

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-1923-PWS-E TCEQ ID: RN100542711 CASE NO.: 36923**

**RESPONDENT NAME: E.I. du Pont de Nemours and Company**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" 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 Sabine River Works, 3055 Farm-to-Market Road 1006, Orange, Orange County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical refining facility with a surface water treatment 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 five additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0971-AIR-E, 2008-1167-AIR-E, 2008-1315-IWD-E, 2008-1817-AIR-E, and 2009-0285-AIR-E.</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 April 27, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. M. N. Sanchez, Site Manager, E.I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631  <b>Respondent's Attorney:</b> 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> July 24 and December 10, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 29, 2008 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>WATER</b></p> <p>1) Failure to provide an air gap connection to waste for the filter-to-waste ("FTW") connection at the Facility. Specifically, at the time of the investigation, it was documented that the Facility was granted an exception to this rule in a letter dated August 11, 2008 from TCEQ with the condition that the Facility develop and insert in the Facility's plant operations manual a standard operating procedure to prevent the FTW lines from being submerged in the backwash sump. The Respondent has failed to meet the conditions specified in the letter to qualify for an exception [30 TEX. ADMIN. CODE § 290.42(d)(2)(E)].</p> <p>2) Failure to identify the chlorine dioxide line every five feet either by the use of a label or by various colors of paint [30 TEX. ADMIN. CODE § 290.42(d)(13)].</p> <p>3) Failure to post a sign at the raw water intakes warning that a restricted zone has been established and that all recreational activities and trespassing is prohibited within the area [30 TEX. ADMIN. CODE § 290.41(e)(2)(C)].</p> <p>4) Failure to install a backflow prevention assembly or an air gap at all locations where an actual or potential contamination hazard exist. Specifically, at the time of the investigation, it was noted that a backflow</p>	<p><b>Total Assessed:</b> \$3,712</p> <p><b>Total Deferred:</b> \$0  <input 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> \$3,712</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On July 25, 2008, submitted documentation demonstrating compliance with the free chlorine disinfectant residual requirement;</p> <p>b. On August 1, 2008, submitted photographs of signs that were posted at the raw water intakes;</p> <p>c. On August 6, 2008, submitted a copy of the emergency contact numbers that were approved and placed in the plant operations manual;</p> <p>d. On December 22, 2008, labeled the chlorine dioxide line;</p> <p>e. On January 9, 2009, submitted documentation demonstrating compliance with the FTW requirement;</p> <p>f. On January 9, 2009, submitted photos demonstrating compliance with the air gap requirement;</p> <p>g. On January 26, 2009, submitted documentation demonstrating compliance in maintaining the clearwell in strict accordance with current AWWA standards; and</p> <p>h. On January 30, 2009, submitted documentation demonstrating compliance with the rotameter requirement.</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, submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 23000228 for Fiscal Year 2009.</p>

11) Failure to pay all consolidated water quality fees for TCEQ Financial Administration Account No. 23000228 for Fiscal Year 2009 [30 TEX. ADMIN. CODE § 21.4].		
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Additional ID No(s): 0

<p>prevention assembly was not observed at the sewer plant [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>5) Failure to provide disinfection equipment with a capacity of at least 50% greater than the highest expected disinfectant dosage. Specifically, at the time of the investigation, it was documented that the rotameter's capacity was 5% deficient [30 TEX. ADMIN. CODE § 290.42(e)(3)(A)].</p> <p>6) Failure to maintain an up-to-date plant operations manual for operator review and reference. Specifically, at the time of the investigation, it was noted that the plant operations manual did not contain emergency telephone numbers nor did it contain a standard operating procedure for the filter-to-waste lines [30 TEX. ADMIN. CODE § 290.42(1)].</p> <p>7) Failure to maintain the Facility's clearwell in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was noted that the annual tank inspection for the clearwell listed corrosion and pitting on the roof [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p> <p>8) Failure to maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, at the time of the investigation, a chlorine residual field test was collected at the ethylene warehouse area and revealed a chlorine residual of 0.00 mg/L. After flushing for nine minutes, another sample was collected at the same location and revealed a chlorine residual of 0.07 mg/L [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>9) Failure to provide an up-to-date map of the distribution system. Specifically, at the time of the investigation, it was noted that the distribution map did not contain all of the water system's lines [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>10) Failure to properly locate the filter so that common walls do not exist between the filter and aerators, mixing, and sedimentation basins or clearwells. Specifically, at the time of the investigation, it was noted that a common wall existed between the clarifier and the filter [30 TEX. ADMIN. CODE § 290.42(d)(2)(D)].</p>		<p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Provide an up-to-date map of the distribution system that includes all of the water system's lines; and</p> <p>ii. Remove the common wall that exists between the clarifier and the filter, or obtain an exception to the requirement.</p> <p>d. Within 75 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 c.</p>
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

DATES	Assigned	8-Dec-2008	Screening	12-Dec-2008	EPA Due	
	PCW	12-Dec-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	E.I. du Pont de Nemours and Company
Reg. Ent. Ref. No.	RN100542711
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36923	No. of Violations	11
Docket No.	2008-1923-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
Admin. Penalty \$ Limit Minimum	\$50	EC's Team	Enforcement Team 2
Maximum	\$1,000		

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History**  Enhancement Subtotals 2, 3, & 7

Notes: The penalty enhancement is due to four agreed final enforcement orders containing a denial of liability, one agreed final enforcement order without a denial of liability, four prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action, 34 dissimilar prior NOVs issued (including eight monthly self reported effluent violations). Penalty adjustment is due to four notices of intent and two disclosures of violations submitted.

**Culpability**   Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** Subtotal 5

**Economic Benefit**  Enhancement\* Subtotal 6

Total EB Amounts	\$124	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,160	

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in penalty amount so that the delay in processing the case due to Hurricane Ike does not overly impact the penalty amount.

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 12-Dec-2008

Docket No. 2008-1923-PWS-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 36923

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542711

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

**Compliance History Worksheet**

## &gt;&gt; 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)	4	20%
	Other written NOVs	34	68%
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)	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%

Please Enter Yes or No

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) 185%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The penalty enhancement is due to four agreed final enforcement orders containing a denial of liability, one agreed final enforcement order without a denial of liability, four prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action, 34 dissimilar prior NOVs issued (including eight monthly self reported effluent violations). Penalty adjustment is due to four notices of intent and two disclosures of violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 185%

Screening Date 12-Dec-2008

Docket No. 2008-1923-PWS-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 36923

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100542711

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
<input type="text" value="Failing to provide an air gap connection for the FTW connection may allow submergence contamination which could expose employees of the facility of the water supply to an insignificant amount of contaminants which would not exceed levels that are protective of human health."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	24-Jul-2008	9-Jan-2009	0.46	\$0	\$3	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the amount to insert an approved SOP into the plant operations manual as specified in the exception letter dated August 11, 2008, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$100	<b>TOTAL</b>	\$3
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**Screening Date** 12-Dec-2008 **Docket No.** 2008-1923-PWS-E **PCW**  
**Respondent** E.I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*  
**Case ID No.** 36923 *PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100542711  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

**Number of Violation Events**  **Number of violation days**

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  **Reduction**

	Before NOV		NOV to EDPRP/Settlement Offer	
	Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>	(mark with x)	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	24-Jul-2008	22-Dec-2008	0.41	\$0	\$3	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to label the chlorine dioxide line every five feet, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$3

**Screening Date** 12-Dec-2008 **Docket No.** 2008-1923-PWS-E **PCW**  
**Respondent** E.I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*  
**Case ID No.** 36923 *PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100542711  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

**Number of Violation Events**  **Number of violation days**

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

**Reduction**

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	24-Jul-2008	1-Aug-2008	0.02	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to post a sign at the raw water intakes, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

**Screening Date** 12-Dec-2008 **Docket No.** 2008-1923-PWS-E **PCW**  
**Respondent** E.I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*  
**Case ID No.** 36923 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100542711  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.44(h)(1)(A)  
**Violation Description** Failed to install a backflow prevention assembly or an air gap at all locations where an actual or potential contamination hazard exist. Specifically, at the time of the investigation, it was noted that a backflow prevention assembly was not observed at the sewer plant.  
**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual			
Potential	x			25%

**>> Programmatic Matrix**

	Major	Moderate	Minor	Percent
Falsification				
				0%

**Matrix Notes**  
 Without a backflow prevention assembly or air gap installed, the water supplied for human consumption could be exposed to significant amounts of contamination which could exceed levels that are protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

Number of Violation Events  Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

Five monthly events are recommended from the date of the investigation, July 24, 2008, to the date of screening, December 12, 2008.

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes**  
 The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,250

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment	\$500	24-Jul-2008	9-Jan-2009	0.46	\$1	\$15	\$16
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed cost includes the amount to install a backflow prevention assembly or an air gap at the sewer plant, calculated from the date of the investigation to the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** **\$500** **TOTAL** **\$16**

**Screening Date** 12-Dec-2008 **Docket No.** 2008-1923-PWS-E **PCW**  
**Respondent** E.I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*  
**Case ID No.** 36923 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100542711  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal  
**Violation Number** 5  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.42(e)(3)(A)  
**Violation Description** Failed to provide disinfection equipment with a capacity of at least 50% greater than the highest expected disinfectant dosage. Specifically, at the time of the investigation, it was documented that the rotameter's capacity was 5% deficient.  
**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Failing to have disinfection equipment without adequate operating capacity could result in improper disinfection of the water exposing employees of the facility to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 1 Number of violation days 141

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$50

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$50

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$22	Violation Final Penalty Total \$98
This violation Final Assessed Penalty (adjusted for limits) \$98	

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$600	24-Jul-2008	30-Jan-2009	0.52	\$1	\$21	\$22
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to upgrade or install a higher capacity rotameter, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

\$600

**TOTAL**

\$22

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1923-PWS-E	<b>PCW</b>		
<b>Respondent</b> E.I. du Pont de Nemours and Company		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36923		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN100542711				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Epifanio Villarreal				
<b>Violation Number</b> <input type="text" value="6"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(l)			
<b>Violation Description</b>	Failed to maintain an up-to-date plant operations manual for operator review and reference. Specifically, at the time of the investigation, it was noted that the plant operations manual did not contain emergency telephone numbers nor did it contain a standard operating procedure for the filter-to-waste lines.			
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x
		<b>Percent</b>	<input type="text" value="1%"/>	
<b>Matrix Notes</b>	Less than 30% of the rule requirement was not met.			
	<b>Adjustment</b>	<input type="text" value="\$990"/>		
			<input type="text" value="\$10"/>	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="13"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
		<input type="text" value="\$10"/>		
	One single event is recommended.			
<b>Good Faith Efforts to Comply</b>				
	<b>0.0%</b>	<b>Reduction</b>	<input type="text" value="\$0"/>	
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
	<b>Violation Subtotal</b>	<input type="text" value="\$10"/>		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$20"/>	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$20"/>	

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 6

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10	24-Jul-2008	6-Aug-2008	0.04	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount required to add emergency numbers to the plant operations manual, calculated from the date of the investigation to the date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10

TOTAL \$0

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1923-PWS-E	<b>PCW</b>
<b>Respondent</b> E.I. du Pont de Nemours and Company		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 38923		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN100542711		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="7"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(8)	
<b>Violation Description</b>	Failed to maintain the Facility's clearwell in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was noted that the annual tank inspection for the clearwell listed corrosion and pitting on the roof.	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
	<b>Harm</b>	
	Major	Moderate
Release		
Actual	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	x
OR		Minor
		<b>Percent</b> <input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Major	Moderate
Falsification	<input type="text"/>	<input type="text"/>
		Minor
		<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to maintain the clearwell in accordance with AWWA standards could allow significant amounts of contaminants to enter the water supply which would not exceed levels protective of human health.	
	<b>Adjustment</b>	<input type="text" value="\$900"/>
		<input type="text" value="\$100"/>
<b>Violation Events</b>		
	<input type="text" value="2"/>	<input type="text" value="141"/> Number of violation days
mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
		<b>Violation Base Penalty</b> <input type="text" value="\$200"/>
	Two quarterly events are recommended from the date of the investigation, July 24, 2008, to the date of screening, December 12, 2008.	
<b>Good Faith Efforts to Comply</b>		
	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
	<b>Violation Subtotal</b>	<input type="text" value="\$200"/>
<b>Economic Benefit (EB) for this violation</b>		
	<b>Estimated EB Amount</b> <input type="text" value="\$25"/>	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> <input type="text" value="\$390"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$390"/>	

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	24-Jul-2008	26-Jan-2009	0.51	\$25	n/a	\$25

**Notes for DELAYED costs**      The delayed cost includes the amount to refurbish or repaint the clearwell's roof, calculated from the date of the investigation to the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**      \$1,000      **TOTAL**      \$25

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1923-PWS-E	<b>PCW</b>																			
<b>Respondent</b> E.I. du Pont de Nemours and Company		Policy Revision 2 (September 2002)																			
<b>Case ID No.</b> 36923		PCW Revision October 30, 2008																			
<b>Reg. Ent. Reference No.</b> RN100542711																					
<b>Media [Statute]</b> Public Water Supply																					
<b>Enf. Coordinator</b> Epifanio Villarreal																					
<b>Violation Number</b> <input type="text" value="8"/>																					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)																				
<b>Violation Description</b>	Failed to maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, at the time of the investigation, a chlorine residual field test was collected at the ethylene warehouse area and revealed a chlorine residual of 0.00 mg/L. After flushing for nine minutes, another sample was collected at the same location and revealed a chlorine residual of 0.07 mg/L.																				
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>																			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: center; vertical-align: middle;"><b>Percent</b> <input type="text" value="10%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	Potential	<input type="text"/>	x	<input type="text"/>	
		Harm																			
Release	Major	Moderate	Minor																		
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>																	
Potential	<input type="text"/>	x	<input type="text"/>																		
<b>&gt;&gt; Programmatic Matrix</b>																					
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: center; vertical-align: middle;"><b>Percent</b> <input type="text" value="0%"/></td> </tr> </table>		Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>										
	Major	Moderate	Minor																		
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>																	
<b>Matrix Notes</b>	If the water supply does not maintain proper levels of disinfection, employees of the facility could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.																				
	<b>Adjustment</b>	<input type="text" value="\$900"/>																			
		<input type="text" value="\$100"/>																			
<b>Violation Events</b>																					
	<input type="text" value="1"/>	<input type="text" value="1"/>	Number of violation days																		
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">weekly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<b>Violation Base Penalty</b>	<input type="text" value="\$100"/>				
daily	<input type="text"/>																				
weekly	<input type="text"/>																				
monthly	<input type="text"/>																				
quarterly	<input type="text"/>																				
semiannual	<input type="text"/>																				
annual	<input type="text"/>																				
single event	x																				
	One single event is recommended.																				
<b>Good Faith Efforts to Comply</b>			<input type="text" value="\$25"/>																		
	<input type="text" value="25.0%"/>	Reduction																			
		Before NOV	NOV to EDRP/Settlement Offer																		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>																		
Ordinary	x	<input type="text"/>	<input type="text"/>																		
N/A	<input type="text"/>	(mark with x)																			
<b>Notes</b>	The Respondent achieved compliance on July 25, 2008.																				
	<b>Violation Subtotal</b>		<input type="text" value="\$75"/>																		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																			
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$178"/>																		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$178"/>																		

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 8

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	24-Jul-2008	25-Jul-2008	0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to make adjustments to the chlorinator to prevent future instances of inadequate chlorination, calculated from the date of the investigation to the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$50 TOTAL \$0

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1923-PWS-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> 36923	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100542711		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="9"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(n)(2)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to provide an up-to-date distribution map of the system. Specifically, at the time of the investigation, it was noted that that the distribution map did not contain all of the water system's lines."/>	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

<b>OR</b>	Harm			<b>Percent</b> <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification				<b>Percent</b> <input type="text" value="1%"/>
Major	Moderate	Minor		
<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>		

**Matrix Notes**

**Adjustment**

Violation Events

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

Good Faith Efforts to Comply  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes**

**Violation Subtotal**

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 9

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	24-Jul-2008	1-Sep-2009	1.11	\$1	\$15	\$15
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed cost includes the amount to include the water system's lines in the distribution map, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** **TOTAL**  
\$15

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1923-PWS-E	<b>PCW</b>	
<b>Respondent</b> E.I. du Pont de Nemours and Company	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36923	<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN100542711			
<b>Media [Statute]</b> Public Water Supply			
<b>Enf. Coordinator</b> Epifanio Villarreal			
<b>Violation Number</b>	10		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(d)(2)(D)		
<b>Violation Description</b>	Failed to properly locate the filter so that common walls do not exist between the filter and aerators, mixing, and sedimentation basins or clearwells. Specifically, at the time of the investigation, it was noted that a common wall existed between the clarifier and the filter.		
<b>Base Penalty</b>		\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	x
<b>Percent</b>		5%	
<b>&gt;&gt; Programmatic Matrix</b>			
Falsification			
Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>Percent</b>		0%	
<b>Matrix Notes</b>	Failing to have the filter properly located could expose human health to an insignificant amount of pollutants which would not exceed levels that are protective of human health.		
<b>Adjustment</b>		\$950	
		\$50	
<b>Violation Events</b>			
<b>Number of Violation Events</b>	1	141	<b>Number of violation days</b>
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	
One single event is recommended.			\$50
<b>Good Faith Efforts to Comply</b>			\$0
0.0% Reduction			
Before NOV    NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>		\$50	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$39	<b>Violation Final Penalty Total</b>	\$98
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
		\$98	

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 10

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)	\$500	24-Jul-2008	1-Sep-2009	1.11	\$2	\$37	\$39
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to remove the existing common wall between the clarifier and filter, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$39

<b>Screening Date</b> 12-Dec-2008	<b>Docket No.</b> 2008-1923-PWS-E	<b>PCW</b>
<b>Respondent</b> E.I. du Pont de Nemours and Company		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 36923		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN100542711		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b>	11	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 21.4	
<b>Violation Description</b>	Failed to pay all consolidated water quality ("CWQ") fees for TCEQ Financial Administration Account No. 23000228 for Fiscal Year 2009.	
	<b>Base Penalty</b>	\$1,000

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>				
	Release	Major	Moderate		Minor
	Actual				
	Potential				
				<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>

**Matrix Notes**

**Adjustment:**

\$0

**Violation Events**

Number of Violation Events:        Number of violation days

	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

mark only one with an x

**Violation Base Penalty**

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	(mark with x)	

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

Estimated EB Amount       Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 36923  
**Reg. Ent. Reference No.** RN100542711  
**Media** Public Water Supply  
**Violation No.** 11

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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

N/A

Approx. Cost of Compliance \$0

TOTAL \$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600128284 E. I. du Pont de Nemours and Company Classification: AVERAGE Rating: 3.06

Regulated Entity: RN100542711 DUPONT SABINE RIVER WORKS Classification: AVERAGE Site Rating: 2.21

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	25167
	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	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	86825
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 STORAGE	PERMIT	50230
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: 3055 FM 1006, ORANGE, ORANGE COUNTY, TX

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: December 12, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 12, 2003 to December 12, 2008

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

Name: Epi Villarreal Phone: 361-825 - 3425

### 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
6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

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

Effective Date: 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.

Effective Date: 08/29/2008

ADMINORDER 2007-1755-PWS-E

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.

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.

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.

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.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)

30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.

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: May 2006 - 32.7% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)

Description: May 2006 - 1 day when concentration time data were not collected.

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.

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.

Effective Date: 10/23/2008

ADMINORDER 2008-0499-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 THSC Chapter 382 382.085(b)

Rqmt Prov: 9176, Special Condition 1 PERMIT  
O-02001, General Terms and Conditions OP

O-02001, Special Condition 8 OP

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

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)

Rqmt Prov: O-02001, General Terms and Conditions OP  
O-02001, Special Condition 8 OP

Permit 9176, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 10/23/2008 ADMINORDER 2004-1135-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to use an approved EPA method to determine the concentration of substances in the cooling water of the Adiponitrile ("ADN") Unit, as documented during an investigation on May 21, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 914 Special Condition 15.I. PA

Description: failing to repair 72 components (valves) in VOC service during the April 23, 2003 to May 27, 2003 shutdown, as documented during a June 8, 2003 investigation. Specifically, from April 14, 1998 through April 23, 2003 approximately 100 components had been placed on the shutdown list, however, 72 components were not repaired during the shutdown. The investigator estimates that these valves released 2.02 tons of emissions.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring R 1 PERMIT  
Effluent Limitations PERMIT

Description: failing to comply with effluent limits for outfalls 101A and 201A, as documented on March 20, 2002 and January 10, 2003 during records reviews. See Effluent Limit Violation Table ("Attachment G") for details concerning the violations.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 914, SC 1 PERMIT  
914, SC 2 PERMIT

914, SC 4 PERMIT

Description: failing to maintain an emissions rate below the authorized emission rate for an emissions event that occurred on October 20, 2003, as documented by an investigation on October 20, 2003. Specifically, the Plant released 3,259 pounds of NOx, 16,946 pounds of CO, 7,686 pounds of ethylene, 962 pounds of 1, 3 butadiene, 471 pounds of benzene, 41 pounds of butane, 75 pounds of pentane, 43 pounds of propane, 187 pounds of propylene, 14 pounds of propadiene, 38 pounds of butylenes, 78 pounds of . . .

Classification: Moderate

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

Description: Failing to prevent unauthorized emissions released at the D-Unit.

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: MAERT PERMIT

Description: failing to comply with an emissions limitation as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Since the emissions events were avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 5 ("Attachment F") for details concerning the emission events.

Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

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

Description: failing to include all required information on the final report of an emissions event as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Specifically, the authorized emission limits, individually listed compounds and facility identification number ("FIN") were not included in the final report for an unauthorized emission event that occurred on October 20, 2002. Additionally, there was a failure to notify the TCEQ within 24 hours of the event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(I)  
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: 1302/ General Condition MAERT PERMIT

1790/General Condition MAERT PERMIT

9629 PERMIT

Description: Failing to maintain emission rate below the permitted limit as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Since the emissions events were avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 5 ("Attachment F") for details concerning the emission rate.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

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

Description: failing to include all required information on the final reports of emissions events as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Specifically, the authorized emission limits and facility identification number ("FIN") were not included in the final report for an unauthorized emission event that occurred on November 4, 2002, December 20, 2002 and December 30, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: exceeding the Maximum Contaminant Level of 0.060 milligrams per liter based on a running annual average for haloacetic acids (HAA5) during the First Quarter 2004 as documented by an investigation on March 10, 2004. Specifically, the level for the first quarter 2004 was 0.684 milligrams per liter with a running average of 0.171 milligrams per liter for 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: 9176 and 20204/MAERT PERMIT

Description: failing to comply with an emissions limitation by allowing 11 unauthorized emissions events as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 1 ("Attachment B") for details concerning the 11 emissions events.

Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

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

Description: failing to properly notify the TCEQ regional office of reportable emissions events as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. See Table 2 ("Attachment C") for details concerning the reportable emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.207(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to maintain an emission rate below the allowable plant wide oxides of nitrogen ("NOx") limit as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, the established NOx emissions plant wide limit on the GE PG711 83 MW Turbine, EPN PG-14, is 180.100 pounds/hour. On May 23, 2003, from 07:15-08:15 hours, a reportable emissions event occurred at the Cogeneration Area which resulted in the release of 532.590 pounds of nitrogen oxide ("NO") and 266.140 pounds

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: 914/MAERT PERMIT

Description: failing to comply with an emissions limitation on June 25, 2003 from 12:28 to 12:37 hours when a Plant wide incident caused an electrical upset resulting in equipment shutdowns which caused several reportable emissions events including the release of 49,050 pounds of propylene from the Propylene Feed Header, Emissions Point Number ("EPN") DA01401, as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable, Du Pont failed to meet the

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: failing to notify the TCEQ regional office of two reportable emissions events within 24 hours as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. See Table 2 ("Attachment C") for details concerning the reportable emissions events.

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: 914, Special Condition 1 PERMIT

Description: failing to maintain an emission rate below the MAERT limits as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 3 ("Attachment D") for details concerning the emission rate.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 113, SubChapter C 113.110  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1302, Special Condition 2 PERMIT

Description: failing to properly operate a flare as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, on June 25, 2003, from 12:15 to 12:30 hours, an emissions event occurred that resulted in the ADN Operating Flare, EPN PP-3, smoking for a duration of 15 minutes which is more than the five minutes allowed in any consecutive two hour period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions 1, 2, and 4 PERMIT

Description: failing maintain an emissions rate below the allowable emission limit as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, on June 25, 2003, from 12:15 to 13:45 hours, the Plant released 7,789 pounds of carbon monoxide ("CO"), 1,359.45 pounds of NO and 1 pound NOx from the Ethylene Operating Flare CB-801 for a duration of 1 hour 30 minutes. Additionally, the Respondent reported that the Ethylene Operating Flare CB-801 smoked for approximately 1 hour 30

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)

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

Description: Failing to submit complete information regarding reportable emission events that occurred between November 28 and November 29, 2003.

Classification: Moderate

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

Rqmt Prov: 1302, General Condition 8 PERMIT

Description: failing to comply with permitted emissions limits. Specifically, during the improperly reported event that began on November 28, 2003, the authorized emissions limits for nitrogen oxides ("NOx") from the Operating Flare (EPN PP-3) were 20 pounds per hour, and the flare emitted 35.7 pounds per hour of NOx over a period of 19 hours. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

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: SC 1 PERMIT

Description: failing to maintain an emission rate below the allowable emission limits as documented by an investigation occurring from February 2, 2005 through February 11, 2005. Specifically, on September 29, 2004, unauthorized emissions occurred during a reportable emissions event at the Building 572 High Pressure Separator Stack and Reactor Dump Stack. Simultaneously during a one minute period starting at 09:27 hours, 1,890 pounds of volatile organic compounds ("VOC") and 210 pounds of VOC were emitted

Classification: Moderate

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

Rqmt Prov: Permit No. 9176, Emission Standards 1 PERMIT

Description: failing to prevent unauthorized emissions as documented by an investigation on July 25, 2005. Specifically, on July 26, 2004, during a reportable emissions event at the Blender Fines Collector Vent EPN PLUM-C, unauthorized emissions of 340 pounds of ethylene and 42 pounds of particulate matter ("PM") resulted during a 17 hour 3 minute period. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to properly notify the TCEQ regional office of a reportable emissions event with 24 hours as documented by an investigation on July 25, 2005. The emissions event of July 26, 2004 began at 13:27 hours but was not reported until July 29, 2004 at 14:45 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

Description: failing to comply with the final record requirements for an emissions event as documented by an investigation on July 25, 2005. The final report for the April 8, 2005 emissions event did not identify or quantify the amount of CO released, the NOx emissions were not speciated and the authorized limits were not properly reported for EPN PP-3.

Classification: Moderate

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

Rqmt Prov: 1302, GC 8 PERMIT

Description: failing to maintain an emission rate limit as documented by an investigation on July 25, 2005. Specifically, on April 8, 2004 during a two hour emissions event 840.06 pounds of NOx and 307 pounds of hydrogen cyanide were released in excess of permit limits from EPN PP-3. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

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

Rqmt Prov: Permit No. 20204, Special Condition 1 PERMIT

Description: failing prevent unauthorized emissions as documented by an investigation on July 25, 2005. Specifically, on March 29, 2005, during an emissions event at the G-Unit, unauthorized emissions of 502.3 pounds of ethylene and 195.7 pounds of vinyl acetate were released from the Number 4 Recycle Compressor Fire Protection Dump, EPN PL-5H, during a three minute period. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

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

Rqmt Prov: Effluent Limitations and Monitoring PERMIT

Description: failing to comply with the permit limit for pH range excursions for more than 60 minutes at outfall 001 as documented on March 20, 2002 and January 10, 2003 during records reviews.

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	12/11/2003	(295817)
2	12/15/2003	(255071)
3	12/29/2003	(258553)
4	12/29/2003	(258574)
5	12/29/2003	(258585)
6	12/29/2003	(258593)
7	12/29/2003	(258639)
8	01/20/2004	(295819)
9	01/28/2004	(260132)
10	01/28/2004	(261078)
11	01/29/2004	(258780)
12	02/06/2004	(257858)
13	02/23/2004	(295799)
14	02/25/2004	(263758)
15	03/26/2004	(295802)
16	03/30/2004	(264137)
17	03/30/2004	(264141)
18	04/02/2004	(332777)
19	04/20/2004	(264114)
20	04/26/2004	(295803)
21	04/28/2004	(266290)
22	05/13/2004	(271900)
23	05/21/2004	(267872)
24	05/24/2004	(295805)
25	05/26/2004	(266492)
26	06/10/2004	(269300)
27	06/16/2004	(271873)
28	06/16/2004	(274638)
29	06/21/2004	(295807)
30	06/21/2004	(295813)
31	06/22/2004	(274709)

32	06/22/2004	(274776)
33	06/22/2004	(274848)
34	06/24/2004	(269645)
35	07/07/2004	(352267)
36	07/09/2004	(273112)
37	07/23/2004	(274856)
38	07/26/2004	(279807)
39	07/30/2004	(285129)
40	08/13/2004	(352268)
41	08/20/2004	(276576)
42	08/23/2004	(288711)
43	08/31/2004	(253065)
44	08/31/2004	(253079)
45	09/02/2004	(289441)
46	10/13/2004	(336664)
47	10/18/2004	(352269)
48	10/20/2004	(291761)
49	10/20/2004	(291763)
50	10/20/2004	(291767)
51	10/20/2004	(291769)
52	10/20/2004	(291770)
53	10/20/2004	(291861)
54	10/20/2004	(292048)
55	10/20/2004	(292063)
56	10/20/2004	(292069)
57	10/20/2004	(292076)
58	10/20/2004	(292086)
59	10/20/2004	(292578)
60	10/20/2004	(293180)
61	11/08/2004	(339532)
62	11/22/2004	(338251)
63	11/29/2004	(338082)
64	11/29/2004	(352270)
65	12/09/2004	(285339)
66	12/09/2004	(337881)
67	12/09/2004	(337904)
68	12/22/2004	(381921)
69	01/09/2005	(342372)
70	01/09/2005	(342410)
71	01/21/2005	(381922)
72	02/21/2005	(348629)
73	02/22/2005	(381920)
74	03/03/2005	(350005)
75	03/29/2005	(419759)
76	04/01/2005	(349907)
77	04/08/2005	(373226)
78	04/20/2005	(373311)
79	04/25/2005	(419760)
80	04/25/2005	(419763)
81	04/28/2005	(378717)
82	04/28/2005	(378722)
83	04/29/2005	(348352)
84	04/29/2005	(379040)
85	05/16/2005	(374625)
86	05/31/2005	(393307)
87	05/31/2005	(419761)
88	06/13/2005	(379238)
89	06/28/2005	(419762)
90	07/12/2005	(397233)
91	07/12/2005	(397336)
92	07/13/2005	(397015)

93	07/13/2005	(397437)
94	07/13/2005	(397746)
95	07/15/2005	(396777)
96	07/15/2005	(397147)
97	07/15/2005	(397700)
98	08/17/2005	(404042)
99	08/18/2005	(402083)
100	08/19/2005	(440895)
101	08/26/2005	(402989)
102	10/21/2005	(431191)
103	10/27/2005	(440896)
104	10/27/2005	(468549)
105	11/15/2005	(436523)
106	11/28/2005	(468550)
107	12/05/2005	(437856)
108	12/27/2005	(468551)
109	01/13/2006	(451620)
110	01/30/2006	(438126)
111	01/30/2006	(468552)
112	02/04/2006	(452772)
113	02/04/2006	(452809)
114	02/23/2006	(452806)
115	02/28/2006	(454800)
116	02/28/2006	(456864)
117	02/28/2006	(468547)
118	03/23/2006	(454880)
119	03/27/2006	(498278)
120	04/05/2006	(453563)
121	04/13/2006	(468548)
122	04/25/2006	(461211)
123	05/01/2006	(459864)
124	05/01/2006	(459960)
125	05/01/2006	(460085)
126	05/11/2006	(462874)
127	05/16/2006	(498279)
128	05/24/2006	(467236)
129	05/30/2006	(467025)
130	06/20/2006	(498280)
131	07/12/2006	(498281)
132	07/31/2006	(484359)
133	08/22/2006	(520290)
134	08/22/2006	(520291)
135	08/24/2006	(487772)
136	08/31/2006	(458269)
137	10/23/2006	(520292)
138	11/15/2006	(575471)
139	12/06/2006	(532890)
140	12/11/2006	(514581)
141	12/12/2006	(575472)
142	12/28/2006	(270174)
143	01/03/2007	(534464)
144	01/23/2007	(593178)
145	01/25/2007	(575473)
146	02/01/2007	(538491)
147	02/21/2007	(575463)
148	03/14/2007	(575464)
149	04/12/2007	(575465)
150	04/12/2007	(575466)
151	05/04/2007	(542914)
152	05/10/2007	(555087)
153	05/21/2007	(556693)

154 06/07/2007 (575467)  
155 06/27/2007 (565892)  
156 06/29/2007 (564203)  
157 07/10/2007 (562896)  
158 07/10/2007 (575468)  
159 07/10/2007 (575469)  
160 07/17/2007 (575470)  
161 07/19/2007 (565912)  
162 07/19/2007 (565918)  
163 07/19/2007 (565922)  
164 07/20/2007 (565938)  
165 07/20/2007 (565942)  
166 07/20/2007 (565947)  
167 07/24/2007 (564002)  
168 07/30/2007 (564905)  
169 08/02/2007 (645510)  
170 08/03/2007 (568577)  
171 08/28/2007 (573506)  
172 08/30/2007 (567177)  
173 09/01/2007 (645773)  
174 09/07/2007 (572061)  
175 09/25/2007 (607568)  
176 10/03/2007 (595357)  
177 10/10/2007 (607567)  
178 10/12/2007 (567973)  
179 10/23/2007 (607569)  
180 10/24/2007 (594503)  
181 11/20/2007 (596110)  
182 12/07/2007 (619563)  
183 12/07/2007 (619564)  
184 12/18/2007 (598952)  
185 01/11/2008 (598658)  
186 01/17/2008 (610417)  
187 03/03/2008 (613811)  
188 03/03/2008 (615669)  
189 03/14/2008 (613893)  
190 03/14/2008 (672086)  
191 03/20/2008 (672084)  
192 03/26/2008 (618723)  
193 04/09/2008 (672087)  
194 04/17/2008 (672085)  
195 05/05/2008 (640667)  
196 05/07/2008 (639558)  
197 05/07/2008 (646161)  
198 05/14/2008 (657311)  
199 05/15/2008 (657011)  
200 05/16/2008 (646399)  
201 06/03/2008 (639225)  
202 06/03/2008 (690015)  
203 06/24/2008 (690014)  
204 07/09/2008 (680161)  
205 07/11/2008 (646408)  
206 07/22/2008 (683031)  
207 08/01/2008 (680399)  
208 08/02/2008 (683872)  
209 08/13/2008 (681995)  
210 08/21/2008 (710791)  
211 10/02/2008 (710793)  
212 10/02/2008 (710794)  
213 10/07/2008 (699790)  
214 10/08/2008 (701116)

215 10/12/2008 (699737)  
216 10/24/2008 (710792)  
217 11/18/2008 (700751)  
218 11/25/2008 (706867)  
219 12/04/2008 (702017)

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

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

Citation: WQ 0475-000 PERMIT

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.

Self Report? NO Classification: Minor

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

Description: Failure to maintain the surface water treatment plant.

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: 1468, Special Condition 7B PERMIT  
 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)  
 O-02075, Special Condition 4F OP  
 O-02075, Special Condition 9 OP

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: 21236, Special Condition 5E PERMIT  
 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)  
 O-01895, Special Condition 6 OP

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)

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

Citation: WQ 0475-000 PERMIT

Description: Numerous willows and tallows were observed growing in the embankments on the pond system.

Self Report? NO Classification: Minor

Citation: M&RR 2 PERMIT

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)		
	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)		
	30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
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)		
	30 TAC Chapter 290, SubChapter F 290.111(f)(5)		
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)		
	30 TAC Chapter 290, SubChapter F 290.110(f)(2)		
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)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
	9176 PERMIT		
	O-02001, General Terms and Conditions OP		
	O-02001, Special Condition 8A OP		
Description:	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)		
	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)		
	9176 PERMIT		
	O-02001, General Terms and Conditions OP		
	O-02001, Special Condition 1A OP		
	O-02001, Special Condition 8A OP		
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 113.520		
	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)		
	O-02074, General Terms and Conditions OP		

O-02074, Special Condition-1E-OP  
O-02074, Special Condition 1H OP  
Description: 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)  
30 TAC Chapter 113, SubChapter C 113.520  
30 TAC Chapter 113, SubChapter C 113.560  
30 TAC Chapter 113, SubChapter E 113.3050  
30 TAC Chapter 115, SubChapter D 115.354(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)  
914 PERMIT  
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 OP

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)  
O-02074, General Terms and Conditions OP  
O-02074, Special Condition 1E OP  
O-02074, Special Condition 1G OP

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)  
O-02074, General Terms and Conditions OP  
O-02074, Special Condition 1E OP  
O-02074, Special Condition 1G OP

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)  
O-02074 OP  
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)  
49076 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)

O-01901 OP  
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)  
O-02055 OP  
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)  
49076 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01901 OP  
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)  
O-02055 OP  
Description: Failure to conduct a floating roof tank inspection.  
Self Report? NO Classification: Moderate  
Citation: 20204 PERMIT  
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)  
O-02055 OP  
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: 20204 PERMIT  
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)  
O-02055 OP  
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)  
O-02055 OP  
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)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)

Description: PUBLIC NOTICE

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)  
9176, Special Condition 3E PERMIT  
O-02001, Special Condition 1A OP  
O-02001, Special Condition 8 OP

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)  
O-02001, Special Condition 1A OP

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: 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)  
49076, Special Condition 5A PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01901, General Terms and Conditions OP  
O-01901, Special Condition 1A OP  
O-01901, Special Condition 7 OP

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)  
O-02074, General Terms and Conditions OP  
O-02074, Special Condition 1A OP  
O-02074, Special Condition 1H OP

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)  
914, Special Condition 10E PERMIT  
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 OP

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

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)  
O-02074, General Terms and Conditions OP  
O-02074, Special Condition 1A OP

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)  
O-02074, General Terms and Conditions OP  
O-02074, Special Condition 1A OP

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: 04/30/2008 (672086)

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

Citation: PC1c PERMIT

Description: Failure by E. I. Dupont De Nemours and Company-Sabine River Works to respond to a

Date:	05/19/2008	(646399)	
Self Report?	NO		Classification: Minor
Citation:	20204, Special Condition 3E PERMIT 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) O-02055, General Terms and Conditions OP O-02055, Special Condition 1A OP O-02055, Special Condition 8 OP		
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) O-02055, General Terms and Conditions OP O-02055, Special Condition 1A OP		
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) O-02055, General Terms and Conditions OP O-02055, Special Condition 1A OP		
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:	20204, Special Condition 13 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-02055, General Terms and Conditions OP O-02055, Special Condition 1A OP O-02055, Special Condition 8 OP		
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) O-02055, General Terms and Conditions OP O-02055, Special Condition 1A OP O-02055, Special Condition 4B(v) OP		
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:	20204, Special Condition 6D PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		

5C THSC Chapter 382.382.085(b)  
O-02055, General Terms and Conditions OP  
O-02055, Special Condition 1A OP  
O-02055, Special Condition 8 OP

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 382.382.085(b)  
FOP O-02331 General Terms and Conditions OP

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 382.382.085(b)  
9176 Special Condition 3E PERMIT  
O-02001 General Terms and Conditions OP  
O-02001 Special Condition 1A OP  
O-02001 Special Condition 8 OP

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.

Date: 08/14/2008 (681995)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)  
5C THSC Chapter 382.382.085(b)  
O-01896, General Terms and Conditions OP  
O-01896, Special Condition 1A OP

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-01896 covering the reporting periods of September 1, 2006, through February 28, 2007, and March 1, 2007, through August 31, 2007.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382.382.085(b)  
O-01896, General Terms and Conditions OP

Description: Failure to report all deviations in a semi-annual deviation report.

Date: 09/30/2008 (710792)

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

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-Unathorized 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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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-1923-PWS-E**

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. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a petrochemical refining facility with a surface water treatment plant at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the

"Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not provide an air gap connection to waste for the filter-to-waste ("FTW") connection at the Facility. Specifically, at the time of the investigation, it was documented that the Facility was granted an exception to this rule in a letter dated August 11, 2008 from TCEQ with the condition that the Facility develop and insert in the Facility's plant operations manual a standard operating procedure to prevent the filter-to-waste lines from being submerged in the backwash sump. The Respondent has failed to meet the conditions specified in the letter to qualify for an exception.
3. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not identify the chlorine dioxide line every five feet either by the use of a label or by various colors of paint.
4. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not post a sign at the raw water intakes warning that a restricted zone has been established and that all recreational activities and trespassing is prohibited within the area.
5. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not install a backflow prevention assembly or an air gap at all locations where an actual or potential contamination hazard exist. Specifically, at the time of the investigation, it was noted that a backflow prevention assembly was not observed at the sewer plant.
6. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not provide disinfection equipment with a capacity of at least 50% greater than the highest expected disinfectant dosage. Specifically, at the time of the investigation, it was documented that the rotameter's capacity was 5% deficient.
7. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not maintain an up-to-date plant operations manual for operator review and reference. Specifically, at the time of the investigation, it was noted that the plant operations manual did not contain emergency telephone numbers nor did it contain a standard operating procedure for the filter-to-waste lines.
8. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not maintain the Facility's clearwell in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was noted that the annual tank inspection for the clearwell listed corrosion and pitting on the roof.
9. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, at the time of the investigation, a chlorine residual field test was collected at the ethylene warehouse area and revealed a chlorine residual of 0.00 mg/L. After flushing for nine minutes, another sample was collected at the same location and revealed a chlorine residual of 0.07 mg/L.

10. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not provide an up-to-date map of the distribution system. Specifically, at the time of the investigation, it was noted that that the distribution map did not contain all of the water system's lines.
11. During an investigation conducted on July 24, 2008, TCEQ staff documented that the Respondent did not properly locate the filter so that common walls do not exist between the filter and aerators, mixing, and sedimentation basins or clearwells. Specifically, at the time of the investigation, it was noted that a common wall existed between the clarifier and the filter.
12. During an investigation conducted on December 10, 2008, TCEQ staff documented that the Respondent did not pay all consolidated water quality ("CWQ") fees for TCEQ Financial Administration Account No. 23000228 for Fiscal Year 2009.
13. The Respondent received notice of the violations dated December 4, 2008.
14. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. On July 25, 2008, submitted documentation demonstrating compliance with the free chlorine disinfectant residual requirement;
  - b. On August 1, 2008, submitted photographs of signs that were posted at the raw water intakes;
  - c. On August 6, 2008, submitted a copy of the emergency contact numbers that were approved and placed in the plant operations manual;
  - d. On December 22, 2008, labeled the chlorine dioxide line;
  - e. On January 9, 2009, submitted documentation demonstrating compliance with the filter-to-waste requirement;
  - f. On January 9, 2009, submitted photos demonstrating compliance with the air gap requirement;
  - g. On January 26, 2009, submitted documentation demonstrating compliance in maintaining the clearwell in strict accordance with current AWWA standards; and
  - h. On January 30, 2009, submitted documentation demonstrating compliance with the rotameter requirement.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide an air gap connection to waste for the FTW connection at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(E).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to identify the chlorine dioxide line every five feet either by the use of a label or by various colors of paint, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to post a sign at the raw water intakes warning that a restricted zone has been established and that all recreational activities and trespassing is prohibited within the area, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(2)(C).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to install a backflow prevention assembly or an air gap at all locations where an actual or potential contamination hazard exist, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to provide disinfection equipment with a capacity of at least 50% greater than the highest expected disinfectant dosage, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(A).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to maintain an up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to maintain the Facility's clearwell in strict accordance with current AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
9. As evidenced by Findings of Fact No. 9, the Respondent failed to maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
10. As evidenced by Findings of Fact No. 10, the Respondent failed to provide an up-to-date map of the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
11. As evidenced by Findings of Fact No. 11, the Respondent failed to properly locate the filter so that common walls do not exist between the filter and aerators, mixing, and sedimentation basins or clearwells in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(D).

12. As evidenced by Findings of Fact No. 12, the Respondent failed to pay all CWQ fees for TCEQ Financial Administration ("FA") Account No. 23000228 for Fiscal Year 2009, in violation of 30 TEX. ADMIN. CODE § 21.4.
13. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
14. An administrative penalty in the amount of Three Thousand Seven Hundred Twelve Dollars (\$3,712) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Three Thousand Seven Hundred Twelve Dollar (\$3,712) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Three Thousand Seven Hundred Twelve Dollars (\$3,712) as set forth in Section II, Paragraph 14 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E.I. du Pont de Nemours and Company, Docket No. 2008-1923-PWS-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 Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 23000228 for Fiscal Year 2009. The payment shall be sent with the notation "E.I. du Pont de Nemours and Company, FA Account No. 23000228" 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

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.d. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Provide an up-to-date map of the distribution system that includes all of the water system's lines, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - ii. Remove the common wall that exists between the clarifier and the filter, in accordance with 30 TEX. ADMIN. CODE § 290.42; or obtain an exception to the requirement.

Exception requests shall be submitted to:

Texas Commission on Environmental Quality  
Water Supply Division, Technical Review & Oversight Team  
P. O. Box 13087, MC-155  
Austin, Texas 78711-3087

- d. Within 75 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 2.c. 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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:

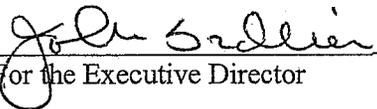
Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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 Facility operations referenced in this Agreed Order.
4. 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.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. 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.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

4/13/2009  
Date

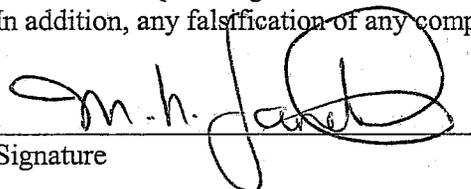
I, the undersigned, have read and understand the attached Agreed Order in the matter of E.I. du Pont de Nemours and Company. I am authorized to agree to the attached Agreed Order on behalf of E.I. du Pont de Nemours and Company, and do agree to the specified terms and conditions. I further acknowledge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

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

I also understand that 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

2-12-09  
Date

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 III, Paragraph 1 of this Agreed Order.