special Condition 15
 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)
 Rqmt Prov: OP FOP O-01960 General Terms and Conditions
 OP FOP O-01960, Special Condition 19
 OP FOP O-01960, Special Condition 1E
 PERMIT NSR Permit 1743, Special Condition 16E
 PERMIT NSR Permit 1743, Special Condition 2
 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)
 Rqmt Prov: OP FOP O-01960 General Terms and Conditions
 OP FOP O-01960, Special Condition 19
 PERMIT NSR Permit 318, Special Condition 5
 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)
 Rqmt Prov: OP FOP O-01960 General Terms and Conditions
 OP FOP O-01960, Special Condition 19
 PERMIT NSR Permit 1743, Special Condition 2
 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)
 Rqmt Prov: OP FOP O-01960 General Terms and Conditions
 OP FOP O-01960, Special Condition 19
 OP FOP O-01960, Special Condition 4
 PERMIT NSR Permit 1743, Special Condition 10
 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)
 Rqmt Prov: OP FOP O-01960 General Terms and Conditions
 OP FOP O-01960, Special Condition 19
 PERMIT NSR Permit 1743, Special Condition 12
 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)
 Rqmt Prov: OP FOP O-01960 General Terms and Conditions
 OP FOP O-01960, Special Condition 19
 PERMIT NSR Permit 1743, Special Condition 8C
 Description: Failure to maintain the operatring temperature of Vapor Combustor Unit ACR/VC51.
 Date 01/31/2008 (671971)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 03/31/2008 (638733)
 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 THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT 4351, Special Condition 8E
 OP O-01961, General Terms and Conditions
 OP O-01961, Special Condition 16
 OP O-01961, Special Condition 1A
 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)
 Rqmt Prov: OP O-01961 General Terms and Conditions
 OP O-01961, Special Condition 3D
 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)
 Rqmt Prov: OP O-01961, General Terms and Conditions
 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)
 Rqmt Prov: OP O-01961, General Terms and Conditions
 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)
 Rqmt Prov: OP O-01961, General Terms and Conditions
 OP O-01961, Special Condition 16

PERMIT Permit 4351, Special Condition 5D

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)

Rqmt Prov: OP O-01961, General Terms and Conditions
 OP O-01961, Special Condition 1A

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)

Rqmt Prov: OP O-01961, General Terms and Conditions
 OP O-01961, Special Condition 1A

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. L. DU PONT DE NEMOURS AND
COMPANY
RN100216035

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

§
§
§
§
§
§

AGREED ORDER
DOCKET NO. 2008-1298-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 chemicals plant at 5470 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 August 9, 2008.
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 Six Hundred Fifty-Six Dollars (\$6,656) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Three Hundred Twenty-Five Dollars (\$5,325) of the administrative penalty and One Thousand Three Hundred Thirty-One Dollars (\$1,331) 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 reviewed procedures in place for determining an emissions event is reportable and conducted training on January 9, 2008, for the environmental personnel to ensure timely reporting of such events.
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:

1. Failed to notify the TCEQ Regional Office within the required 24 hours of a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a) and 122.143(4), Federal Operating Permit ("FOP") No. O-01961, General Terms and Conditions ("GTC") and Special Condition ("SC") 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 24, 2008. The emissions event occurred on January 7, 2008, but was not reported until January 9, 2008 (Incident No. 102237).
2. 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, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c) and 122.143(4), FOP No. O-01961, GTC and SC 16, Air Permit No. 4351, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 24, 2008. The emissions event occurred on January 7, 2008 for 42 minutes, January 8, 2008 for two hours ("hrs") and five minutes and on January 9, 2008 for one hr and five minutes, totaling three hrs and 52 minutes. Since the emissions event was not reported within 24 hrs of discovery, the Respondent failed to meet the demonstrations 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. 2008-1298-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

John Sullin
For the Executive Director

Date 1/9/2009

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.

DAVIS
Signature

Date 11-5-08

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

Plant Mgr
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.

Faint, illegible text, possibly bleed-through from the reverse side of the page.

Handwritten signature or initials, possibly "W. J. ...".

Handwritten signature or initials, possibly "W. J. ...".