

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1531-AIR-E TCEQ ID: RN100225085 CASE NO.: 34653
RESPONDENT NAME: E. I. DU PONT DE NEMOURS AND COMPANY

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 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

SITE WHERE VIOLATION(S) OCCURRED: 12501 Strang Road, La Porte, Harris County

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on February 9, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938

TCEQ Regional Contact: Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3750

Respondent: Mr. John Laughlin, Plant Manager, E. I. du Pont de Nemours and Company, P.O. Box 347, La Porte, Texas 77572-0347

Respondent's Attorney: Mr. Rodman C. Johnson, Brown McCarroll, L.L.P., 111 Congress Avenue, Suite 1400, Austin, Texas 78701

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: April 4, 2006 and June 13, 2007</p> <p>Date of NOE Relating to this Case: August 28, 2007</p> <p>Background Facts: The Agreed Order was sent to the Respondent on November 13, 2008. The Respondent signed the Agreed Order on November 20, 2008.</p> <p>Current Compliance Status: The Respondent has corrected all the violations.</p> <p>AIR:</p> <p>1. Failed to prevent unauthorized emissions during a February 19, 2006, emissions event. Specifically, 11,975 pounds ("lbs") of the highly reactive volatile organic compound ("HRVOC") ethylene and 5,900 lbs of acetic acid were released over a period of ten hours and 54 minutes from a failed gasket in the Vinyls Manufacturing Unit. Since the emissions event was avoidable and excessive, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 4445, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to maintain the net heating value of the gas being combusted by Flare VS-202C at 300 British thermal units per standard cubic foot ("Btu/scf") or greater [Federal Operating Permit No. O-01911, Special Condition Nos. 1.A. and 15; Air Permit No. 4445; Special Condition No. 5.A.; 40 CFR §§ 60.482-10(d), 63.11(b)(6)(i)(B)(ii), 63.113(a)(1)(i), and 60.18(c)(3)(i)(B)(ii); 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to maintain the liquid flow rate to Tank Farm Super Scrubber VS-206 above 17 gallons per minute ("gpm") [Federal Operating Permit No. O-01911, Special Condition Nos. 1.A. and 15; Air Permit No. 4445, Special Condition No. 6; 40 CFR § 63.120(d)(5); 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$28,825</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$28,825</p> <p>The Respondent has paid \$28,825 of the administrative penalty, in full.</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>Findings Order Justification: Unauthorized emissions which resulted in an excessive emissions event.</p> <p>Excessive Emissions Event Determination Factors:</p> <p>February 19, 2006 Event: (violation No. 1) – 30 TEX. ADMIN. CODE § 116.115(c): Emissions event occurred when a leak developed from a gasketed flange joint on a section of piping at a recirculating gas loop which resulted in the release of 11,975 pounds ("lbs") of the highly reactive organic compound ethylene and 5,900 lbs of acetic acid. The emissions event was avoidable and excessive.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <ol style="list-style-type: none"> Submitted a Corrective Action Plan ("CAP") on October 24, 2007 to address the February 19, 2006 excessive emissions event. All corrective actions outlined in the CAP were completed by October 23, 2007, and the CAP received Commission approval on December 27, 2007. Reviewed and analyzed the inherent limitation of the newly installed online analyzer design; Respondent integrated those new understandings into the process operating procedures and operator training in an effort to minimize the occurrence of short-duration low netting heating value. Respondent modified the control system logic to immediately increase the natural gas flow as soon as a large vent flow is detected without waiting for the net heating value generated by the GC analyzers. Additionally, an override function was added to the control system so that the natural gas flow is automatically adjusted as the system observes that the net heating value is approaching the required minimum net heating value of 300 Btu/scf. As indicated in compliance documentation dated November 4, 2008, the applicable permit was modified by TCEQ to determine compliance based on an average over a 6-minute period to eliminate the instantaneous variation in the monitoring data. Respondent also modified the control system to increase the minimum set point for the scrubber water flow to 22 gpm to minimize the quick drop in the flow below the required minimum flow. In addition, it was reinforced with the Plant operators that the water flow rate to the scrubber must be maintained above the required minimum flow at all times when process equipment are venting to the scrubber.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	4-Sep-2007	Screening	14-Sep-2007	EPA Due	24-May-2008
	PCW	12-Nov-2008				

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

CASE INFORMATION			
Enf./Case ID No.	34653	No. of Violations	3
Docket No.	2007-1531-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$17,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	151% Enhancement	Subtotals 2, 3, & 7	\$26,425
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Notes
Penalty enhancement due to 11 Notices of Violations ("NOVs") issued for same or similar violations, six NOVs issued for unrelated violations, 26 self-reported effluent discharge violations, and two Agreed Orders with a denial of liability. Penalty reduction due to four Notices of Intended Audits and two Disclosures of Violations.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)
Notes	The Respondent does not meet the good faith criteria.	

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,997	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$16,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$43,925
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$43,925
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,825
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$28,825
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Screening Date 14-Sep-2007	Docket No. 2007-1531-AIR-E	PCW
Respondent E. I. du Pont de Nemours and Company		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34653		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN100225085		
Media [Statute] Air		
Enf. Coordinator Kimberly Morales		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	11	55%
	Other written NOVs	32	64%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	2	-4%
<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) 151%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	Penalty enhancement due to 11 Notices of Violations ("NOVs") issued for same or similar violations, six NOVs issued for unrelated violations, 26 self-reported effluent discharge violations, and two Agreed Orders with a denial of liability. Penalty reduction due to four Notices of Intended Audits and two Disclosures of Violations.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 151%

Screening Date 14-Sep-2007	Docket No. 2007-1531-AIR-E	PCW												
Respondent E. I. du Pont de Nemours and Company	<i>Policy Revision 2 (September 2002)</i>													
Case ID No. 34653	<i>PCW Revision June 26, 2007</i>													
Reg. Ent. Reference No. RN100225085														
Media [Statute] Air														
Enf. Coordinator Kimberly Morales														
Violation Number	1													
Rule Cite(s)	Air Permit No. 4445, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)													
Violation Description	Failed to prevent unauthorized emissions. Specifically, during a February 19, 2006 emissions event, 11,975 pounds ("lbs") of the highly reactive volatile organic compound ("HRVOC") ethylene and 5,900 lbs of acetic acid were released over a period of ten hours and 54 minutes from a failed gasket in the Vinyls Manufacturing Unit. Since the emissions event was avoidable and excessive, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.													
Base Penalty		\$10,000												
>> Environmental, Property and Human Health Matrix														
OR	Release	Harm												
		Major Moderate Minor												
	Actual	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;">Major</td> <td style="width: 30px; text-align: center;">Moderate</td> <td style="width: 30px; text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>	Major	Moderate	Minor	x								
Major	Moderate	Minor												
x														
	Potential	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;">Major</td> <td style="width: 30px; text-align: center;">Moderate</td> <td style="width: 30px; text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	Major	Moderate	Minor									
Major	Moderate	Minor												
		Percent 100%												
>> Programmatic Matrix														
	Falsification	Harm												
		Major Moderate Minor												
	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;">Major</td> <td style="width: 30px; text-align: center;">Moderate</td> <td style="width: 30px; text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	Major	Moderate	Minor				<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;">Major</td> <td style="width: 30px; text-align: center;">Moderate</td> <td style="width: 30px; text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	Major	Moderate	Minor			
Major	Moderate	Minor												
Major	Moderate	Minor												
		Percent 0%												
Matrix Notes	The Houston-Galveston-Brazoria ozone nonattainment area has been exposed to an excessive amount of HRVOCs as a result of the violation.													
Adjustment		\$0												
		\$10,000												
Violation Events														
Number of Violation Events	1	1												
		Number of violation days												
<i>mark only one with an x</i>	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;">daily</td> <td style="width: 30px; text-align: center;">x</td> </tr> <tr> <td style="width: 30px; text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="width: 30px; text-align: center;">quarterly</td> <td></td> </tr> <tr> <td style="width: 30px; text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="width: 30px; text-align: center;">annual</td> <td></td> </tr> <tr> <td style="width: 30px; text-align: center;">single event</td> <td></td> </tr> </table>	daily	x	monthly		quarterly		semiannual		annual		single event		Violation Base Penalty \$10,000
daily	x													
monthly														
quarterly														
semiannual														
annual														
single event														
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> One daily event is recommended. </div>														
Economic Benefit (EB) for this violation		Statutory Limit Test												
Estimated EB Amount	\$942	Violation Final Penalty Total \$25,100												
This violation Final Assessed Penalty (adjusted for limits)		\$10,000												

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company

Case ID No. 34653

Reg. Ent. Reference No. RN100225085

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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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	19-Feb-2006	28-Oct-2008	2.7	\$45	\$897	\$942
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to implement measures designed to prevent the recurrence of emissions event caused by gasket failures and damaged flange seals. Date required based on the date of the emissions event. Final date based on the projected date all corrective measures will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$942

Screening Date	14-Sep-2007	Docket No.	2007-1531-AIR-E	PCW
Respondent	E. I. du Pont de Nemours and Company	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	34653	<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No.	RN100225085			
Media [Statute]	Air			
Enf. Coordinator	Kimberly Morales			
Violation Number	2			
Rule Cite(s)	Federal Operating Permit No. O-01911, Special Condition Nos. 1.A. and 15, Air Permit No. 4445, Special Condition No. 5.A., 40 Code of Federal Regulations §§ 60.482-10(d), 63.11(b)(6)(i)(B)(ii), 63.113(a)(1)(i), and 60.18(c)(3)(i)(B)(ii), 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain the net heating value of the gas being combusted by Flare VS-202C at 300 British thermal units per standard cubic foot ("Btu/scf") or greater. Specifically, a net heating value of 300 Btu/scf was not maintained for Flare VS-202C on February 1, 2006, February 6, 2006, February 10, 2006, February 21, 2006, February 22, 2006, August 2, 2006, and October 2, 2006.			
Base Penalty			\$10,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				Percent 25%
Potential		x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%
Matrix Notes	Human health and the environment could have been exposed to a significant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 7 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$1,151 Violation Final Penalty Total \$12,550

This violation Final Assessed Penalty (adjusted for limits) \$12,550

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company

Case ID No.: 34653

Reg. Ent. Reference No.: RN100225085

Media: Air

Violation No.: 4

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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$6,000	1-Feb-2006	28-Oct-2008	2.7	\$55	\$1,096	\$1,151
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the gas being combusted by Flare VS-202C has a minimum net heating value of 300 Btu/scf. Date required based on the earliest documentation of the violation. Final date based on the projected date all corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,000

TOTAL

\$1,151

Screening Date 14-Sep-2007	Docket No. 2007-1531-AIR-E	PCW
Respondent E. I. du Pont de Nemours and Company	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34653	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN100225085		
Media [Statute] Air		
Enf. Coordinator Kimberly Morales		
Violation Number 3		
Rule Cite(s)	Federal Operating Permit No. O-01911, Special Condition Nos. 1.A. and 15, Air Permit No. 4445, Special Condition No. 6, 40 Code of Federal Regulations § 63.120(d)(5), 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain the liquid flow rate to Tank Farm Super Scrubber VS-206 above 17 gallons per minute ("gpm"). Specifically, on March 30, 2006 and April 26, 2006 the liquid flow rate to the Tank Farm Super Scrubber VS-206 was below 17 gpm.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>
>> 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 and the environment could have been exposed to a significant amount of pollutants which would not exceed levels that are protective of human health and environmental receptors as a result of the violation.			
Adjustment				\$7,500

\$2,500

Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="2"/>		
mark only one with an x	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"/>
One quarterly event is recommended.				

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$904"/>	Violation Final Penalty Total	<input type="text" value="\$6,275"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$6,275"/>

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company

Case ID No.: 34653

Reg. Ent. Reference No.: RN100225085

Media: Air

Violation No.: 5

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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Item Description: No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Mar-2006	28-Oct-2008	2.6	\$43	\$861	\$904
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to implement measures designed to ensure that the liquid flow rate to Tank Farm Super Scrubber VS-206 is above 17 gpm. Date required based on the earliest documentation of the violation. Final date based on the projected date all corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$904
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Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 2.23
Regulated Entity:	RN100225085	E I DU PONT DE NEMOURS LA PORTE PLANT	Classification: AVERAGE	Site Rating: 1.36
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0218K	
	AIR OPERATING PERMITS	PERMIT	1845	
	AIR OPERATING PERMITS	PERMIT	1846	
	AIR OPERATING PERMITS	PERMIT	1905	
	AIR OPERATING PERMITS	PERMIT	1906	
	AIR OPERATING PERMITS	PERMIT	1907	
	AIR OPERATING PERMITS	PERMIT	1911	
	AIR OPERATING PERMITS	PERMIT	1990	
	AIR OPERATING PERMITS	PERMIT	1908	
	AIR OPERATING PERMITS	PERMIT	1891	
	AIR NEW SOURCE PERMITS	REGISTRATION	71966	
	AIR NEW SOURCE PERMITS	REGISTRATION	71932	
	AIR NEW SOURCE PERMITS	PERMIT	51618	
	AIR NEW SOURCE PERMITS	PERMIT	51352	
	AIR NEW SOURCE PERMITS	PERMIT	52051	
	AIR NEW SOURCE PERMITS	PERMIT	54634	
	AIR NEW SOURCE PERMITS	REGISTRATION	55092	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0218K	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	25405	
	AIR NEW SOURCE PERMITS	REGISTRATION	54748	
	AIR NEW SOURCE PERMITS	PERMIT	55472	
	AIR NEW SOURCE PERMITS	REGISTRATION	55169	
	AIR NEW SOURCE PERMITS	PERMIT	53691	
	AIR NEW SOURCE PERMITS	PERMIT	53898	
	AIR NEW SOURCE PERMITS	PERMIT	53933	
	AIR NEW SOURCE PERMITS	PERMIT	54142	
	AIR NEW SOURCE PERMITS	PERMIT	55100	
	AIR NEW SOURCE PERMITS	PERMIT	55125	
	AIR NEW SOURCE PERMITS	REGISTRATION	75780	
	AIR NEW SOURCE PERMITS	REGISTRATION	75781	
	AIR NEW SOURCE PERMITS	REGISTRATION	75939	
	AIR NEW SOURCE PERMITS	REGISTRATION	55914	
	AIR NEW SOURCE PERMITS	PERMIT	55942	
	AIR NEW SOURCE PERMITS	REGISTRATION	RN100225085	
	AIR NEW SOURCE PERMITS	REGISTRATION	75522	
	AIR NEW SOURCE PERMITS	REGISTRATION	70090	
	AIR NEW SOURCE PERMITS	REGISTRATION	70680	
	AIR NEW SOURCE PERMITS	REGISTRATION	71485	
	AIR NEW SOURCE PERMITS	REGISTRATION	71515	
	AIR NEW SOURCE PERMITS	REGISTRATION	71521	
	AIR NEW SOURCE PERMITS	REGISTRATION	71555	
	AIR NEW SOURCE PERMITS	REGISTRATION	71589	
	AIR NEW SOURCE PERMITS	REGISTRATION	71637	
	AIR NEW SOURCE PERMITS	REGISTRATION	71079	
	AIR NEW SOURCE PERMITS	REGISTRATION	71600	
	AIR NEW SOURCE PERMITS	PERMIT	70683	
	AIR NEW SOURCE PERMITS	PERMIT	54434	
	AIR NEW SOURCE PERMITS	PERMIT	55709	
	AIR NEW SOURCE PERMITS	PERMIT	54656	
	AIR NEW SOURCE PERMITS	REGISTRATION	71745	
	AIR NEW SOURCE PERMITS	PERMIT	71787	
	AIR NEW SOURCE PERMITS	REGISTRATION	72501	
	AIR NEW SOURCE PERMITS	REGISTRATION	73137	
	AIR NEW SOURCE PERMITS	PERMIT	55614	
	AIR NEW SOURCE PERMITS	PERMIT	56529	
	AIR NEW SOURCE PERMITS	PERMIT	55864	
	AIR NEW SOURCE PERMITS	REGISTRATION	74445	
	AIR NEW SOURCE PERMITS	REGISTRATION	74547	
	AIR NEW SOURCE PERMITS	REGISTRATION	73850	
	AIR NEW SOURCE PERMITS	REGISTRATION	74781	
	AIR NEW SOURCE PERMITS	REGISTRATION	77245	
	AIR NEW SOURCE PERMITS	REGISTRATION	77924	

AIR NEW SOURCE PERMITS	REGISTRATION	77101
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1064
AIR NEW SOURCE PERMITS	REGISTRATION	79091
AIR NEW SOURCE PERMITS	PERMIT	12705
AIR NEW SOURCE PERMITS	PERMIT	12725
AIR NEW SOURCE PERMITS	PERMIT	20800
AIR NEW SOURCE PERMITS	PERMIT	21130
AIR NEW SOURCE PERMITS	PERMIT	23740
AIR NEW SOURCE PERMITS	PERMIT	23688
AIR NEW SOURCE PERMITS	PERMIT	25009
AIR NEW SOURCE PERMITS	PERMIT	25657
AIR NEW SOURCE PERMITS	PERMIT	25400
AIR NEW SOURCE PERMITS	PERMIT	27385
AIR NEW SOURCE PERMITS	PERMIT	26222
AIR NEW SOURCE PERMITS	PERMIT	26496
AIR NEW SOURCE PERMITS	PERMIT	26340
AIR NEW SOURCE PERMITS	PERMIT	28315
AIR NEW SOURCE PERMITS	PERMIT	28383
AIR NEW SOURCE PERMITS	PERMIT	24984
AIR NEW SOURCE PERMITS	PERMIT	26592
AIR NEW SOURCE PERMITS	PERMIT	30182
AIR NEW SOURCE PERMITS	PERMIT	30428
AIR NEW SOURCE PERMITS	PERMIT	32351
AIR NEW SOURCE PERMITS	PERMIT	32328
AIR NEW SOURCE PERMITS	PERMIT	34030
AIR NEW SOURCE PERMITS	PERMIT	34178
AIR NEW SOURCE PERMITS	PERMIT	35510
AIR NEW SOURCE PERMITS	PERMIT	36110
AIR NEW SOURCE PERMITS	PERMIT	36341
AIR NEW SOURCE PERMITS	PERMIT	37427
AIR NEW SOURCE PERMITS	PERMIT	37277
AIR NEW SOURCE PERMITS	PERMIT	37750
AIR NEW SOURCE PERMITS	PERMIT	40064
AIR NEW SOURCE PERMITS	PERMIT	39520
AIR NEW SOURCE PERMITS	PERMIT	41316
AIR NEW SOURCE PERMITS	PERMIT	41436
AIR NEW SOURCE PERMITS	PERMIT	41786
AIR NEW SOURCE PERMITS	PERMIT	43111
AIR NEW SOURCE PERMITS	PERMIT	44102
AIR NEW SOURCE PERMITS	PERMIT	44807
AIR NEW SOURCE PERMITS	PERMIT	44835
AIR NEW SOURCE PERMITS	PERMIT	44934
AIR NEW SOURCE PERMITS	PERMIT	45783
AIR NEW SOURCE PERMITS	PERMIT	46250
AIR NEW SOURCE PERMITS	PERMIT	46795
AIR NEW SOURCE PERMITS	PERMIT	47006
AIR NEW SOURCE PERMITS	PERMIT	47657
AIR NEW SOURCE PERMITS	PERMIT	48201
AIR NEW SOURCE PERMITS	PERMIT	48336
AIR NEW SOURCE PERMITS	PERMIT	50145
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0218K
AIR NEW SOURCE PERMITS	PERMIT	157
AIR NEW SOURCE PERMITS	PERMIT	663
AIR NEW SOURCE PERMITS	PERMIT	1834
AIR NEW SOURCE PERMITS	PERMIT	2295A
AIR NEW SOURCE PERMITS	PERMIT	2295B
AIR NEW SOURCE PERMITS	PERMIT	2314
AIR NEW SOURCE PERMITS	PERMIT	2446A
AIR NEW SOURCE PERMITS	PERMIT	2751
AIR NEW SOURCE PERMITS	PERMIT	2925
AIR NEW SOURCE PERMITS	PERMIT	3406
AIR NEW SOURCE PERMITS	PERMIT	4445
AIR NEW SOURCE PERMITS	PERMIT	5034A
AIR NEW SOURCE PERMITS	PERMIT	6502
AIR NEW SOURCE PERMITS	PERMIT	7820
AIR NEW SOURCE PERMITS	PERMIT	7941
AIR NEW SOURCE PERMITS	PERMIT	7986
AIR NEW SOURCE PERMITS	AFS NUM	4820100011
AIR NEW SOURCE PERMITS	REGISTRATION	79153

AIR NEW SOURCE PERMITS	REGISTRATION	79624
AIR NEW SOURCE PERMITS	REGISTRATION	79912
AIR NEW SOURCE PERMITS	REGISTRATION	79682
AIR NEW SOURCE PERMITS	REGISTRATION	80234
AIR NEW SOURCE PERMITS	REGISTRATION	79824
AIR NEW SOURCE PERMITS	REGISTRATION	81545
AIR NEW SOURCE PERMITS	REGISTRATION	81161
AIR NEW SOURCE PERMITS	REGISTRATION	81466
AIR NEW SOURCE PERMITS	REGISTRATION	81328
AIR NEW SOURCE PERMITS	REGISTRATION	82048
AIR NEW SOURCE PERMITS	REGISTRATION	82394
AIR NEW SOURCE PERMITS	PERMIT	82353
WASTEWATER	PERMIT	WQ0000474000
WASTEWATER	PERMIT	TPDES0007293
WASTEWATER	PERMIT	TX0007293
UNDERGROUND INJECTION CONTROL	PERMIT	WDW082
UNDERGROUND INJECTION CONTROL	PERMIT	WDW083
UNDERGROUND INJECTION CONTROL	PERMIT	WDW149
UNDERGROUND INJECTION CONTROL	PERMIT	WDW360
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011171
PETROLEUM STORAGE TANK	REGISTRATION	35066
REGISTRATION		
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079212
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30046
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50213
WATER LICENSING	LICENSE	1011171
STORMWATER	PERMIT	TXR05P548
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30046
AIR NEW SOURCE PERMITS	REGISTRATION	81487L001
AIR NEW SOURCE PERMITS	REGISTRATION	81488L001

Location: 12501 STRANG RD, LA PORTE, TX, 77571

Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 14, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 04, 2002 to September 04, 2007

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

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 03/03/2005

ADMINORDER 2002-1118-IWD-E

Classification: Moderate

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

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

Effective Date: 08/23/2007

ADMINORDER 2006-2093-AIR-E 2

Classification: Moderate

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

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	09/20/2002	(160424)
2	10/07/2002	(10398)
3	10/23/2002	(160427)
4	11/22/2002	(160431)
5	12/19/2002	(160435)
6	01/21/2003	(20308)
7	01/24/2003	(160439)
8	02/20/2003	(13324)
9	02/24/2003	(160398)
10	03/22/2003	(352533)
11	03/24/2003	(160401)
12	04/22/2003	(160406)
13	05/05/2003	(34898)
14	05/05/2003	(34905)
15	05/05/2003	(34907)
16	05/22/2003	(160410)
17	06/09/2003	(60399)
18	06/09/2003	(60395)
19	06/09/2003	(60409)
20	06/24/2003	(160414)
21	06/26/2003	(126894)
22	07/18/2003	(160418)
23	08/05/2003	(147695)
24	08/19/2003	(149431)
25	08/22/2003	(352538)
26	08/27/2003	(152726)
27	08/27/2003	(152724)
28	08/27/2003	(152718)
29	09/16/2003	(248235)
30	09/16/2003	(247800)
31	09/22/2003	(352540)
32	10/01/2003	(248244)
33	10/01/2003	(248459)
34	10/01/2003	(248494)
35	10/28/2003	(352542)
36	10/30/2003	(249902)
37	11/14/2003	(250909)
38	11/14/2003	(254715)
39	11/14/2003	(254795)
40	11/14/2003	(254759)
41	11/24/2003	(255660)
42	11/24/2003	(352544)
43	12/22/2003	(352546)
44	01/06/2004	(259141)
45	01/20/2004	(352547)
46	01/30/2004	(250497)
47	02/13/2004	(262618)
48	02/13/2004	(262614)
49	02/13/2004	(262620)

50	02/23/2004	(296324)
51	04/06/2004	(9880)
52	04/07/2004	(256711)
53	04/16/2004	(268261)
54	04/16/2004	(268264)
55	04/16/2004	(268256)
56	04/23/2004	(352534)
57	05/10/2004	(271820)
58	05/19/2004	(270868)
59	05/19/2004	(270871)
60	05/19/2004	(272282)
61	05/19/2004	(270860)
62	05/19/2004	(272284)
63	05/19/2004	(272286)
64	05/21/2004	(352535)
65	05/25/2004	(250494)
66	06/02/2004	(274059)
67	06/21/2004	(352536)
68	07/20/2004	(275971)
69	07/23/2004	(352537)
70	07/30/2004	(277027)
71	07/30/2004	(276699)
72	08/03/2004	(278176)
73	08/20/2004	(352539)
74	09/29/2004	(352548)
75	10/22/2004	(352543)
76	11/10/2004	(340381)
77	11/13/2004	(292315)
78	11/22/2004	(352545)
79	12/15/2004	(340124)
80	12/16/2004	(343461)
81	12/20/2004	(382026)
82	12/21/2004	(339014)
83	01/03/2005	(352541)
84	01/04/2005	(341359)
85	01/31/2005	(343388)
86	03/16/2005	(373933)
87	03/22/2005	(350004)
88	03/22/2005	(382025)
89	04/07/2005	(376192)
90	04/07/2005	(376218)
91	04/11/2005	(376215)
92	04/18/2005	(350288)
93	04/25/2005	(377502)
94	04/25/2005	(419877)
95	04/25/2005	(372807)
96	04/25/2005	(377508)
97	04/25/2005	(372813)
98	04/25/2005	(377506)
99	04/25/2005	(372818)
100	05/06/2005	(379898)
101	05/23/2005	(419878)
102	06/06/2005	(376261)
103	06/13/2005	(393264)
104	06/16/2005	(395000)
105	06/16/2005	(396330)
106	06/21/2005	(419879)
107	07/14/2005	(397623)
108	07/14/2005	(397608)
109	07/14/2005	(397619)
110	07/21/2005	(440994)
111	08/19/2005	(440995)
112	08/23/2005	(377109)
113	09/28/2005	(440996)
114	10/18/2005	(468719)
115	10/19/2005	(440993)
116	11/21/2005	(435492)

117	11/28/2005	(468720)
118	12/02/2005	(437474)
119	12/07/2005	(438530)
120	12/07/2005	(438533)
121	12/07/2005	(438536)
122	12/07/2005	(438537)
123	12/19/2005	(449755)
124	12/20/2005	(449884)
125	01/17/2006	(468721)
126	01/17/2006	(468722)
127	01/20/2006	(449883)
128	01/27/2006	(432622)
129	02/24/2006	(468717)
130	03/07/2006	(449762)
131	03/10/2006	(450047)
132	03/24/2006	(468718)
133	04/24/2006	(498402)
134	05/09/2006	(461347)
135	05/15/2006	(465457)
136	05/15/2006	(465445)
137	05/15/2006	(465437)
138	05/23/2006	(498403)
139	05/25/2006	(467420)
140	05/30/2006	(480436)
141	06/15/2006	(464682)
142	06/21/2006	(498404)
143	06/23/2006	(481674)
144	06/28/2006	(462251)
145	07/25/2006	(520408)
146	07/31/2006	(480156)
147	08/02/2006	(480157)
148	08/21/2006	(489548)
149	08/23/2006	(486603)
150	08/23/2006	(486587)
151	08/23/2006	(486595)
152	08/23/2006	(520409)
153	08/29/2006	(509906)
154	09/22/2006	(520410)
155	09/25/2006	(520411)
156	10/13/2006	(515906)
157	10/24/2006	(544748)
158	10/27/2006	(514269)
159	10/30/2006	(517651)
160	10/30/2006	(482067)
161	11/21/2006	(519058)
162	11/21/2006	(519064)
163	11/27/2006	(544749)
164	11/29/2006	(515929)
165	12/19/2006	(544750)
166	01/24/2007	(533714)
167	02/22/2007	(575705)
168	03/12/2007	(540373)
169	03/12/2007	(540364)
170	03/22/2007	(575706)
171	04/16/2007	(542380)
172	04/24/2007	(575707)
173	04/25/2007	(543355)
174	04/25/2007	(543346)
175	04/25/2007	(543358)
176	05/22/2007	(543552)
177	05/23/2007	(575708)
178	05/23/2007	(560156)
179	05/25/2007	(558836)
180	05/31/2007	(543650)
181	06/20/2007	(543376)
182	06/25/2007	(575709)
183	07/10/2007	(559490)

184 07/20/2007 (543549)
 185 07/23/2007 (575710)
 186 07/24/2007 (564176)
 187 07/31/2007 (558826)
 188 08/22/2007 (570072)
 189 08/27/2007 (462372)
 190 08/28/2007 (543551)

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

- 1 Date: 12/31/2002 (160439)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 01/31/2003 (160398)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 02/28/2003 (160401)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 03/31/2003 (160406)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 05/31/2003 (160414)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 06/30/2003 (160418)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 09/30/2003 (352542)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- 8 Date: 10/01/2003 (248494)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
 Description: Failure to include compounds in final report. Classification - Min(3)(C)
- 9 Date: 10/01/2003 (248244)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to control or prevent emissions. Classification-MOD92)(D)
- 10 Date: 10/01/2003 (248459)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to prevent or control emissions. Classification - Mod(2)(D)

- 11 Date: 10/31/2003 (352544)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 12 Date: 11/30/2003 (352546)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 13 Date: 12/31/2003 (352547)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 14 Date: 02/29/2004 (352533)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 15 Date: 03/31/2004 (352534)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 16 Date: 04/30/2004 (352535)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 17 Date: 07/31/2004 (352539)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 18 Date: 09/30/2004 (352543)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 19 Date: 12/31/2004 (352548)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 20 Date: 02/28/2005 (382025)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- 21 Date: 04/11/2005 (376215)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(2)
Description: Failure to limit production of hydrogen fluoride to the amount approved in Permit by Rule
Registration # 71515, resulting in excess emissions of 0.50 pounds of sulfur dioxide.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.262(2)
Description: Failure to limit production of hydrogen fluoride to the amount approved in Permit by Rule

Registration # 71515, resulting in excess emissions of 0.01 pounds of hydrogen fluoride.

22 Date: 04/30/2005 (419878)

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

23 Date: 05/31/2005 (419879)

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

24 Date: 06/06/2005 (376261)

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
Rqmt Prov: PERMIT NSR Permit 2446A, Special Condition 3 B

Description: Failure to maintain pilot flame at all times.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP Permit # O-01905

Description: Failed to conduct an annual visible emission observation within the compliance certification period 12/12/2003 and 12/11/2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

Rqmt Prov: PERMIT Air Permit # 2446A, SC 3 A

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)

Rqmt Prov: PERMIT Air Permit # 2446A, SC 9

Description: Failure by DuPont to submit the Notification of Compliance Status Report for the Velpar Unit within the 150 day time frame allowed.

25 Date: 08/23/2005 (377109)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)
Description: Failure to submit a PI-7 Form within 10 days for a Permit by Rule registration under 30 TAC 106.262.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
Description: Failure to submit an Off-permit notification to the Agency to notify them of a change at the site that met the requirements of 30 TAC 122.222(k).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)
Description: Failure to submit Notification of compliance status for the Lannate Unit within 150 days after the compliance date of 12/23/2003.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii)

Description: Failure to keep the incinerator temperature above the established minimum temperature of 1700 F required by for 40 CFR 63, Subpart MMM.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(j)(1)

Description: Failure to ensure that the methylene chloride is not released to the atmosphere from the by-

pass vent valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(iii)

Description: Failure to record the continuous monitoring data required for the condenser temperature and the scrubber re-circulation rate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii)

Description: Failure to ensure that the temperature of the incinerator is continuously recorded as required by this rule.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.700
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)

Description: Failure to daily sample the caustic scrubber and to ensure that the scrubber solution is maintained above the minimum level established in their Notification of Compliance Status.

26 Date: 10/31/2005 (468720)

Self Report? YES Classification: Moderate

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

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

27 Date: 02/28/2006 (468718)

Self Report? YES Classification: Moderate

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

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

28 Date: 06/15/2006 (464682)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to monitor 32 connectors in HON service as required by 40 CFR 63, Subpart H.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to monitor 4 difficult to monitor valves on an annual basis as required by 40 CFR 63.168(i)(3).

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Minor

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

Rqmt Prov: OP FOP #O-01911, Special Condition #1
OP FOP #O-01911, Special Condition #15
PA NSR Permit #4445, Special Condition #6

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP FOP #O-01911, Special Condition #1
 OP FOP #O-01911, Special Condition #15
 PA NSR Permit #4445, Special Condition #7F
 Description: Failure to perform quarterly Method 21 monitoring to 2 accessible valves.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP Special Condition #16
 Description: Failure to include new methanol-service components in the annual notification report required
 by 106.261(a)(7)(B).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP FOP #O-01911, Special Condition #1
 Description: Failure to operate flare at an exit velocity less than 60 ft./sec.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP FOP #O-01911, Special Condition #1
 Description: Failure to submit a written 45 day notification prior to performing testing as required by
 115.726(a)(2).

29 Date: 06/28/2006 (462251)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: Failure to submit initial notification in a timely manner.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA Permit #4445, SC#1
 Description: Failure to prevent the unauthorized emission of ethylene from the atmospheric vent valve.

30 Date: 07/31/2006 (480156)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP FOP #O-01905, Special Condition #1
 Description: Failure to perform continuous recording of the Velpar Flare.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(iv)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP FOP #O-01905, Special Condition #1
 Description: Failure to continuously record the exhaust gas temperature of the NaOMe Flare.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP FOP #O-01905, Special Condition #17A
 Description: Failure to perform verification testing to refrigeration equipment after performing maintenance.

31 Date: 08/02/2006 (480157)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(i)(3)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP FOP #O-01990, Special Condition #11A
 Description: Failure to perform verification testing to refrigeration equipment after completion of repairs.

32 Date: 12/06/2006 (533714)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure to submit Disinfectant Level Quarterly Operating Reports.

33 Date: 12/31/2006 (520411)
Self Report? YES Classification: Moderate

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

34 Date: 01/25/2007 (533714)
Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failure to be under the direct supervision of a licensed waterworks operator.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to initiate maintenance and housekeeping practices for the curbing on the roof of the ground storage tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to initiate maintenance and housekeeping practices for the concrete sealing block at well #8.

35 Date: 01/31/2007 (575705)
Self Report? YES Classification: Moderate

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

36 Date: 02/28/2007 (575706)
Self Report? YES Classification: Moderate

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

37 Date: 03/31/2007 (575707)
Self Report? YES Classification: Moderate

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

38 Date: 05/25/2007 (558836)
Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(1)(i)
Description: Failure to record the water flow rate on February 27, 2006 from 12:30 pm through 1:30 pm for the HF-01 Scrubber.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01846 STC 4

Description: Failure to operate HF-01 scrubber at a minimum water flow rate of 87 gpm during February 25, 2006, February 27, 2006, and August 4, 2006.

39 Date: 06/22/2007 (543376)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP No. O-01845, Special Condition 4

Description: failure to operate the Sulfuric Acid Plant within the Oleum filling rate of 30 gpm represented in the application submitted for NSR Permit No. 21130.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263
30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP No. O-01845, Special Condition 6

Description: failure to register a rental air compressor operated under Permit by Rule 106.263 within 180 days of the start-up of the compressor.

40 Date: 06/30/2007 (575710)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

41 Date: 07/20/2007 (543549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. 01905, Spec. Cond. 11
PERMIT NSR Permit No. 2446A, Spec. Cond. 8H
Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. 01905, Spec. Cond. 11
PERMIT NSR Permit No. 2446A, Spec. Cond. 8H
Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown. The unit was restarted without completing the repairs.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. 01905 Spec. Cond. 1A
Description: Failure to make a first attempt at repairing fugitive components within five (5) days after discovery.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP No. 01905, Spec. Cond 11
PERMIT NSR Permit No. 2446A, Spec. Cond 8H
Description: Failure to complete final repairs on two (2) fugitive components within fifteen (15) days of initial discovery.

42 Date: 07/31/2007 (567547)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01906 STC 9
Description: PERMIT NSR Permit No. 1834 SC 10C
Failure to change the carbon canister within four hours when the breakthrough had occurred at the first canister on August 31, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to conduct first attempt repair for fugitive leaking component within five days after the leak was discovered.

Self Report? NO Classification: Minor

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

43 Date: 08/28/2007 (568558)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.767(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP No. O-01911, Spec. Cond. 15		
Description:	Failure to maintain a minimum of five (5) psig differential pressures between the process side and cooling tower water side on North Cooling Tower.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01911, Spec. Cond. 1A OP FOP Permit No. O-01911, Spec. Cond 15 PERMIT NSR Permit No. 4445, Spec. Cond. 7H & 7I		
Description:	Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP No. O-01911, Spec. Cond. 15 OP FOP No. O-01911, Spec. Cond. 1A		
Description:	Failure to monthly monitor fugitive components (pumps) that were not included in LDAR program.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)[G] 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP No. O-01911, Spec. Cond. 15 OP FOP No. O-01911, Spec. Cond. 1A PERMIT NSR Permit No. 4445, Spec. Cond. 7G		
Description:	Failure to quarterly monitor fugitive components (pumps) that were not included in LDAR program.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP No. O-01911, Spec. Cond. 1A OP FOP Permit No. O-01911, Spec. Cond. 15		
Description:	Failure to make a first attempt at repairing fugitive components within five (5) days after discovery.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.764(a)(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP Permit No. O-01911, Spec. Cond. 15		
Description:	Failure to complete quarterly calibration tests on South Cooling Tower.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP Permit No. O-01911, Spec. Cond. 15		
Description:	Failure to complete quarterly calibration tests on the vinyls flare (VS-202).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.766(a)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP Permit No. O-01911, Spec. Cond. 15		
Description:	Failure to record ethylene emissions from South Cooling Tower.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.766(a)(5) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP Permit No. O-01911, Spec. Cond. 15		
Description:	Failure to record recirculation flow from South Cooling Tower.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		

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

Rqmt Prov: OP FOP No. O-01911, Spec. Cond. 15
Description: Failure to include a recordable emission event in a deviation report.

F. Environmental audits.

1 Notice of Intent Date: 02/11/2004 (263549)
1 Disclosure Date: 04/29/2004

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

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

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

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

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

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

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

2 Notice of Intent Date: 02/02/2005 (371581)
2 Disclosure Date: 08/08/2005

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM

Description: Fugitive monitoring data includes data with questionable validity due to response time of the instrument.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H

Description: DuPont identified 6250 components that should have been included in the site Leak Detection and Repair Program, but have not previously been.

3 Notice of Intent Date: 02/07/2005 (371582)
No DOV Associated

4 Notice of Intent Date: 08/21/2007 (594321)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS
AND COMPANY ;
RN100225085

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1531-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("du Pont") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and du Pont represented by Rodman C. Johnson, of the law firm of Brown McCarroll L. L. P., presented this agreement to the Commission.

Du Pont understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, du Pont agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon du Pont.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. DuPont owns and operates a chemical manufacturing plant located at 12501 Strang Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During a record review conducted on April 4, 2006, TCEQ staff documented that du Pont failed to prevent unauthorized emissions. Specifically, during a February 19, 2006 emissions event, 11,975 pounds ("lbs") of the highly reactive volatile organic compound ("HRVOC") ethylene and 5,900 lbs of acetic acid were released over a period of ten hours and 54 minutes from a failed gasket in the Vinyls Manufacturing Unit.
4. During an investigation conducted on June 13, 2007, TCEQ staff documented that du Pont:
 - a. Failed to maintain a net heating value of the gas combusted by Flare VS-202C at 300 British thermal units per standard cubic foot ("Btu/scf") or greater. Specifically, a net heating value of 300 Btu/scf was not maintained for Flare VS-202C on February 1, 2006, February 6, 2006, February 10, 2006, February 21, 2006, February 22, 2006, August 2, 2006, and October 2, 2006; and
 - b. Failed to maintain the liquid flow rate to Tank Farm Super Scrubber VS-206 above 17 gallons per minute ("gpm"). Specifically, on March 30, 2006 and April 26, 2006, the liquid flow rate to the Tank Farm Super Scrubber VS-206 was below 17 gpm.
5. Du Pont received notice of the violations on or about September 1, 2007 and September 2, 2007.
6. The Executive Director recognizes that du Pont has implemented the following corrective measures at the Plant:
 - a. Du Pont submitted a Corrective Action Plan ("CAP") on October 24, 2007 to address the February 19, 2006 excessive emissions event. All corrective actions outlined in the CAP were completed by October 23, 2007, and the CAP received Commission approval on December 27, 2007;
 - b. As indicated in compliance documentation dated November 4, 2008, du Pont has reviewed and analyzed the inherent limitation of the newly installed online analyzer design; du Pont integrated those new understandings into the process operating procedures and operator training in an effort to minimize the occurrence of short-duration low netting heating value. Du Pont has modified the control system logic to immediately increase the natural gas flow as soon as a large vent flow is detected without waiting for the net heating value generated by the GC analyzers. Additionally, an override function was added to the control system so that the natural gas flow is automatically adjusted as the system observes that the net heating value is approaching the required minimum net heating value of 300 Btu/scf; and

- c. As indicated in compliance documentation dated November 4, 2008, the applicable permit was modified by TCEQ to determine compliance based on an average over a 6-minute period to eliminate the instantaneous variation in the monitoring data. Du Pont also modified the control system to increase the minimum set point for the scrubber water flow to 22 gpm to minimize the quick drop in the flow below the required minimum flow. In addition, it was reinforced with the Plant operators that the water flow rate to the scrubber must be maintained above the required minimum flow at all times when process equipment are venting to the scrubber.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, du Pont is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3., du Pont failed to prevent unauthorized emissions during a February 19, 2006 emissions event, in violation of Air Permit No. 4445, Special Condition No. 1; 30 TEX. ADMIN. CODE § 116.115(c); and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable and excessive, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
3. As evidenced by Finding of Fact No. 4.a., du Pont failed to maintain the net heating value of the gas being combusted by Flare VS-202C at 300 Btu/scf or greater, in violation of Federal Operating Permit No. O-01911, Special Condition Nos. 1.A. and 15; Air Permit No. 4445, Special Condition No. 5.A.; 40 CODE OF FEDERAL REGULATIONS §§ 60.482-10(d); 63.11(b)(6)(i)(B)(ii); 63.113(a)(1)(i); and 60.18(c)(3)(i)(B)(ii); 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 4.b., du Pont failed to maintain the liquid flow rate to Tank Farm Super Scrubber VS-206 above 17 gpm, in violation of Federal Operating Permit No. O-01911, Special Condition Nos. 1.A. and 15; Air Permit No. 4445, Special Condition No. 6; 40 CODE OF FEDERAL REGULATIONS § 63.120(d)(5); 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against du Pont for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of twenty-eight thousand eight hundred twenty-five dollars (\$28,825.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Du Pont has paid twenty-eight thousand eight hundred twenty-five dollars (\$28,825.00) of the administrative penalty.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Du Pont is assessed an administrative penalty in the amount of twenty-eight thousand eight hundred twenty-five dollars (\$28,825.00) as set forth in Conclusion of Law No. 6 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and du Pont's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2007-1531-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 du Pont. Du Pont is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to du Pont if the Executive Director determines that du Pont has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.

5. This Agreed Order, issued by the Commission, shall not be admissible against du Pont in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. 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.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to du Pont, or three days after the date on which the Commission mails notice of the Order to du Pont, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

1/15/2009
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of E. I. du Pont de Nemours and Company. I represent that I am authorized to agree to the attached Agreed Order on behalf of E. I. du Pont de Nemours and Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, E. I. du Pont de Nemours and Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that E. I. du Pont de Nemours and Company's failure to comply with the Ordering Provisions, if any, in this order and/or E. I. du Pont de Nemours and Company's failure to timely pay the penalty amount, may result in:

- A negative impact on E. I. du Pont de Nemours and Company's compliance history;
- Greater scrutiny of any permit applications submitted by E. I. du Pont de Nemours and Company;
- 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 against E. I. du Pont de Nemours and Company;
- Automatic referral to the Attorney General's Office of any future enforcement actions against E. I. du Pont de Nemours and Company; and
- TCEQ seeking other relief as authorized by law.

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

[Signature]
Signature

11-20-2008
Date

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

PLANT MANAGER
Title