

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-1571-AIR-E **TCEQ ID:** RN100216035 **CASE NO.:** 36613  
**RESPONDENT NAME:** E. I. du Pont de Nemours and Company

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Dupont-Beaumont Works Industrial Park, 5470 North Twin City Highway, near Nederland, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Industrial organic chemicals plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two pending enforcement actions, Docket Nos. 2008-1520-IHW-E and 2008-1298-AIR-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 9, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney/SEP Coordinator: None  TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  Respondent: Mr. Thomas C. Davis, Plant Manager, E. I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704  Ms. Connie Hargraves, Regional S.H.E. 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><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 12, 2008</p> <p><b>Date of NOE Relating to this Case:</b> September 10, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to comply with permitted emissions limits. Specifically, during a 40-minute emissions event on January 17, 2008, the Ammonia Oxidation Process ("AOP") Abater, Emissions Point Number ANI-STK83, released 741.21 pounds of unauthorized nitrogen oxides. The abater was shutdown due to a loss of boiler feed water. Because this event could have been avoided by better planning and operating practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 4351, Special Condition No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$5,450</p> <p><b>Total Deferred:</b> \$1,090  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,360</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, in order to address the causes that led to the emissions event on January 17, 2008, complete improvements to planning and operating procedures; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): Air Acct. No. JE0033C



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	15-Sep-2008			
	PCW	23-Oct-2008	Screening	30-Sep-2008	EPA Due

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36613	No. of Violations	1
Docket No.	2008-1571-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Terry Murphy
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	\$2,500
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	118.0% Enhancement	<i>Subtotals 2, 3, &amp; 7</i> \$2,950
Notes	The penalty was enhanced by one same or similar NOV and four dissimilar NOVs, one findings agreed order, and four 1660-style agreed orders.	
<b>Culpability</b>	No 0.0% Enhancement	<i>Subtotal 4</i> \$0
Notes	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply Total Adjustments</b>		<i>Subtotal 5</i> \$0
<b>Economic Benefit</b>	0.0% Enhancement	<i>Subtotal 6</i> \$0
Total EB Amounts	\$301	
Approx. Cost of Compliance	\$5,000	<small>*Capped at the Total EB \$ Amount</small>
<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	\$5,450
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<i>Adjustment</i> \$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
Notes		
	<i>Final Penalty Amount</i>	\$5,450
<b>STATUTORY LIMIT ADJUSTMENT</b>		<i>Final Assessed Penalty</i> \$5,450
<b>DEFERRAL</b>	20.0% Reduction	<i>Adjustment</i> -\$1,090
<small>Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	Deferral offered for expedited settlement.	
<b>PAYABLE PENALTY</b>		\$4,360

Screening Date 30-Sep-2008

Docket No. 2008-1571-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 36613

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Terry Murphy

**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)	1	5%
	Other written NOVs	4	8%
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) 118%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty was enhanced by one same or similar NOV and four dissimilar NOVs, one findings agreed order, and four 1660-style agreed orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 118%

<b>Screening Date</b> 30-Sep-2008	<b>Docket No.</b> 2008-1571-AIR-E	<b>PCW</b>	
<b>Respondent</b> E. I. du Pont de Nemours and Company		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36613		<i>PCW Revision June 12, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100216035			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Terry Murphy			
<b>Violation Number</b> 1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 4351, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to comply with permitted emissions limits, as documented during an investigation conducted on August 12, 2008. Specifically, during a 40-minute emissions event on January 17, 2008, the Ammonia Oxidation Process ("AOP") Abater, Emissions Point Number ANI-STK83, released 741.21 pounds of unauthorized nitrogen oxides. The abater was shutdown due to a loss of boiler feed water. Personnel were performing maintenance on the primary boiler distributing feed water to the abater, and during those activities, the abater was receiving boiler feed water from an alternate boiler. Upon maintenance completion, a request was made to switch the feed water back to the primary boiler, but that request was not heeded. However, the piping had been rerouted, thereby causing the AOP Abater to lose boiler feed water altogether and to shutdown. Because this event could have been avoided by better planning and operating practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Harm</b>		
	Release	Major	Minor
	Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	25%
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	0%
<b>Matrix Notes</b>	Human health or the environment were exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.		
	<b>Adjustment</b>	\$7,500	
		\$2,500	
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>
		1	
	daily	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
	<i>mark only one with an x</i>		<b>Violation Base Penalty</b>
			\$2,500
One quarterly event is recommended.			
<b>Good Faith Efforts to Comply</b>			
	0.0% Reduction		\$0
	Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary	<input type="checkbox"/>	
	Ordinary	<input type="checkbox"/>	
	N/A	<input checked="" type="checkbox"/> (mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>	\$2,500	
<b>Economic Benefit (EB) for this violation</b>			
	<b>Estimated EB Amount</b>	\$301	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b>	\$5,450
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$5,450

### Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company  
 Case ID No. 36613  
 Reg. Ent. Reference No. RN100216035  
 Media: Air  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$5,000	17-Jan-2008	1-Apr-2009	1.21	\$301	n/a	\$301

Notes for DELAYED costs: Estimated costs to implement better planning and operating procedures. The Date Required is the date of the emissions event, and the Final Date is when the implementation of improved procedures is expected to be 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	\$5,000	TOTAL	\$301
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# Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 3.06
Regulated Entity:	RN100216035	DUPONT BEAUMONT WORKS INDUSTRIAL PARK	Classification: AVERAGE	Site Rating: 10.15
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C	
	AIR OPERATING PERMITS	PERMIT	1959	
	AIR OPERATING PERMITS	PERMIT	1960	
	AIR OPERATING PERMITS	PERMIT	1961	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081101	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	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, Near Nederland, Jefferson County Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: October 16, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: October 16, 2003 to October 16, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Terry Murphy Phone: (512) 239-5025

**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)? E. I. du Pont de Nemours and Company
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: 05/12/2006 Admin. Order 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

Admin. Order 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: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 1743, SPECIAL CONDITION 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1743 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1743 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

Operational Limitations 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1743, Special Condition 1 PERMIT

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

Effective Date: 11/09/2007

Admin. Order 2007-0155-IHW-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Description: Failure to prevent an unauthorized discharge.  
Effective Date: 03/08/2008 Admin. Order 2007-1308-AIR-E

Classification: Moderate

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

Rqmt Prov: 1961, General Terms and Conditions OP  
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/29/2008 Admin. Order 2007-2044-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

Classification: Moderate

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

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

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

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	10/16/2003	(251656)	66	11/23/2005	(435758)
2	10/16/2003	(251662)	67	02/23/2006	(454153)
3	10/16/2003	(251667)	68	02/27/2006	(453635)
4	10/16/2003	(251668)	69	04/17/2006	(462368)
5	10/16/2003	(251734)	70	04/18/2006	(439023)
6	10/16/2003	(251736)	71	05/12/2006	(465540)
7	10/16/2003	(251785)	72	05/16/2006	(461492)
8	10/16/2003	(251793)	73	05/16/2006	(465147)
9	10/16/2003	(251808)	74	06/08/2006	(461493)
10	10/17/2003	(251784)	75	06/08/2006	(465140)
11	10/29/2003	(252290)	76	06/09/2006	(464979)
12	10/29/2003	(253502)	77	06/23/2006	(481385)
13	10/29/2003	(253508)	78	06/23/2006	(483323)
14	12/08/2003	(255561)	79	07/20/2006	(481088)
15	12/08/2003	(255609)	80	07/20/2006	(484761)
16	12/18/2003	(257360)	81	08/23/2006	(486519)
17	12/18/2003	(257365)	82	08/23/2006	(486526)
18	12/18/2003	(257374)	83	08/23/2006	(486528)
19	01/08/2004	(280674)	84	08/30/2006	(487349)
20	01/30/2004	(260913)	85	08/31/2006	(438112)
21	02/13/2004	(262579)	86	08/31/2006	(449843)
22	02/25/2004	(262312)	87	08/31/2006	(463773)
23	03/30/2004	(266349)	88	08/31/2006	(497541)
24	04/08/2004	(264649)	89	08/31/2006	(509139)
25	04/16/2004	(265198)	90	10/30/2006	(511265)
26	05/19/2004	(270221)	91	11/08/2006	(518131)
27	05/19/2004	(270225)	92	11/10/2006	(518881)
28	05/19/2004	(270228)	93	11/15/2006	(515866)
29	05/19/2004	(272201)	94	11/17/2006	(513262)
30	05/19/2004	(272204)	95	12/19/2006	(531150)
31	05/19/2004	(272699)	96	12/20/2006	(514400)
32	06/11/2004	(269850)	97	12/29/2006	(344561)
33	08/31/2004	(262540)	98	01/30/2007	(538186)
34	09/02/2004	(285264)	99	02/12/2007	(539047)
35	09/23/2004	(290922)	100	04/12/2007	(543282)
36	09/23/2004	(290929)	101	04/12/2007	(543292)
37	09/23/2004	(290932)	102	04/12/2007	(543295)
38	09/23/2004	(291787)	103	04/25/2007	(555253)
39	10/06/2004	(334229)	104	04/25/2007	(557419)
40	12/06/2004	(341765)	105	06/13/2007	(559952)

41	12/15/2004	(342892)	106	06/18/2007	(563733)
42	12/22/2004	(341799)	107	06/20/2007	(560649)
43	01/04/2005	(344102)	108	07/13/2007	(563518)
44	02/25/2005	(347899)	109	08/29/2007	(567227)
46	03/04/2005	(372053)	111	09/17/2007	(572715)
47	04/25/2005	(377489)	112	10/19/2007	(573592)
48	04/25/2005	(377491)	113	11/05/2007	(594907)
49	05/24/2005	(380302)	114	11/07/2007	(518772)
50	06/13/2005	(267115)	115	12/14/2007	(597009)
51	06/13/2005	(377480)	116	12/17/2007	(599959)
52	07/14/2005	(397732)	117	12/19/2007	(611284)
53	07/27/2005	(398824)	118	03/31/2008	(638733)
54	07/27/2005	(398839)	119	04/04/2008	(618550)
55	07/27/2005	(400272)	120	04/29/2008	(640755)
56	08/30/2005	(398843)	121	05/27/2008	(671278)
57	08/30/2005	(398952)	122	05/30/2008	(671477)
58	08/30/2005	(398956)	123	06/18/2008	(656983)
59	08/31/2005	(349444)	124	07/09/2008	(684335)
60	10/21/2005	(419148)	125	08/01/2008	(681179)
61	11/08/2005	(419146)	126	08/04/2008	(687589)
62	11/15/2005	(435807)	127	08/12/2008	(685941)
63	11/22/2005	(436056)	128	09/10/2008	(699791)
64	11/22/2005	(436069)	129	10/06/2008	(688814)
65	11/22/2005	(438124)			

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

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: 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)  
 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: 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: 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

Description: PERMIT NSR Permit 1743, Special Condition 13  
 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: PERMIT NSR Permit 1743, Special Condition 15  
 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  
 PERMIT NSR Permit 1743, Special Condition 16E  
 PERMIT NSR Permit 1743, Special Condition 2

Description: PERMIT NSR Permit 1743, Special Condition 16E  
 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: PERMIT NSR Permit 318, Special Condition 5  
 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: PERMIT NSR Permit 1743, Special Condition 2  
 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: PERMIT NSR Permit 1743, Special Condition 10  
 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: PERMIT NSR Permit 1743, Special Condition 12  
 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: PERMIT NSR Permit 1743, Special Condition 8C  
 Failure to maintain the operating temperature of Vapor Combustor Unit ACR/VC51.

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)

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
E. I. DU PONT DE NEMOURS AND	§	
COMPANY	§	
RN100216035	§	ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2008-1571-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, near Nederland, in 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 September 15, 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 Five Thousand Four Hundred Fifty Dollars (\$5,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Three Hundred Sixty Dollars (\$4,360) of the administrative penalty and One Thousand Ninety Dollars (\$1,090) 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 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.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 4351, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 12, 2008. Specifically, during a 40-minute emissions event on January 17, 2008, the Ammonia Oxidation Process ("AOP") Abater, Emissions Point Number ANI-STK83, released 741.21 pounds of unauthorized nitrogen oxides. The abater was shutdown due to a loss of boiler feed water. Because this event could have been avoided by better planning and operating practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

## 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. 2008-1571-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, in order to address the causes that led to the emissions event on January 17, 2008, complete improvements to planning and operating procedures; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:



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

3. The provisions of this Agreed Order shall apply to and be binding upon 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against 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.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John S. Miller  
For the Executive Director

1/30/2009  
Date

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

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

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

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

DSLO  
Signature

12-16-08  
Date

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

Plant Manager  
Title

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

