

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1315-IWD-E TCEQ ID: RN100542711 CASE NO.: 36381
RESPONDENT NAME: E. I. du Pont de Nemours and Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input 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 checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Du Pont Sabine River Works, located on Farm-to-Market Road 1006, approximately three miles southwest of Orange, Orange County</p> <p>TYPE OF OPERATION: Organic and inorganic chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1167-AIR-E, 2008-1817-AIR-E, 2008-0971-AIR-E, and 2008-1923-PWS-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Michael Sanchez, Site Manager, E. I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 12, 2008</p> <p>Date of NOV/NOE Relating to this Case: July 21, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to comply with permit effluent limits for carbonaceous biochemical demand and pH [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000475000, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$15,150</p> <p>Total Deferred: \$3,030 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$12,120</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:</p> <p>a. By April 1, 2008, added hydrogen peroxide to the aeration basin; and</p> <p>b. During June 2008, returned to compliance with the permitted effluent limits.</p>

Additional ID No(s): WQ0000475000



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	28-Jul-2008	PCW	14-Aug-2008	Screening	13-Aug-2008	EPA Due	5-Sep-2008
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RESPONDENT/FACILITY INFORMATION	
Respondent	E. I. du Pont de Nemours and Company
Reg. Ent. Ref. No.	RN100542711
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36381	No. of Violations	1
Docket No.	2008-1315-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steve Villatoro
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	127.0% Enhancement	Subtotals 2, 3, & 7 \$9,525

Notes
The penalty is enhanced due to seven self-reported monthly effluent violations, 30 NOVs with unrelated violations, and two final agreed orders containing a denial of liability and is reduced due to four letters of Intent to conduct a self-audit and two disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,875
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
<small>Total EB Amounts</small>	\$105	<small>*Capped at the Total EB \$ Amount</small>	
<small>Approx. Cost of Compliance</small>	\$3,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,150
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$15,150
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,150
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,030
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,120
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Screening Date 13-Aug-2008

Docket No. 2008-1315-IWD-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 36381

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100542711

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

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)	7	35%
	Other written NOVs	30	60%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (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)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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) 127%

>> **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 is enhanced due to seven self-reported monthly effluent violations, 30 NOVs with unrelated violations, and two final agreed orders containing a denial of liability and is reduced due to four letters of intent to conduct a self-audit and two disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 127%

Screening Date	13-Aug-2008	Docket No.	2008-1315-IWD-E	PCW
Respondent	E. I. du Pont de Nemours and Company			Policy Revision 2 (September 2002)
Case ID No.	36381			PCW Revision June 12, 2008
Reg. Ent. Reference No.	RN100542711			
Media [Statute]	Water Quality			
Enf. Coordinator	Steve Villatoro			
Violation Number	1			
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000475000, Effluent Limitations and Monitoring Requirements No. 1 for Outfalls 101 and 201			
Violation Description	Failed to comply with permit effluent limits, as documented during a record review conducted on June 12, 2008 and shown in the attached table.			
		Base Penalty	\$10,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	A simplified model was used to evaluate carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow and pH values were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.			
		Adjustment	\$7,500	
			\$2,500	
Violation Events				
	Number of Violation Events	<input type="text" value="3"/>	<input type="text" value="120"/>	Number of violation days
mark only one with an x	daily	<input type="checkbox"/>		Violation Base Penalty <input type="text" value="\$7,500"/>
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
	Three quarterly events (one quarterly event for Outfall 101 and two quarterly events for Outfall 201) are recommended.			
Good Faith Efforts to Comply				
	25.0% Reduction			\$1,875
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	(mark with x)			
Notes	The Respondent achieved compliance during June 2008.			
		Violation Subtotal	\$5,625	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	<input type="text" value="\$105"/>	Violation Final Penalty Total	<input type="text" value="\$15,150"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$15,150"/>

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company
Case ID No.: 36381
Reg. Ent. Reference No.: RN100542711
Media: Water Quality
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	\$3,000	31-Dec-2007	30-Jun-2008	0.50	\$5	\$100	\$105
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to determine the cause of non-compliance (an influx of organic acids into the system) and to make the necessary adjustments to bring the CBOD levels down. Date required is the first date of non-compliance. Final date is the date of compliance.

Avoided Costs

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

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

Approx. Cost of Compliance

\$3,000

TOTAL

\$105

EFFLUENT VIOLATION TABLE			
E. I. du Pont de Nemours and Company			
TPDES Permit No. WQ0000475000			
Docket No. 2008-1315-IWD-E			
Months	CBOD Daily Avg. Loading	CBOD Daily Max. Loading	pH Max.
	Limit = 1990 lbs/day	Limit = 4782 lbs/day	Limit = 9.0 s.u.
Outfall 101			
12/31/2007	c	c	9.8
Outfall 201			
12/31/2007	2682	c	c
2/29/2008	4273	6235	c
3/31/2008	3078	c	c

CBOD = carbonaceous biochemical oxygen demand
 max. = maximum lbs/day = pounds per day
 avg. = average c = compliant
 s.u. = standard units

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 2.29
Regulated Entity:	RN100542711	DUPONT SABINE RIVER WORKS	Classification: AVERAGE	Site Rating: 1.17

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0007J
	AIR OPERATING PERMITS	PERMIT	1350
	AIR OPERATING PERMITS	PERMIT	1868
	AIR OPERATING PERMITS	PERMIT	1895
	AIR OPERATING PERMITS	PERMIT	1896
	AIR OPERATING PERMITS	PERMIT	1897
	AIR OPERATING PERMITS	PERMIT	1898
	AIR OPERATING PERMITS	PERMIT	1899
	AIR OPERATING PERMITS	PERMIT	1900
	AIR OPERATING PERMITS	PERMIT	1901
	AIR OPERATING PERMITS	PERMIT	1996
	AIR OPERATING PERMITS	PERMIT	2001
	AIR OPERATING PERMITS	PERMIT	2055
	AIR OPERATING PERMITS	PERMIT	2074
	AIR OPERATING PERMITS	PERMIT	2331
	AIR OPERATING PERMITS	PERMIT	1882
	AIR NEW SOURCE PERMITS	REGISTRATION	72030
	AIR NEW SOURCE PERMITS	PERMIT	9629
	AIR NEW SOURCE PERMITS	PERMIT	914
	AIR NEW SOURCE PERMITS	PERMIT	914A
	AIR NEW SOURCE PERMITS	PERMIT	1302
	AIR NEW SOURCE PERMITS	PERMIT	1303
	AIR NEW SOURCE PERMITS	PERMIT	1387
	AIR NEW SOURCE PERMITS	PERMIT	1423
	AIR NEW SOURCE PERMITS	PERMIT	1423A
	AIR NEW SOURCE PERMITS	PERMIT	1423B
	AIR NEW SOURCE PERMITS	PERMIT	1423C
	AIR NEW SOURCE PERMITS	PERMIT	1790
	AIR NEW SOURCE PERMITS	PERMIT	2004
	AIR NEW SOURCE PERMITS	PERMIT	2116
	AIR NEW SOURCE PERMITS	PERMIT	2490
	AIR NEW SOURCE PERMITS	PERMIT	5745
	AIR NEW SOURCE PERMITS	PERMIT	7021
	AIR NEW SOURCE PERMITS	PERMIT	9176
	AIR NEW SOURCE PERMITS	PERMIT	9468
	AIR NEW SOURCE PERMITS	PERMIT	10447
	AIR NEW SOURCE PERMITS	PERMIT	11434
	AIR NEW SOURCE PERMITS	PERMIT	12967
	AIR NEW SOURCE PERMITS	PERMIT	16327
	AIR NEW SOURCE PERMITS	PERMIT	17157
	AIR NEW SOURCE PERMITS	PERMIT	20204
	AIR NEW SOURCE PERMITS	PERMIT	21236
	AIR NEW SOURCE PERMITS	PERMIT	22977
	AIR NEW SOURCE PERMITS	PERMIT	23646
	AIR NEW SOURCE PERMITS	PERMIT	24252
	AIR NEW SOURCE PERMITS	PERMIT	26132
	AIR NEW SOURCE PERMITS	PERMIT	26167
	AIR NEW SOURCE PERMITS	PERMIT	26158
	AIR NEW SOURCE PERMITS	PERMIT	26325
	AIR NEW SOURCE PERMITS	PERMIT	26410
	AIR NEW SOURCE PERMITS	PERMIT	28148
	AIR NEW SOURCE PERMITS	PERMIT	32733
	AIR NEW SOURCE PERMITS	PERMIT	36046
	AIR NEW SOURCE PERMITS	PERMIT	37488
	AIR NEW SOURCE PERMITS	PERMIT	41263
	AIR NEW SOURCE PERMITS	PERMIT	42054
	AIR NEW SOURCE PERMITS	PERMIT	44528
	AIR NEW SOURCE PERMITS	PERMIT	46790
	AIR NEW SOURCE PERMITS	PERMIT	47671
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J
	AIR NEW SOURCE PERMITS	PERMIT	71863
	AIR NEW SOURCE PERMITS	REGISTRATION	75999
	AIR NEW SOURCE PERMITS	REGISTRATION	75839
	AIR NEW SOURCE PERMITS	PERMIT	49076
	AIR NEW SOURCE PERMITS	AFS NUM	4836100002
	AIR NEW SOURCE PERMITS	REGISTRATION	70647

AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	PERMIT	53324
AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	REGISTRATION	73921
AIR NEW SOURCE PERMITS	REGISTRATION	73779
AIR NEW SOURCE PERMITS	REGISTRATION	74503
AIR NEW SOURCE PERMITS	REGISTRATION	76581
AIR NEW SOURCE PERMITS	REGISTRATION	76955
AIR NEW SOURCE PERMITS	REGISTRATION	76719
AIR NEW SOURCE PERMITS	REGISTRATION	76580
AIR NEW SOURCE PERMITS	REGISTRATION	76726
AIR NEW SOURCE PERMITS	REGISTRATION	76690
AIR NEW SOURCE PERMITS	REGISTRATION	76686
AIR NEW SOURCE PERMITS	REGISTRATION	78770
AIR NEW SOURCE PERMITS	REGISTRATION	78820
AIR NEW SOURCE PERMITS	REGISTRATION	79048
AIR NEW SOURCE PERMITS	REGISTRATION	78445
AIR NEW SOURCE PERMITS	REGISTRATION	79512
AIR NEW SOURCE PERMITS	REGISTRATION	80163
AIR NEW SOURCE PERMITS	REGISTRATION	80331
AIR NEW SOURCE PERMITS	REGISTRATION	79817
AIR NEW SOURCE PERMITS	REGISTRATION	80113
AIR NEW SOURCE PERMITS	REGISTRATION	80067
AIR NEW SOURCE PERMITS	REGISTRATION	80740
AIR NEW SOURCE PERMITS	REGISTRATION	80742
AIR NEW SOURCE PERMITS	REGISTRATION	80739
AIR NEW SOURCE PERMITS	REGISTRATION	80738
AIR NEW SOURCE PERMITS	REGISTRATION	80736
AIR NEW SOURCE PERMITS	REGISTRATION	80747
AIR NEW SOURCE PERMITS	REGISTRATION	80712
AIR NEW SOURCE PERMITS	REGISTRATION	80930
AIR NEW SOURCE PERMITS	REGISTRATION	80784
AIR NEW SOURCE PERMITS	REGISTRATION	81074
AIR NEW SOURCE PERMITS	REGISTRATION	80705
AIR NEW SOURCE PERMITS	REGISTRATION	80706
AIR NEW SOURCE PERMITS	REGISTRATION	80707
AIR NEW SOURCE PERMITS	REGISTRATION	80708
AIR NEW SOURCE PERMITS	REGISTRATION	80709
AIR NEW SOURCE PERMITS	REGISTRATION	80711
AIR NEW SOURCE PERMITS	REGISTRATION	80743
AIR NEW SOURCE PERMITS	REGISTRATION	81410
AIR NEW SOURCE PERMITS	REGISTRATION	81411
AIR NEW SOURCE PERMITS	REGISTRATION	81429
AIR NEW SOURCE PERMITS	REGISTRATION	81431
AIR NEW SOURCE PERMITS	REGISTRATION	81430
AIR NEW SOURCE PERMITS	REGISTRATION	81292
AIR NEW SOURCE PERMITS	REGISTRATION	81828
AIR NEW SOURCE PERMITS	REGISTRATION	81587
AIR NEW SOURCE PERMITS	REGISTRATION	82031
AIR NEW SOURCE PERMITS	REGISTRATION	83760
AIR NEW SOURCE PERMITS	REGISTRATION	84928
AIR NEW SOURCE PERMITS	REGISTRATION	85159
AIR NEW SOURCE PERMITS	REGISTRATION	85526
AIR NEW SOURCE PERMITS	REGISTRATION	85525
AIR NEW SOURCE PERMITS	REGISTRATION	83519
AIR NEW SOURCE PERMITS	REGISTRATION	84794
AIR NEW SOURCE PERMITS	REGISTRATION	82838
AIR NEW SOURCE PERMITS	REGISTRATION	85528
AIR NEW SOURCE PERMITS	REGISTRATION	85529
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079642
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30019
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50230

STORAGE		
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50230
STORMWATER	PERMIT	TXR05L392
WATER RIGHTS	ID NUMBER	4664
WATER LICENSING	LICENSE	1810114
WASTEWATER	PERMIT	WQ0000475000
WASTEWATER	PERMIT	TPDES0006327
WASTEWATER	PERMIT	TX0006327
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30019
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50230

Location: Farm-to-Market Road 1006, approximately three miles southwest of Orange, Orange County, Texas. Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 05, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 05, 2003 to August 05, 2008

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

Name: Steve Villatoro Phone: 512-239-4930

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.

N/A Effective Date: 04/28/2008 ADMINORDER 2007-0760-AIR-E
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: 914, SC 7 PERMIT
O-02074, SC 15 OP

Description: Failed to sample cooling tower water according to the requirements of the TCEQ Sampling Procedures Manual Appendix P.

Classification: Minor

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

5C THSC Chapter 382 382.0518(a)

Description: Failed to represent 176 flanges and 88 valves in the permit application for Air Permit No. 914.

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1H OP

Description: Failed to monitor 88 valves, and 15 pumps.

Classification: Minor

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

Description: Failed to conduct quarterly opacity observations.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 914 SC 9E PERMIT
O-02074 SC 15 OP

O-02074 SC 1A OP

Description: Failed to equip eight OEL's with a cap, blind flange, plug, or a second valve during the certification period of September 1, 2005 through February 28, 2006; and failed to equip 29 OEL's with a cap, blind flange, plug, or a second valve during the certification period of April 11, 2006 through October 10, 2006.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02074 SC 1A OP

Description: Failed to monitor carbon canisters on five different occasions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 914 SC 4C PERMIT
O-02074 SC 1A OP

Description: Failed to prevent visible emissions at the flare (EPN No. PK-16) for greater than five minutes in any two consecutive hours on two separate occasions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01896 SC 1A OP

Description: Failed to identify and mark two pieces of equipment in benzene service during the certification period of September 1, 2005 to February 28, 2006.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01896 SC 1A OP

Description: Failed to maintain 24 drums containing waste material in a properly sealed position.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02074 SC 1A OP

Description: Failed to determine the annual benzene waste quantity at the point of waste generation and to keep records for those points for the reporting period of April 11, 2006 through October 10, 2006.

Classification: Moderate

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

Rqmt Prov: O-01896 SC 1A OP

Description: Failed to maintain the fluoride content feed rate below the feed rate of 19 lbs/hr.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failed to report a reportable emissions event within 24 hours of discovery.

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 D 382.085(b)

Rqmt Prov: 9176 SC 1 PERMIT
Spec. Cond. 8 OP

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere.

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 D 382.085(b)

Rqmt Prov: 20204 SC 1 PERMIT

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere.

Effective Date: 07/21/2008

ADMINORDER 2008-0037-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)

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

Rqmt Prov: 20204, Special Condition 1 PERMIT
O-02055, General Terms and Conditions OP

O-02055, Special Condition 8 OP

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/18/2003	(295810)
2	08/22/2003	(144190)
3	08/27/2003	(152757)
4	08/27/2003	(152763)
5	08/27/2003	(152759)
6	08/27/2003	(152760)
7	08/27/2003	(152752)
8	08/29/2003	(152995)
9	08/29/2003	(153012)
10	10/17/2003	(252339)
11	10/21/2003	(295815)
12	10/29/2003	(251998)
13	11/13/2003	(295816)
14	12/08/2003	(255358)
15	12/08/2003	(255362)
16	12/08/2003	(255366)
17	12/11/2003	(295817)
18	12/15/2003	(255071)
19	12/29/2003	(258574)
20	12/29/2003	(258639)
21	12/29/2003	(258593)
22	12/29/2003	(258585)
23	12/29/2003	(258553)
24	01/20/2004	(295819)
25	01/28/2004	(261078)
26	01/28/2004	(260132)
27	01/29/2004	(258780)
28	02/06/2004	(257858)
29	02/13/2004	(262593)
30	02/13/2004	(262596)
31	02/13/2004	(262585)
32	02/23/2004	(295799)
33	02/25/2004	(263758)
34	03/04/2004	(264387)
35	03/04/2004	(263186)
36	03/26/2004	(295802)
37	03/30/2004	(264141)

38	03/30/2004	(264137)
39	04/02/2004	(332777)
40	04/20/2004	(269279)
41	04/20/2004	(269271)
42	04/20/2004	(269276)
43	04/20/2004	(264114)
44	04/26/2004	(295803)
45	04/28/2004	(266290)
46	05/13/2004	(271900)
47	05/19/2004	(270883)
48	05/19/2004	(270872)
49	05/19/2004	(270885)
50	05/19/2004	(270887)
51	05/21/2004	(267872)
52	05/24/2004	(295805)
53	05/26/2004	(266492)
54	06/10/2004	(269300)
55	06/16/2004	(271873)
56	06/16/2004	(274638)
57	06/17/2004	(272995)
58	06/21/2004	(295807)
59	06/21/2004	(295813)
60	06/22/2004	(274776)
61	06/22/2004	(274848)
62	06/22/2004	(274709)
63	06/24/2004	(269645)
64	07/07/2004	(352267)
65	07/09/2004	(273112)
66	07/23/2004	(274856)
67	07/26/2004	(279807)
68	07/30/2004	(285129)
69	08/13/2004	(352268)
70	08/20/2004	(276576)
71	08/23/2004	(288711)
72	08/31/2004	(253065)
73	08/31/2004	(253079)
74	09/02/2004	(289441)
75	09/13/2004	(282801)
76	10/13/2004	(336687)
77	10/13/2004	(336664)
78	10/18/2004	(352269)
79	10/20/2004	(292086)
80	10/20/2004	(291761)
81	10/20/2004	(291770)
82	10/20/2004	(292048)
83	10/20/2004	(291861)
84	10/20/2004	(292076)
85	10/20/2004	(291763)
86	10/20/2004	(293180)
87	10/20/2004	(292069)
88	10/20/2004	(291767)
89	10/20/2004	(292578)
90	10/20/2004	(291769)
91	10/20/2004	(292063)
92	11/08/2004	(339532)
93	11/22/2004	(338251)
94	11/29/2004	(352270)
95	11/29/2004	(338082)
96	12/09/2004	(285339)
97	12/09/2004	(337881)
98	12/09/2004	(337904)
99	12/22/2004	(381921)
100	01/09/2005	(342372)
101	01/09/2005	(342410)
102	01/21/2005	(381922)
103	02/21/2005	(348629)
104	02/22/2005	(381920)
105	03/03/2005	(350005)
106	03/04/2005	(371431)
107	03/04/2005	(371423)
108	03/04/2005	(371426)
109	03/29/2005	(419759)
110	03/30/2005	(375164)
111	03/30/2005	(375158)
112	04/01/2005	(349907)
113	04/08/2005	(373226)

114	04/20/2005	(373311)
115	04/25/2005	(419760)
116	04/25/2005	(419763)
117	04/28/2005	(378722)
118	04/28/2005	(378717)
119	04/29/2005	(348352)
120	04/29/2005	(379040)
121	05/16/2005	(374625)
122	05/31/2005	(419761)
123	05/31/2005	(393307)
124	06/13/2005	(379238)
125	06/28/2005	(419762)
126	07/12/2005	(397336)
127	07/12/2005	(397233)
128	07/13/2005	(397746)
129	07/13/2005	(397015)
130	07/13/2005	(397437)
131	07/15/2005	(397147)
132	07/15/2005	(397700)
133	07/15/2005	(396777)
134	08/17/2005	(404042)
135	08/18/2005	(402083)
136	08/19/2005	(440895)
137	08/26/2005	(402989)
138	10/21/2005	(431191)
139	10/27/2005	(468549)
140	10/27/2005	(440896)
141	11/15/2005	(436523)
142	11/28/2005	(468550)
143	12/05/2005	(437856)
144	12/27/2005	(468551)
145	01/13/2006	(451620)
146	01/30/2006	(468552)
147	01/30/2006	(438126)
148	02/04/2006	(452772)
149	02/04/2006	(452809)
150	02/23/2006	(452806)
151	02/28/2006	(454800)
152	02/28/2006	(468547)
153	02/28/2006	(456864)
154	03/23/2006	(454880)
155	03/27/2006	(498278)
156	04/05/2006	(453563)
157	04/13/2006	(468548)
158	04/25/2006	(461211)
159	05/01/2006	(459960)
160	05/01/2006	(459864)
161	05/01/2006	(460085)
162	05/11/2006	(462874)
163	05/16/2006	(498279)
164	05/24/2006	(467236)
165	05/30/2006	(467025)
166	06/20/2006	(498280)
167	07/12/2006	(498281)
168	07/31/2006	(484359)
169	08/22/2006	(520290)
170	08/22/2006	(520291)
171	08/24/2006	(487772)
172	08/31/2006	(458269)
173	10/23/2006	(520292)
174	11/15/2006	(575471)
175	12/06/2006	(532890)
176	12/11/2006	(514581)
177	12/12/2006	(575472)
178	12/28/2006	(270174)
179	01/03/2007	(534464)
180	01/23/2007	(593178)
181	01/25/2007	(575473)
182	02/01/2007	(538491)
183	02/21/2007	(575463)
184	03/14/2007	(575464)
185	04/12/2007	(575465)
186	04/12/2007	(575466)
187	05/04/2007	(542914)
188	05/10/2007	(555087)
189	05/21/2007	(556693)

190 06/07/2007 (575467)
 191 06/27/2007 (565892)
 192 06/29/2007 (564203)
 193 07/10/2007 (575468)
 194 07/10/2007 (575469)
 195 07/10/2007 (562896)
 196 07/17/2007 (575470)
 197 07/19/2007 (565918)
 198 07/19/2007 (565912)
 199 07/19/2007 (565922)
 200 07/20/2007 (565938)
 201 07/20/2007 (565947)
 202 07/20/2007 (565942)
 203 07/24/2007 (564002)
 204 07/30/2007 (564905)
 205 08/02/2007 (645510)
 206 08/03/2007 (568577)
 207 08/28/2007 (573506)
 208 08/30/2007 (567177)
 209 09/01/2007 (645773)
 210 09/07/2007 (572061)
 211 09/25/2007 (607568)
 212 10/03/2007 (595357)
 213 10/10/2007 (607567)
 214 10/12/2007 (567973)
 215 10/23/2007 (607569)
 216 10/24/2007 (594503)
 217 11/20/2007 (596110)
 218 12/07/2007 (619563)
 219 12/07/2007 (619564)
 220 12/18/2007 (598952)
 221 01/11/2008 (598658)
 222 01/17/2008 (610417)
 223 03/03/2008 (613811)
 224 03/03/2008 (615669)
 225 03/14/2008 (672086)
 226 03/14/2008 (613893)
 227 03/20/2008 (672084)
 228 03/26/2008 (618723)
 229 04/09/2008 (672087)
 230 04/17/2008 (672085)
 231 05/05/2008 (640667)
 232 05/07/2008 (639558)
 233 05/07/2008 (646161)
 234 05/14/2008 (657311)
 235 05/15/2008 (657011)
 236 05/16/2008 (646399)
 237 06/03/2008 (639225)
 238 07/09/2008 (680161)
 239 07/11/2008 (646408)
 240 07/22/2008 (683031)
 241 08/01/2008 (680399)
 242 08/02/2008 (683872)

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

Date 08/31/2003 (295812)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 02/29/2004 (295802)
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 04/02/2004 (332777)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date 04/20/2004 (264114)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: Failure to provide written notification of the container storage area for the hazardous waste railcar.

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.4		
Description:	Failure to prevent an unauthorized discharge near the 15 psi steam condensate pump next to Bldg#261 of the HMD unit.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter E 335.112(a)(1) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)		
Description:	Failure to place the name of the inspector on the container storage area (CSA) inspection log for Building #568.		
Date	06/10/2004	(269300)	
Self Report?	NO	Classification	Minor
Rqmt Prov:	PERMIT WQ 0475-000		
Description:	Numerous willows and tallows were observed growing in the embankments on the pond system.		
Date	06/16/2004	(271873)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)		
Description:	Failure to protect the public drinking water supply system from potential contamination hazards.		
	During the investigation, it was noted that the water system did not have the required backflow prevention assemblies on the water lines to a medical clinic, a dock, and a public swimming pool.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the surface water treatment plant.		
	During the investigation, it was noted that the interiors of both clarifiers have areas of corrosion, and the water system manager told the investigator she believed that the underdrain on filter # 2 is damaged.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain perform needed maintenance.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)		
Description:	Failure to protect the public drinking water supply system from a potential contamination hazard.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(f)		
Description:	Failure to provide containment on the overhead bulk polymer tank.		
Date	08/23/2004	(288711)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 1468, Special Condition 7B OP O-02075, Special Condition 4F OP O-02075, Special Condition 9		
Description:	Failure to conduct quarterly Cylinder Gas Audit (CGA) and Calibration Error (CE) testing on the Continuous Emissions Monitoring System (CEMS) for the Adiponitrile (ADN) North Boiler, Emission Point Number (EPN) PP-40B.		
Date	09/02/2004	(289441)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 21236, Special Condition 5E OP O-01895, Special Condition 6		
Description:	Failure to submit a final sampling report within 30 days of performing the stack sampling.		
Date	04/08/2005	(373226)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.4		
Description:	Failure to prevent an unauthorized discharge.		
Date	08/18/2005	(404042)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(f)		
Description:	Failure to provide containment on the overhead bulk polymer tank.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)		

Description: Failure to properly vent gas chlorination facilities.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failure to provide filter to waste connections with an air gap.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known concentrations.
Date 11/30/2005 (468551)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date 01/30/2006 (438126)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)

Description: Failure to maintain records of weekly container storage area inspections.
Date 02/24/2006 (565912)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

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

Description: November 2004 - 4 days with a low CT for more than 4.0 consecutive hours. Treatment Technique Violation.
Date 02/28/2006 (498278)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date 05/11/2006 (565922)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: February 2006 - 1 day with a low concentration time for more than 4 consecutive hours.
Date 05/24/2006 (467236)
Self Report? NO Classification Minor
Rqmt Prov: PERMIT WQ 0475-000
Description: Numerous willows and tallows were observed growing in the embankments on the pond system.

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

Date 05/30/2006 (467025)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)

Description: Failure to provide containment on the overhead bulk polymer tank.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failure to properly vent gas chlorination facilities.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failure to provide filter to waste connections with an air gap.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known concentrations.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)

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

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)		
Description:	Failure to maintain calibration records for laboratory equipment.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)		
Description:	Failure to restandardized the secondary standards each time the Bench top turbidity meter is calibrated with primary standards.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)		
Description:	Failure to perform primary calibrations on the on-line turbidity meters with primary standards.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)		
Description:	Failure to maintain complete records of on-line pH meter calibrations.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)		
Description:	Failure to properly inspect the potable filter well.		
Date	07/07/2006 (565938)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)		
Description:	May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)		
Description:	May 2006 - 32.7% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)		
Description:	May 2006 - 1 day when concentration time data were not collected.		
Date	08/24/2006 (487772)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	PERMIT 9176 OP O-02001, General Terms and Conditions OP O-02001, Special Condition 8A Failure to re-monitor replaced valves and compressor seals as required by permit.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)		
Description:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	30 TAC Chapter 122, SubChapter B 122.143(4)		
Description:	5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	PERMIT 9176 OP O-02001, General Terms and Conditions OP O-02001, Special Condition 1A OP O-02001, Special Condition 8A Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2)		
Description:	30 TAC Chapter 113, SubChapter C 113.520		
Rqmt Prov:	30 TAC Chapter 113, SubChapter C 113.560		
Description:	30 TAC Chapter 122, SubChapter B 122.143(4)		
Description:	5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	OP O-02074, General Terms and Conditions OP O-02074, Special Condition 1E OP O-02074, Special Condition 1H Failure to equip each sampling connection system with a closed-purge, closed-loop, or closed vent system.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2)		
Description:	30 TAC Chapter 113, SubChapter C 113.520		
Rqmt Prov:	30 TAC Chapter 113, SubChapter C 113.560		
Description:	30 TAC Chapter 113, SubChapter E 113.3050		
Description:	30 TAC Chapter 115, SubChapter D 115.354(4)		
Description:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	30 TAC Chapter 122, SubChapter B 122.143(4)		
Description:	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 914		

OP O-02074, General Terms and Conditions
 OP O-02074, Special Condition 15A
 OP O-02074, Special Condition 1A
 OP O-02074, Special Condition 1E
 OP O-02074, Special Condition 1H
 OP O-02074, Special Condition 1I

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

Self Report? NO **Classification** Moderate

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

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

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

Self Report? NO **Classification** Moderate

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

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

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

Self Report? NO **Classification** Moderate

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

Rqmt Prov: OP O-02074

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

Date 11/17/2006 (565918)

Self Report? NO **Classification** Moderate

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

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

Date 12/12/2006 (514581)

Self Report? NO **Classification** Moderate

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

Rqmt Prov: PERMIT 49076
 OP O-01901

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

Self Report? NO **Classification** Minor

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

Rqmt Prov: OP O-02055

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

Self Report? NO **Classification** Minor

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

Rqmt Prov: PERMIT 49076
 OP O-01901

Description: Failure to keep records of visible emissions observations.

Self Report? NO **Classification** Minor

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

Description: Failure to submit an accurate deviation report.

Self Report? NO **Classification** Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:	OP O-02055		
Description:	Failure to conduct a floating roof tank inspection.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 20204		
	OP O-02055		
Description:	Failure to install a continuous flow monitor and a Btu Analyzer and have them operational within 180 days from the approval of the permit amendment.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 20204		
	OP O-02055		
Description:	Failure to record Abater emissions in maximum pounds per hour and tons per year at least quarterly for review by TCEQ personnel.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02055		
Description:	Failure to monitor a pressure relief valve, that has vented to the atmosphere, within 24 hours of the release.		
Date	01/23/2007	(593178)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date	01/30/2007	(565942)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
Description:	December 2006 - 52.2% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.		
Date	03/07/2007	(565947)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
Description:	January 2007 - 32.5% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.		
Date	05/10/2007	(555087)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)		
Description:	Failure to provide filter to waste connections with an air gap.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)		
Description:	Failure to provide a well blow -off that is not subject to submergence.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(13)		
Description:	Failure to provide appropriate labels on several of the water lines and chemical feed lines.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4)		
Description:	Failure to complete the December 2006 surface water monthly operating report (SWMOR) with the proper contact time (CT) numbers.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(5)		
Description:	Failure to monitor and record the quantity of water used each day for backwashing as required by the water system's exception to the rule for a backwash flow meter.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)		
Description:	Failure to calibrate the benchtop pH meter according to manufacturer's specifications at least once a day.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)		
Description:	Failure to check the calibration of the benchtop turbidimeter with secondary standards each time a series of samples is tested.		
Self Report?	NO	Classification	Minor

Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)		
Description:	Failure to calibrate the online turbidimeters with primary standards at least once every 90 days.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)		
Description:	Failure to provide unexpired buffer solutions to calibrate the benchtop pH meter.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)		
Description:	Failure to install and test an appropriate backflow prevention assembly before the bulk water loading station at Well #3.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)		
Description:	Failure to maintain an adequate free chlorine residual.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)		
Description:	Failure to calibrate the online pH meter according to manufacturer's specifications at least once every 30 days.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iv)		
Description:	Failure to check the calibration of the online pH meter at least once each week with a primary standard or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.		
Date	08/02/2007 (645510)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(f)(2)		
Description:	BACT - NONACUTE MCL (5% OR >1)		
Date	08/31/2007 (567177)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 9176, Special Condition 3E OP O-02001, Special Condition 1A OP O-02001, Special Condition 8		
Description:	Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02001, Special Condition 1A		
Description:	Failure to monitor a pressure relief device (PRD) within 24 hours after the PRD has failed as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.		
Date	09/01/2007 (645773)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)		
Description:	PUBLIC NOTICE		
Date	12/31/2007 (607569)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/11/2008 (598658)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 49076, Special Condition 5A OP O-01901, General Terms and Conditions OP O-01901, Special Condition 1A OP O-01901, Special Condition 7		
Description:	Failure to conduct daily opacity inspections of filters required by TCEQ Permit 49076 Special Condition 5 as reported in the Deviation Reports for FOP O-01901 covering the reporting periods of October 11, 2006, to April 10, 2007.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.520 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(a) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP O-02074, General Terms and Conditions		

OP O-02074, Special Condition 1A
OP O-02074, Special Condition 1H
Description: Failure to conduct the initial monitoring of 1455 connectors located in the Ethylene Area as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, through April 10, 2007.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter E 113.3050
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 UU 63.1033(b)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 914, Special Condition 10E
OP O-02074, General Terms and Conditions
OP O-02074, Special Condition 15
OP O-02074, Special Condition 1A
OP O-02074, Special Condition 1H
OP O-02074, Special Condition 1I

Description: Failure to install a cap, blind flange, plug or second valve on 28 open-ended lines in the Ethylene Unit as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, to April 10, 2007.

Self Report? NO Classification Minor

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

Rqmt Prov: PERMIT 914, Special Condition 14B(2)
OP O-02074, General Terms and Conditions
OP O-02074, Special Condition 15
OP O-02074, Special Condition 1A

Description: Failure to perform Cylinder Gas Audits (CGA) at Cracking Header BA-99 (EPN PK-14) for the second, third, and fourth quarters of 2006, and the first quarter of 2007 as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, to April 10, 2007.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(e)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(11)
5C THSC Chapter 382 382.085(b)

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

Description: Failure to comply with the percent limit as reported in the Deviation Report for FOP O-02074 covering the reporting period of October 11, 2006, to April 10, 2007.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-02074, General Terms and Conditions

OP O-02074, Special Condition 1A
Description: Failure to report a deviation in the submitted Deviation Report for the reporting periods of April 11, 2006, through October 10, 2006, and October 11, 2006, through April 10, 2007.

Date 02/29/2008 (672084)

Self Report? YES Classification Moderate

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

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

Date 03/31/2008 (672085)

Self Report? YES Classification Moderate

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

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

Date 05/16/2008 (657011)

Self Report? NO Classification Moderate

Rqmt Prov: PERMIT PC1c

Description: Failure by E. I. Dupont De Nemours and Company-Sabine River Works to respond to a Notice of Violation dated 05/26/2006.

Date 05/19/2008 (646399)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PERMIT 20204, Special Condition 3E
OP O-02055, General Terms and Conditions
OP O-02055, Special Condition 1A
OP O-02055, Special Condition 8
Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of July 15, 2006, through January 14, 2007; January 15, 2007, through July 14, 2007; and July 15, 2007, through January 14, 2008.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP O-02055, General Terms and Conditions
OP O-02055, Special Condition 1A
Description: Failure to monitor a relief valve within 24 hours after a release as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of July 15, 2006, through January 14, 2007, and January 15, 2007, through July, 14, 2007.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.130(d)(7)
30 TAC Chapter 117, SubChapter G 117.8140(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP O-02055, General Terms and Conditions
OP O-02055, Special Condition 1A
Description: Failure to perform quarterly Nitrogen Oxide (NOx) monitoring for D1 Recycle as reported in the Deviation Report for FOP O-02055 covering the reporting period of July 15, 2006, through January 14, 2007.

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: PERMIT 20204, Special Condition 13
OP O-02055, General Terms and Conditions
OP O-02055, Special Condition 1A
OP O-02055, Special Condition 8
Description: Failure to maintain the Regenerative Thermoxidizer (RTO) Exhaust temperature equal to or greater than 1500 degrees Fahrenheit when waste gas is directed to the RTO as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of January 15, 2007, through July 14, 2007 and July 15, 2007, through January 14, 2008.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
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-02055, General Terms and Conditions
OP O-02055, Special Condition 1A
OP O-02055, Special Condition 4B(v)
Description: Failure to maintain records of the last leak testing of each tank-truck as reported in the Deviation Report for FOP O-02055 covering the reporting period of January 15, 2007, through July 14, 2007.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PERMIT 20204, Special Condition 6D
OP O-02055, General Terms and Conditions
OP O-02055, Special Condition 1A
OP O-02055, Special Condition 8
Description: Failure to record the average hourly values for the analyzer on the C/D/G Flare as reported in the Deviation Report for FOP O-02055 covering the reporting period of January 15, 2007, through July 14, 2007.

Date 07/11/2008 (646408)

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 THSC Chapter 382.085(b)
 Rqmt Prov: OP FOP O-02331 General Terms and Conditions
 Description: Failure to report all deviations in a semi-annual deviation report.
 Date 08/01/2008 (680399)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382.085(b)
 Rqmt Prov: PERMIT 9176 Special Condition 3E
 OP O-02001 General Terms and Conditions
 OP O-02001 Special Condition 1A
 OP O-02001 Special Condition 8
 Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2007, to October 10, 2007.

F. Environmental audits.

Notice of Intent Date: 05/25/2005 (281209)
 No DOV Associated

Notice of Intent Date: 06/28/2005 (403043)
 No DOV Associated

Notice of Intent Date: 03/21/2006 (461674)
 Disclosure Date: 06/16/2006

Viol. Classification: Moderate
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(A)

Description: Failure to complete annual monitoring for fixed-roof.

Notice of Intent Date: 03/28/2006 (462849)
 Disclosure Date: 09/01/2006

Viol. Classification: Moderate
 Rqmt PERMIT Operating Permit 02074

Description: Failure to use certified opacity reader and meet all requirements of Test Method 9.

Viol. Classification: Moderate
 Rqmt PERMIT NSR Permit 49076

Description: Failure to monitor air filter vents daily.

Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)

Description: Failure to monitor valves quarterly.

Viol. Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)

Description: Failure to monitor and record filter backwash used.

Viol. Classification: Moderate
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.14(c)

30 TAC Chapter 335, SubChapter F 335.152(a)(1)

Description: Failure to post "Danger-Unauthorized Personnel Keep Out" signs at 4 permitted facilities.

Viol. Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6

30 TAC Chapter 335, SubChapter C 335.69(a)

30 TAC Chapter 335, SubChapter C 335.69(d)

Description: Failure to update NOR.

Viol. Classification: Minor
 Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)

30 TAC Chapter 335, SubChapter O 335.431(c)(1)

Description: Failure to properly complete land disposal restriction forms

Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)

30 TAC Chapter 335, SubChapter C 335.69(a)

30 TAC Chapter 335, SubChapter C 335.69(d)

Description: Failure to timely transport hazardous waste from satellite accumulation location to approved NOR location.

Viol. Classification: Moderate
 Rqmt PERMIT RCRA Permit HW-50230-001

Description: Failure to update waste characterization forms.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6

30 TAC Chapter 335, SubChapter C 335.69(a)

Description: Failure to dispose of one dumpster hazardous waste within 90 days.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
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§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1315-IWD-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. WATER CODE chs. 7 and 26. 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 organic and inorganic chemical manufacturing plant with a wastewater treatment facility located on Farm-to-Market Road 1006, approximately three miles southwest of Orange, Orange County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
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 July 26, 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 Fifteen Thousand One Hundred Fifty Dollars (\$15,150) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand One Hundred Twenty Dollars (\$12,120) of the administrative penalty and Three Thousand Thirty Dollars (\$3,030) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - i. By April 1, 2008, added hydrogen peroxide to the aeration basin; and
 - ii. During June 2008, returned to compliance with the permitted effluent limits.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000475000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on June 12, 2008 and shown in the following table:

EFFLUENT VIOLATION TABLE			
Months	CBOD: Daily Avg. Loading	CBOD: Daily Max. Loading	pH: Max
	Limit = 1990 lbs/day	Limit = 4782 lbs/day	Limit = 9.0 s.u.
Outfall 101			
12/31/2007	c	c	9.8
Outfall 201			
12/31/2007	2682	c	c
2/29/2008	4273	6235	c
3/31/2008	3078	c	c

CBOD = carbonaceous biochemical oxygen demand
 max. = maximum lbs/day = pounds per day
 avg. = average c = compliant
 s.u. = standard units

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. 2008-1315-IWD-E" to:

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

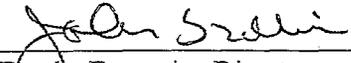
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 11/30/2009

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

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

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

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



Signature

Date 12-4-08

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

Site Manager
Title

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

