

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-1167-AIR-E TCEQ ID: RN100542711 CASE NO.: 36231**

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

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> DuPont Sabine River Works, 3055 Farm-to-Market Road 1006, Orange, Orange County</p> <p><b>TYPE OF OPERATION:</b> Chemical 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, 2008-1315-IWD-E, 2008-1817-AIR-E, 2008-1923-PWS-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 May 18, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p><b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732</p> <p><b>TCEQ Enforcement Coordinator:</b> Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387</p> <p><b>Respondent:</b> Mr. M. N. Sanchez, Site Manager, E. I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631-1089</p> <p><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 checked="" 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> May 28 through June 10 and June 10 through 16, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 11 and August 1, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation and a record review.</p> <p><b>AIR</b></p> <p>1) Failure to operate the Cogeneration Train, emission point number ("EPN") PG-14, at or below the nitrogen oxide ("NOx") concentration limit of 96 parts per million ("ppm") four times between September 25 and November 11, 2006. Specifically, NOx concentrations were 99.59 and 128 ppm on September 25, 2006, 100.95 ppm on October 31, 2006, and 133.05 ppm on November 11, 2006 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 9629, Special Condition 12, Federal Operating Permit ("FOP") No. O-02331, General Terms and Conditions and Special Terms and Conditions 6, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to conduct a Relative Accuracy Test ("RAT") and a 7-day Calibration Drift ("CD") test on a NOx analyzer in the Cogeneration Unit, which resulted in the inability to certify that the continuous emissions monitoring system ("CEMS") was operating properly. Specifically, the NOx analyzer was unavailable due to internal power supply failure, so a temporary replacement analyzer was installed on July 21, 2007 and operated until September 12, 2007, when a single-range NOx analyzer was installed and operated until January 4, 2008. The RAT and CD tests were not conducted on either</p>	<p><b>Total Assessed:</b> \$31,408</p> <p><b>Total Deferred:</b> \$6,281  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$12,563</p> <p><b>Total Paid to General Revenue:</b> \$12,564</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to ensure that EPN PG-14 is operated within NOx concentration limits;</p> <p>ii. Implement measures designed to ensure that the RAT and the 7-day CD test are conducted when required on the NOx analyzer in the Cogeneration Unit;</p> <p>iii. Implement measures designed to ensure that the RAT and the 7-day CD test are conducted when required on the CO analyzer in the Cogeneration Unit; and</p> <p>iv. Implement measures designed to ensure that emissions are properly reported.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

of the temporary replacement analyzers [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 117.140(c)(1) and (e), 117.340(c)(1) and (f)(1), 117.8100(a)(1)(B)(i), and 122.143(4), FOP No. O-02331, General Terms and Conditions and Special Terms and Conditions 1A, 1D, 4B, 4F and 6, NSR Permit No. 9629, Special Condition 3, 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.8, 60.13, 60.46b(c), 60.46b(f)(1), and 60.48b(b)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3) Failure to conduct a RAT and a 7-day CD test on a carbon monoxide ("CO") analyzer in the Cogeneration Unit, which resulted in the inability to certify that the CEMS was operating properly. Specifically, the CO analyzer was unavailable due to internal power supply failure, so a temporary replacement analyzer was installed on August 21, 2007 and operated until September 11, 2007, when a single-range CO analyzer was installed and operated until January 4, 2008. The RAT and CD tests were not conducted on either of the temporary replacement analyzers [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 117.140(e) and (d), 117.8100(a)(1)(B)(iii), 117.340(f)(1) and (e), 117.8120(1)(A), and 122.143(4), FOP No. O-02331, General Terms and Conditions and Special Terms and Conditions 1A, 1D, 4B, 4F and 6, NSR Permit No. 9629, Special Condition 3, 40 CFR §§ 60.8, 60.13, 60.46b(c), 60.46b(f)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to prevent unauthorized emissions. Specifically, 2,025.7 pounds ("lbs") of ethylene, 684 lbs of methylacrylic acid, 151.2 lbs of maleic acid monoester, 52.9 lbs of butyl acrylate, and 430.5 lbs of particulate matter were released from the Baghouse Vent, EPN PL-BAG, in the D Unit during an emissions event (Incident No. 105482) that occurred on March 27, 2008 and lasted 148 hours. These emissions are not authorized by the Permit. Since the emissions were improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), FOP No. O-02001, General Terms and Conditions, NSR Permit No. 9176, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

<p>5) Failure to submit a final record for an emissions event (Incident No. 105482) within two weeks after the end of the event. The initial report was submitted timely, but the emissions amounts and duration subsequently changed, and a final record with the corrected information was not submitted by April 17, 2008 (two weeks after the event that ended on April 3, 2008). On June 1, 2008, the correct amount and duration of emissions was submitted via electronic mail [30 TEX. ADMIN. CODE §§ 101.211(b) and 122.143(4), FOP No. O-02001, General Terms and Conditions and Special Term and Condition 2G, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): OC0007J

Attachment A

Docket Number: 2008-1167-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>E. I. du Pont de Nemours and Company</b>
<b>Penalty Amount:</b>	<b>Twenty-Five Thousand One Hundred Twenty-Seven Dollars (\$25,127)</b>
<b>SEP Offset Amount:</b>	<b>Twelve Thousand Five Hundred Sixty-Three Dollars (\$12,563)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas PTA – <i>Clean School Bus Program</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region No. 106</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas PTA* for the *Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today’s level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Congress of Parents and Teachers dba Texas PTA  
Clean School Bus Program  
Suzy Swan, Director of Finance  
408 West 11<sup>th</sup> Street  
Austin, Texas 78707

## 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to ATexas Commission on Environmental Quality@ and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.



**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

<b>DATES</b>	Assigned	6-Aug-2008	Screening	14-Aug-2008	EPA Due	7-Apr-2009
	PCW	3-Mar-2009				

<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	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36231	No. of Violations	5
Docket No.	2008-1167-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

### 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

Penalty enhancement due to eight NOVs issued for same or similar violations, 28 NOVs issued for dissimilar violations (which includes seven self-reported effluent violations), and one agreed order containing a denial of liability. Penalty reduction due to four Notice of Audit letters and two violation disclosures 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   
 Approx. Cost of Compliance

\*Capped at the Total EB \$ Amount

**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

**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

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 14-Aug-2008

Docket No. 2008-1167-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 36231

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Trina Grieco

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	8	40%
	Other written NOVs	28	56%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
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) 108%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to eight NOVs issued for same or similar violations, 28 NOVs issued for dissimilar violations (which includes seven self-reported effluent violations), and one agreed order containing a denial of liability. Penalty reduction due to four Notice of Audit letters and two violation disclosures submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 108%

<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1167-AIR-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> 36231		<small>PCW Revision June 12, 2008</small>
<b>Reg. Ent. Reference No.</b> RN100542711		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Trina Grieco		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 9629, Special Condition 12 and Federal Operating Permit ("FOP") No. O-02331, General Terms and Conditions and Special Term and Condition 6 and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to operate the Cogeneration Train, emission point number ("EPN") PG-14, at or below the nitrogen oxide ("NOx") concentration limit of 96 parts per million ("ppm") four times between September 25 and November 11, 2006. Specifically, NOx concentrations were 99.59 and 128 ppm on September 25, 2006, 100.95 ppm on October 31, 2006, and 133.05 ppm on November 11, 2006.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Release</b>	<b>Harm</b>
		Major      Moderate      Minor
	Actual	<input type="text" value=""/> <input type="text" value=""/> <input checked="" type="text" value="x"/>
	Potential	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
	<b>Percent</b>	<input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification	Major      Moderate      Minor
	<input type="text" value=""/>	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
	<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>
<b>Violation Events</b>		
	Number of Violation Events	<input type="text" value="1"/> <input type="text" value="3"/> Number of violation days
<small>mark only one with an x</small>	daily	<input type="text" value=""/>
	monthly	<input type="text" value=""/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text" value=""/>
	annual	<input type="text" value=""/>
	single event	<input type="text" value=""/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$2,500"/>
	One quarterly event is recommended from September 25 to November 11, 2006, during which the exceedances occurred.	
<b>Good Faith Efforts to Comply</b>		
	<b>0.0% Reduction</b>	<input type="text" value="\$0"/>
	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<input type="text" value=""/>
	Ordinary	<input type="text" value=""/>
	N/A	<input checked="" type="text" value="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="\$2,500"/>
<b>Economic Benefit (EB) for this violation</b>		
	<b>Estimated EB Amount</b>	<input type="text" value="\$122"/>
<b>Statutory Limit Test</b>		
	<b>Violation Final Penalty Total</b>	<input type="text" value="\$5,200"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
		<input type="text" value="\$5,200"/>

## Economic Benefit Worksheet

**Respondent** E. I. du Pont de Nemours and Company  
**Case ID No.** 36231  
**Reg. Ent. Reference No.** RN100542711  
**Media** Air  
**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**  
**Item Description**    No commas or \$

**Delayed Costs**

Item Description	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)				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	25-Sep-2006	1-Mar-2009	2.43	\$122	n/a	\$122

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that EPN PG-14 is operated within NOx concentration limits. Date required is the date of the first exceedance. Final date is the date corrective actions are projected to be completed.

**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    \$1,000    **TOTAL**    \$122



### Economic Benefit Worksheet

**Respondent** E. I. du Pont de Nemours and Company  
**Case ID No.** 36231  
**Reg. Ent. Reference No.** RN100542711  
**Media** Air  
**Violation No.** 2

<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)				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	21-Jul-2007	1-Mar-2009	1.61	\$81	n/a	\$81

**Notes for DELAYED costs**

Estimated cost to implement measures designed to ensure that the RAT and the 7-day CD test are conducted when required on the NOx analyzer in the Cogeneration Unit. Date required is the date the test was required to be conducted. Final date is the date that corrective actions are projected to be completed.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$81
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<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1167-AIR-E	<b>PCW</b>	
<b>Respondent</b> E. I. du Pont de Nemours and Company		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36231		<i>PCW Revision June 12, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100542711			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Trina Grieco			
<b>Violation Number</b> 3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(1), 116.115(c), 117.140(e) and (d), 117.340(f)(1) and (e), 117.8100(a)(1)(B)(iii), 117.8120(1)(A), and 122.143(4), FOP No. O-02331, General Terms and Conditions and Special Terms and Conditions 1A, 1D, 4B, 4F and 6, NSR Permit No. 9629, Special Condition 3 and 40 CFR §§ 60.8, 60.13, 60.46b(c), 60.46b(f)(1) and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to conduct a RAT and a 7-day CD test on a carbon monoxide ("CO") analyzer in the Cogeneration Unit, which resulted in the inability to certify that the CEMS was operating properly. Specifically, the CO analyzer was unavailable due to internal power supply failure, so a temporary replacement analyzer was installed on August 21, 2007 and operated until September 11, 2007, when a single-range CO analyzer was installed and operated until January 4, 2008. The RAT and CD tests were not conducted on either of the temporary replacement analyzers.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual		
	Potential	x	<b>Percent</b> 25%
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major      Moderate      Minor	
			<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment in the Beaumont-Port Arthur nonattainment area could have been exposed to significant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of the violation.		
	<b>Adjustment</b>	\$7,500	
			\$2,500
<b>Violation Events</b>			
	Number of Violation Events	2	Number of violation days
		137	
<i>mark only one with an x</i>	daily		
	monthly		
	quarterly	x	<b>Violation Base Penalty</b> \$5,000
	semiannual		
	annual		
	single event		
	Two quarterly events are recommended from August 21, 2007 to January 4, 2008 during which the temporary analyzer was operated and not tested.		
<b>Good Faith Efforts to Comply</b>			\$0
	0.0% Reduction		
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
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>	\$5,000	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
Estimated EB Amount	\$76	Violation Final Penalty Total	\$10,400
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$10,400

### Economic Benefit Worksheet

**Respondent** E. I. du Pont de Nemours and Company  
**Case ID No.** 36231  
**Reg. Ent. Reference No.** RN100542711  
**Media** Air  
**Violation No.** 3

<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**

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	21-Aug-2007	1-Mar-2009	1.53	\$76	n/a

**Notes for DELAYED costs**

Estimated cost to implement measures designed to ensure that the RAT and the 7-day CD test are conducted when required on the CO analyzer in the Cogeneration Unit. Date required is the date the test was required to be conducted. Final date is the date that corrective actions are projected to be completed.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,000

**TOTAL**

\$76

<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1167-AIR-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> 36231		<small>PCW Revision June 12, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN100542711				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> Trina Grieco				
<b>Violation Number</b>	<input type="text" value="4"/>			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 122.143(4), FOP No. O-02001, General Terms and Conditions and NSR Permit No. 9176, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, 2,025.7 pounds ("lbs") of ethylene, 684 lbs of methylacrylic acid, 151.2 lbs of maleic acid monoester, 52.9 lbs of butyl acrylate, and 430.5 lbs of particulate matter were released from the Baghouse Vent, EPN PL-BAG, in the D Unit during an emissions event (Incident No. 105482) that occurred on March 27, 2008 and lasted 148 hours. These emissions are not authorized by the Permit. Since the emissions were improperly reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Percent</b>		<input type="text" value="25%"/>		
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Percent</b>		<input type="text" value="0%"/>		
<b>Matrix Notes</b>	Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed to an insignificant amount of contaminants that did not exceed protective levels as a result of the violation.			
<b>Adjustment</b>		<input type="text" value="\$7,500"/>		
		<input type="text" value="\$2,500"/>		
<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="7"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b>	
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<input type="text" value="2,500"/>				
<input type="text" value="2,500"/>				
<b>Good Faith Efforts to Comply</b>				
		<input type="text" value="0.0%"/>	<b>Reduction</b>	
		<input type="text" value="0.0%"/>	<b>Before NOV</b>	
		<input type="text" value="0.0%"/>	<b>NOV to EDP RP/Settlement Offer</b>	
<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>		
<b>Ordinary</b>	<input type="text"/>	<input type="text"/>		
<b>N/A</b>	<input checked="" type="checkbox"/>	<input type="text"/>	<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="\$2,500"/>		
<b>Economic Benefit (EB) for this violation</b>				
<b>Estimated EB Amount</b>		<input type="text" value="\$24"/>		
<b>Statutory Limit Test</b>				
<b>Violation Final Penalty Total</b>		<input type="text" value="\$5,200"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$5,200"/>		

## Economic Benefit Worksheet

**Respondent** E. I. du Pont de Nemours and Company  
**Case ID No.** 36231  
**Reg. Ent. Reference No.** RN100542711  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	17-Apr-2008	1-Apr-2009	0.96	\$24	n/a	\$24

Notes for DELAYED costs

Estimated expense to implement measures designed to ensure that emissions are properly reported. Date required is the date the final report was due. Final date is the date corrective actions are projected to be completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$24

<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1167-AIR-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> 36231		<small>PCW Revision June 12, 2008</small>
<b>Reg. Ent. Reference No.</b> RN100542711		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Trina Grieco		
<b>Violation Number</b>	5	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.211(b) and 122.143(4), FOP No. O-02001, General Terms and Conditions and Special Term and Condition 2G and Tex. Health & Safety Code § 382.085	
<b>Violation Description</b>	Failed to submit a final record for an emissions event (Incident No. 105482) within two weeks after the end of the event. The initial report was submitted timely, but the emissions amounts and duration subsequently changed, and a final record with the corrected information was not submitted by April 17, 2008 (two weeks after the event that ended on April 3, 2008). On June 1, 2008, the correct amount and duration of emissions was submitted via electronic mail.	
	<b>Base Penalty</b>	\$10,000
<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>	0%
<b>&gt;&gt; Programmatic Matrix</b>		
	<b>Falsification</b>	Major    Moderate    Minor
	<input type="text"/>	<input type="text"/> <input type="text"/> <input checked="" type="text"/>
	<b>Percent</b>	1%
<b>Matrix Notes</b>	Most (at least 70%) of the rule requirements were met.	
	<b>Adjustment</b>	\$9,900
		\$100
<b>Violation Events</b>		
	<b>Number of Violation Events</b>	1
		45
		<b>Number of violation days</b>
<small>mark only one with an x</small>	daily	<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"/>
	<b>Violation Base Penalty</b>	\$100
	One single event is recommended for the date the report was due.	
<b>Good Faith Efforts to Comply</b>		
	0.0% Reduction	\$0
	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="text"/>	(mark with x)
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
	<b>Violation Subtotal</b>	\$100
<b>Economic Benefit (EB) for this violation</b>		
	<b>Estimated EB Amount</b>	\$0
<b>Statutory Limit Test</b>		
	<b>Violation Final Penalty Total</b>	\$208
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$208

### Economic Benefit Worksheet

**Respondent** E. I. du Pont de Nemours and Company  
**Case ID No.** 36231  
**Reg. Ent. Reference No.** RN100542711  
**Media** Air  
**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**

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

See Economic Benefit for Violation 4.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 2.29
Regulated Entity:	RN100542711	DUPONT SABINE RIVER WORKS	Classification: AVERAGE	Site Rating: 1.17
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0007J	
	AIR OPERATING PERMITS	PERMIT	1350	
	AIR OPERATING PERMITS	PERMIT	1868	
	AIR OPERATING PERMITS	PERMIT	1895	
	AIR OPERATING PERMITS	PERMIT	1896	
	AIR OPERATING PERMITS	PERMIT	1897	
	AIR OPERATING PERMITS	PERMIT	1898	
	AIR OPERATING PERMITS	PERMIT	1899	
	AIR OPERATING PERMITS	PERMIT	1900	
	AIR OPERATING PERMITS	PERMIT	1901	
	AIR OPERATING PERMITS	PERMIT	1996	
	AIR OPERATING PERMITS	PERMIT	2001	
	AIR OPERATING PERMITS	PERMIT	2055	
	AIR OPERATING PERMITS	PERMIT	2074	
	AIR OPERATING PERMITS	PERMIT	2331	
	AIR OPERATING PERMITS	PERMIT	1882	
	AIR NEW SOURCE PERMITS	REGISTRATION	72030	
	AIR NEW SOURCE PERMITS	PERMIT	9629	
	AIR NEW SOURCE PERMITS	PERMIT	914	
	AIR NEW SOURCE PERMITS	PERMIT	914A	
	AIR NEW SOURCE PERMITS	PERMIT	1302	
	AIR NEW SOURCE PERMITS	PERMIT	1303	
	AIR NEW SOURCE PERMITS	PERMIT	1387	
	AIR NEW SOURCE PERMITS	PERMIT	1423	
	AIR NEW SOURCE PERMITS	PERMIT	1423A	
	AIR NEW SOURCE PERMITS	PERMIT	1423B	
	AIR NEW SOURCE PERMITS	PERMIT	1423C	
	AIR NEW SOURCE PERMITS	PERMIT	1790	
	AIR NEW SOURCE PERMITS	PERMIT	2004	
	AIR NEW SOURCE PERMITS	PERMIT	2116	
	AIR NEW SOURCE PERMITS	PERMIT	2490	
	AIR NEW SOURCE PERMITS	PERMIT	5745	
	AIR NEW SOURCE PERMITS	PERMIT	7021	
	AIR NEW SOURCE PERMITS	PERMIT	9176	
	AIR NEW SOURCE PERMITS	PERMIT	9468	
	AIR NEW SOURCE PERMITS	PERMIT	10447	
	AIR NEW SOURCE PERMITS	PERMIT	11434	
	AIR NEW SOURCE PERMITS	PERMIT	12967	
	AIR NEW SOURCE PERMITS	PERMIT	16327	
	AIR NEW SOURCE PERMITS	PERMIT	17157	
	AIR NEW SOURCE PERMITS	PERMIT	20204	
	AIR NEW SOURCE PERMITS	PERMIT	21236	
	AIR NEW SOURCE PERMITS	PERMIT	22977	
	AIR NEW SOURCE PERMITS	PERMIT	23646	
	AIR NEW SOURCE PERMITS	PERMIT	24252	
	AIR NEW SOURCE PERMITS	PERMIT	26132	
	AIR NEW SOURCE PERMITS	PERMIT	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	80747
AIR NEW SOURCE PERMITS	REGISTRATION	80712
AIR NEW SOURCE PERMITS	REGISTRATION	80930
AIR NEW SOURCE PERMITS	REGISTRATION	80784
AIR NEW SOURCE PERMITS	REGISTRATION	81074
AIR NEW SOURCE PERMITS	REGISTRATION	80705
AIR NEW SOURCE PERMITS	REGISTRATION	80706
AIR NEW SOURCE PERMITS	REGISTRATION	80707
AIR NEW SOURCE PERMITS	REGISTRATION	80708
AIR NEW SOURCE PERMITS	REGISTRATION	80709
AIR NEW SOURCE PERMITS	REGISTRATION	80711
AIR NEW SOURCE PERMITS	REGISTRATION	80743
AIR NEW SOURCE PERMITS	REGISTRATION	81410
AIR NEW SOURCE PERMITS	REGISTRATION	81411
AIR NEW SOURCE PERMITS	REGISTRATION	81429
AIR NEW SOURCE PERMITS	REGISTRATION	81431
AIR NEW SOURCE PERMITS	REGISTRATION	81430
AIR NEW SOURCE PERMITS	REGISTRATION	81292
AIR NEW SOURCE PERMITS	REGISTRATION	81828
AIR NEW SOURCE PERMITS	REGISTRATION	81587
AIR NEW SOURCE PERMITS	REGISTRATION	82031
AIR NEW SOURCE PERMITS	REGISTRATION	83760
AIR NEW SOURCE PERMITS	REGISTRATION	84928
AIR NEW SOURCE PERMITS	REGISTRATION	85159
AIR NEW SOURCE PERMITS	REGISTRATION	85526
AIR NEW SOURCE PERMITS	REGISTRATION	85525
AIR NEW SOURCE PERMITS	REGISTRATION	83519
AIR NEW SOURCE PERMITS	REGISTRATION	84794
AIR NEW SOURCE PERMITS	REGISTRATION	82838
AIR NEW SOURCE PERMITS	REGISTRATION	85528
AIR NEW SOURCE PERMITS	REGISTRATION	85529

PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810114
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079642
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30019
INDUSTRIAL AND HAZARDOUS WASTE 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, TX, 77631 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 15, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 15, 2003 to July 15, 2008

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

Name: Trina Grieco Phone: (210) 403-4006

#### Site Compliance History Components

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

#### Components (Multimedia) for the Site :

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

Effective Date: 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.

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. (CEEDS Inv. Track. No.)

1	07/15/2003	(38074)
2	07/15/2003	(112514)
3	07/15/2003	(112516)
4	07/15/2003	(112518)
5	07/15/2003	(112519)
6	07/22/2003	(295812)
7	08/04/2003	(125899)
8	08/18/2003	(295810)
9	08/22/2003	(144190)
10	08/27/2003	(152757)
11	08/27/2003	(152763)
12	08/27/2003	(152759)
13	08/27/2003	(152760)
14	08/27/2003	(152752)
15	08/29/2003	(152995)
16	08/29/2003	(153012)
17	10/17/2003	(252339)
18	10/21/2003	(295815)
19	10/29/2003	(251998)
20	11/13/2003	(295816)
21	12/08/2003	(255358)
22	12/08/2003	(255362)
23	12/08/2003	(255366)
24	12/11/2003	(295817)
25	12/15/2003	(255071)
26	12/29/2003	(258574)
27	12/29/2003	(258639)
28	12/29/2003	(258593)
29	12/29/2003	(258585)
30	12/29/2003	(258553)
31	01/20/2004	(295819)
32	01/28/2004	(261078)
33	01/28/2004	(260132)
34	01/29/2004	(258780)

35	02/06/2004	(257858)
36	02/13/2004	(262593)
37	02/13/2004	(262596)
38	02/13/2004	(262585)
39	02/23/2004	(295799)
40	02/25/2004	(263758)
41	03/04/2004	(264387)
42	03/04/2004	(263186)
43	03/26/2004	(295802)
44	03/30/2004	(264141)
45	03/30/2004	(264137)
46	04/02/2004	(332777)
47	04/20/2004	(269279)
48	04/20/2004	(269271)
49	04/20/2004	(269276)
50	04/20/2004	(264114)
51	04/26/2004	(295803)
52	04/28/2004	(266290)
53	05/13/2004	(271900)
54	05/19/2004	(270883)
55	05/19/2004	(270872)
56	05/19/2004	(270885)
57	05/19/2004	(270887)
58	05/21/2004	(267872)
59	05/24/2004	(295805)
60	05/26/2004	(266492)
61	06/10/2004	(269300)
62	06/16/2004	(271873)
63	06/16/2004	(274638)
64	06/17/2004	(272995)
65	06/21/2004	(295807)
66	06/21/2004	(295813)
67	06/22/2004	(274776)
68	06/22/2004	(274848)
69	06/22/2004	(274709)
70	06/24/2004	(269645)
71	07/07/2004	(352287)
72	07/09/2004	(273112)
73	07/23/2004	(274856)
74	07/26/2004	(279807)
75	07/30/2004	(285129)
76	08/13/2004	(352268)
77	08/20/2004	(276576)
78	08/23/2004	(288711)
79	08/31/2004	(253065)
80	08/31/2004	(253079)
81	09/02/2004	(289441)
82	09/13/2004	(282801)
83	10/13/2004	(336687)
84	10/13/2004	(336664)
85	10/18/2004	(352269)
86	10/20/2004	(292086)
87	10/20/2004	(291761)
88	10/20/2004	(291770)
89	10/20/2004	(292048)
90	10/20/2004	(291861)
91	10/20/2004	(292076)
92	10/20/2004	(291763)
93	10/20/2004	(293180)
94	10/20/2004	(292069)
95	10/20/2004	(291767)
96	10/20/2004	(292578)
97	10/20/2004	(291769)
98	10/20/2004	(292063)
99	11/08/2004	(339532)
100	11/22/2004	(338251)
101	11/29/2004	(352270)
102	11/29/2004	(338082)
103	12/09/2004	(285339)
104	12/09/2004	(337881)
105	12/09/2004	(337904)

106	12/22/2004	(381921)
107	01/09/2005	(342372)
108	01/09/2005	(342410)
109	01/21/2005	(381922)
110	02/21/2005	(348629)
111	02/22/2005	(381920)
112	03/03/2005	(350005)
113	03/04/2005	(371431)
114	03/04/2005	(371423)
115	03/04/2005	(371426)
116	03/29/2005	(419759)
117	03/30/2005	(375164)
118	03/30/2005	(375158)
119	04/01/2005	(349907)
120	04/08/2005	(373226)
121	04/20/2005	(373311)
122	04/25/2005	(419760)
123	04/25/2005	(419763)
124	04/28/2005	(378722)
125	04/28/2005	(378717)
126	04/29/2005	(348352)
127	04/29/2005	(379040)
128	05/16/2005	(374625)
129	05/31/2005	(419761)
130	05/31/2005	(393307)
131	06/13/2005	(379238)
132	06/28/2005	(419762)
133	07/12/2005	(397336)
134	07/12/2005	(397233)
135	07/13/2005	(397746)
136	07/13/2005	(397015)
137	07/13/2005	(397437)
138	07/15/2005	(397147)
139	07/15/2005	(397700)
140	07/15/2005	(396777)
141	08/17/2005	(404042)
142	08/18/2005	(402083)
143	08/19/2005	(440895)
144	08/26/2005	(402989)
145	10/21/2005	(431191)
146	10/27/2005	(468549)
147	10/27/2005	(440896)
148	11/15/2005	(436523)
149	11/28/2005	(468550)
150	12/05/2005	(437856)
151	12/27/2005	(468551)
152	01/13/2006	(451620)
153	01/30/2006	(468552)
154	01/30/2006	(438126)
155	02/04/2006	(452772)
156	02/04/2006	(452809)
157	02/23/2006	(452806)
158	02/28/2006	(454800)
159	02/28/2006	(468547)
160	02/28/2006	(456864)
161	03/23/2006	(454880)
162	03/27/2006	(498278)
163	04/05/2006	(453563)
164	04/13/2006	(468548)
165	04/25/2006	(461211)
166	05/01/2006	(459960)
167	05/01/2006	(459864)
168	05/01/2006	(460085)
169	05/11/2006	(462874)
170	05/16/2006	(498279)
171	05/24/2006	(467236)
172	05/30/2006	(467025)
173	06/20/2006	(498280)
174	07/12/2006	(498281)
175	07/31/2006	(484359)
176	08/22/2006	(520290)

177	08/22/2006	(520291)
178	08/24/2006	(487772)
179	08/31/2006	(458269)
180	10/23/2006	(520292)
181	11/15/2006	(575471)
182	12/06/2006	(532890)
183	12/11/2006	(514581)
184	12/12/2006	(575472)
185	12/28/2006	(270174)
186	01/03/2007	(534464)
187	01/23/2007	(593178)
188	01/25/2007	(575473)
189	02/01/2007	(538491)
190	02/21/2007	(575463)
191	03/14/2007	(575464)
192	04/12/2007	(575465)
193	04/12/2007	(575466)
194	05/04/2007	(542914)
195	05/10/2007	(555087)
196	05/21/2007	(556693)
197	06/07/2007	(575467)
198	06/27/2007	(565892)
199	06/29/2007	(564203)
200	07/10/2007	(575468)
201	07/10/2007	(575469)
202	07/10/2007	(562896)
203	07/17/2007	(575470)
204	07/19/2007	(565918)
205	07/19/2007	(565912)
206	07/19/2007	(565922)
207	07/20/2007	(565938)
208	07/20/2007	(565947)
209	07/20/2007	(565942)
210	07/24/2007	(564002)
211	07/30/2007	(564905)
212	08/02/2007	(645510)
213	08/03/2007	(568577)
214	08/28/2007	(573506)
215	08/30/2007	(567177)
216	09/01/2007	(645773)
217	09/07/2007	(572061)
218	09/25/2007	(607568)
219	10/03/2007	(595357)
220	10/10/2007	(607567)
221	10/12/2007	(567973)
222	10/23/2007	(607569)
223	10/24/2007	(594503)
224	11/20/2007	(596110)
225	12/07/2007	(619563)
226	12/07/2007	(619564)
227	12/18/2007	(598952)
228	01/11/2008	(598658)
229	01/17/2008	(610417)
230	03/03/2008	(613811)
231	03/03/2008	(615669)
232	03/14/2008	(672086)
233	03/14/2008	(613893)
234	03/20/2008	(672084)
235	03/26/2008	(618723)
236	04/09/2008	(672087)
237	04/17/2008	(672085)
238	05/05/2008	(640667)
239	05/07/2008	(639558)
240	05/07/2008	(646161)
241	05/14/2008	(657311)
242	05/15/2008	(657011)
243	05/16/2008	(646399)
244	06/03/2008	(639225)
245	07/09/2008	(680161)
246	07/11/2008	(646408)

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

**Date:** 08/31/2003 (295812)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 02/29/2004 (295802)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 04/02/2004 (332777)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
**Description:** NON-RPT VIOS FOR MONIT PER OR PIPE

**Date:** 04/20/2004 (264114)  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 335, SubChapter A 335.6(c)  
**Description:** Failure to provide written notification of the container storage area for the hazardous waste railcar.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 335, SubChapter A 335.4  
**Description:** Failure to prevent an unauthorized discharge near the 15 psi steam condensate pump next to Bldg#261 of the HMD unit.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 335, SubChapter E 335.112(a)(1)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)  
**Description:** Failure to place the name of the inspector on the container storage area (CSA) inspection log for Building #568.

**Date:** 06/10/2004 (269300)  
**Self Report?** NO **Classification:** Minor  
**Rqmt Prov:** PERMIT WQ 0475-000  
**Description:** Numerous willows and tallows were observed growing in the embankments on the pond system.

**Date:** 06/16/2004 (271873)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.44(h)  
**Description:** Failure to protect the public drinking water supply system from potential contamination hazards.  
  
During the investigation, it was noted that the water system did not have the required backflow prevention assemblies on the water lines to a medical clinic, a dock, and a public swimming pool.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(m)  
**Description:** Failure to maintain the surface water treatment plant.  
  
During the investigation, it was noted that the interiors of both clarifiers have areas of corrosion, and the water system manager told the investigator she believed that the underdrain on filter # 2 is damaged.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(m)  
**Description:** Failure to maintain perform needed maintenance.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)  
**Description:** Failure to protect the public drinking water supply system from a potential contamination hazard.

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

**Date:** 08/23/2004 (288711)  
**Self Report?** NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT 1468, Special Condition 7B  
OP O-02075, Special Condition 4F  
OP O-02075, Special Condition 9  
Description: Failure to conduct quarterly Cylinder Gas Audit (CGA) and Calibration Error (CE) testing on the Continuous Emissions Monitoring System (CEMS) for the Adiponitrile (ADN) North Boiler, Emission Point Number (EPN) PP-40B.

Date: 09/02/2004 (289441)

Self Report? NO Classification: Minor

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

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

Description: Failure to submit a final sampling report within 30 days of performing the stack sampling.

Date: 04/08/2005 (373226)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent an unauthorized discharge.

Date: 08/18/2005 (404042)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)

Description: Failure to provide containment on the overhead bulk polymer tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failure to properly vent gas chlorination facilities.

Self Report? NO Classification: Minor

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

Description: Failure to provide filter to waste connections with an air gap.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known concentrations.

Date: 11/30/2005 (468551)

Self Report? YES Classification: Moderate

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

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

Date: 01/30/2006 (438126)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)

Description: Failure to maintain records of weekly container storage area inspections.

Date: 02/24/2006 (565912)

Self Report? NO Classification: Moderate

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

Description: December 2005 - 4 days with a low concentration time for more than 4 consecutive hours.

Date: 02/24/2006 (565892)

Self Report? NO Classification: Moderate

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

Description: November 2004 - 4 days with a low CT for more than 4.0 consecutive hours. Treatment Technique Violation.

Date: 02/28/2006 (498278)

Self Report? YES Classification: Moderate

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

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

Date: 05/11/2006 (565922)

Self Report? NO Classification: Moderate

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

Description: February 2006 - 1 day with a low concentration time for more than 4 consecutive hours.

Date: 05/24/2006 (467236)

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 0475-000

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

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT M&RR 2

Description: Failure by E. I. Dupont De Nemours and Company-Sabine River Works to include correction factors obtained during thermometer verification in temperature measurements.

Date: 05/30/2006 (467025)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)

Description: Failure to provide containment on the overhead bulk polymer tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failure to properly vent gas chlorination facilities.

Self Report? NO Classification: Minor

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

Description: Failure to provide filter to waste connections with an air gap.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known concentrations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Description: Failure to maintain calibration records for laboratory equipment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)

Description: Failure to restandardized the secondary standards each time the Bench top turbidity meter is calibrated with primary standards.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)

Description: Failure to perform primary calibrations on the on-line turbidity meters with primary standards.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Description: Failure to maintain complete records of on-line pH meter calibrations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to properly inspect the potable filter well.

Date: 07/07/2006 (565938)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 9176  
 OP O-02001, General Terms and Conditions  
 OP O-02001, Special Condition 8A

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)

Rqmt Prov: PERMIT 9176  
 OP O-02001, General Terms and Conditions  
 OP O-02001, Special Condition 1A  
 OP O-02001, Special Condition 8A

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)

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

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)

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP O-02074

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

**Date: 11/17/2006 (565918)**

Self Report? NO Classification: Moderate

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

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

**Date: 12/12/2006 (514581)**

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 49076  
OP O-01901

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

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-02055

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

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT 49076  
OP O-01901

Description: Failure to keep records of visible emissions observations.

Self Report? NO Classification: Minor

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

Description: **Failure to submit an accurate deviation report.**

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP O-02055

Description: Failure to conduct a floating roof tank inspection.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 20204  
OP O-02055

Description: Failure to install a continuous flow monitor and a Btu Analyzer and have them operational within 180 days from the approval of the permit amendment.

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT 20204  
OP O-02055

Description: Failure to record Abater emissions in maximum pounds per hour and tons per year at least quarterly for review by TCEQ personnel.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02055

Description: **Failure to monitor a pressure relief valve, that has vented to the atmosphere, within 24 hours of the release.**

**Date: 01/23/2007 (593178)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

**Date: 01/30/2007 (565942)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)  
30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: December 2006 - 52.2% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

**Date: 03/07/2007 (565947)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)  
30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: January 2007 - 32.5% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

**Date: 05/10/2007 (555087)**

Self Report? NO Classification: Minor

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

Description: Failure to provide filter to waste connections with an air gap.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)

Description: Failure to provide appropriate labels on several of the water lines and chemical feed lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Description: Failure to complete the December 2006 surface water monthly operating report (SWMOR) with the proper contact time (CT) numbers.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)

Description: Failure to monitor and record the quantity of water used each day for backwashing as required by the water system's exception to the rule for a backwash flow meter.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)

Description: Failure to calibrate the benchtop pH meter according to manufacturer's specifications at least once a day.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)

Description: Failure to check the calibration of the benchtop turbidimeter with secondary standards

each time a series of samples is tested.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)  
Description: Failure to calibrate the online turbidimeters with primary standards at least once every 90 days.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)  
Description: Failure to provide unexpired buffer solutions to calibrate the benchtop pH meter.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)  
Description: Failure to install and test an appropriate backflow prevention assembly before the bulk water loading station at Well #3.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
Description: Failure to maintain an adequate free chlorine residual.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)  
Description: Failure to calibrate the online pH meter according to manufacturer's specifications at least once every 30 days.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iv)  
Description: Failure to check the calibration of the online pH meter at least once each week with a primary standard or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.

Date: 08/02/2007 (645510)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(2)  
Description: BACT - NONACUTE MCL (5% OR >1)

Date: 08/31/2007 (567177)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT 9176, Special Condition 3E  
OP O-02001, Special Condition 1A  
OP O-02001, Special Condition 8  
Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02001, Special Condition 1A  
Description: **Failure to monitor a pressure relief device (PRD) within 24 hours after the PRD has failed as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.**

Date: 09/01/2007 (645773)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)  
Description: PUBLIC NOTICE

Date: 12/31/2007 (607569)

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/11/2008 (598658)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 49076, Special Condition 5A  
OP O-01901, General Terms and Conditions  
OP O-01901, Special Condition 1A  
OP O-01901, Special Condition 7

Description: Failure to conduct daily opacity inspections of filters required by TCEQ Permit 49076 Special Condition 5 as reported in the Deviation Reports for FOP O-01901 covering the reporting periods of October 11, 2006, to April 10, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.520  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(a)  
5C THSC Chapter 382 382.085(b)

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.520  
30 TAC Chapter 113, SubChapter E 113.3050  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)  
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(1)  
5C THSC Chapter 382 382.085(b)

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

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

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Minor

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

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

Description: **Failure to report a deviation in the submitted Deviation Report for the reporting periods of April 11, 2006, through October 10, 2006, and October 11, 2006, through April 10, 2007.**

Date: 02/29/2008 (672084)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2008 (672085)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/16/2008 (657011)  
 Self Report? NO Classification: Moderate  
 Rqmt Prov: PERMIT PC1c  
 Description: Failure by E. I. Dupont De Nemours and Company-Sabine River Works to respond to a Notice of Violation dated 05/26/2006.

Date: 05/19/2008 (646399)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: PERMIT 20204, Special Condition 3E  
 OP O-02055, General Terms and Conditions  
 OP O-02055, Special Condition 1A  
 OP O-02055, Special Condition 8  
 Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of July 15, 2006, through January 14, 2007; January 15, 2007, through July 14, 2007; and July 15, 2007, through January 14, 2008.

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

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

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: PERMIT 20204, Special Condition 13  
 OP O-02055, General Terms and Conditions  
 OP O-02055, Special Condition 1A  
 OP O-02055, Special Condition 8  
 Description: Failure to maintain the Regenerative Thermoxidizer (RTO) Exhaust temperature equal to or greater than 1500 degrees Fahrenheit when waste gas is directed to the RTO as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of January 15, 2007, through July 14, 2007 and July 15, 2007, through January 14, 2008.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)  
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP O-02055, General Terms and Conditions  
 OP O-02055, Special Condition 1A  
 OP O-02055, Special Condition 4B(v)  
 Description: Failure to maintain records of the last leak testing of each tank-truck as reported in the Deviation Report for FOP O-02055 covering the reporting period of January 15, 2007, through July 14, 2007.

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

Date: 07/11/2008 (646408)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: OP FOP O-02331 General Terms and Conditions  
 Description: Failure to report all deviations in a semi-annual deviation report.

F. Environmental audits.

Notice of Intent Date: 05/25/2005<sup>3</sup> (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 Prov: PERMIT Operating Permit 02074  
 Description: Failure to use certified opacity reader and meet all requirements of Test Method 9.  
 Viol. Classification: Moderate  
 Rqmt Prov: 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 Prov: 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

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2008-1167-AIR-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical plant at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about July 16 and August 6, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-One Thousand Four Hundred Eight Dollars (\$31,408) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Twelve Thousand Five Hundred Sixty-Four Dollars (\$12,564) of the administrative penalty and Six Thousand Two Hundred Eighty-One Dollars (\$6,281) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twelve Thousand Five Hundred Sixty-Three Dollars (\$12,563) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to operate the Cogeneration Train, emission point number ("EPN") PG-14, at or below the nitrogen oxide ("NOx") concentration limit of 96 parts per million ("ppm") four times between September 25 and November 11, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 9629, Special Condition 12 and Federal Operating Permit ("FOP") No. O-02331, General Terms and Conditions and Special Terms and Conditions 6 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 10 through 16, 2008. Specifically, NOx concentrations were 99.59 and 128 ppm on September 25, 2006, 100.95 ppm on October 31, 2006, and 133.05 on ppm November 11, 2006.
2. Failed to conduct a Relative Accuracy Test ("RAT") and a 7-day Calibration Drift ("CD") test on a NOx analyzer in the Cogeneration Unit, which resulted in the inability to certify that the continuous emissions monitoring system ("CEMS") was operating properly, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 117.140(c)(1) and (e), 117.340(c)(1) and (f)(1),

- 117.8100(a)(1)(B)(i), and 122.143(4), FOP No. O-02331, General Terms and Conditions and Special Terms and Conditions 1A, 1D, 4B, 4F and 6, NSR Permit No. 9629, Special Condition 3 and 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.8, 60.13, 60.46b(c), 60.46b(f)(1), and 60.48b(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 10 through 16, 2008. Specifically, the NOx analyzer was unavailable due to internal power supply failure, so a temporary replacement analyzer was installed on July 21, 2007 and operated until September 12, 2007, when a single-range NOx analyzer was installed and operated until January 4, 2008. The RAT and CD tests were not conducted on either of the temporary replacement analyzers.
3. Failed to conduct a RAT and a 7-day CD test on a carbon monoxide ("CO") analyzer in the Cogeneration Unit, which resulted in the inability to certify that the CEMS was operating properly, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 117.140(e) and (d), 117.8100(a)(1)(B)(iii), 117.340(f)(1) and (e), 117.8120(1)(A), and 122.143(4), FOP No. O-02331, General Terms and Conditions and Special Terms and Conditions 1A, 1D, 4B, 4F and 6, NSR Permit No. 9629, Special Condition 3 and 40 CFR §§ 60.8, 60.13, 60.46b(c), 60.46b(f)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 10 through 16, 2008. Specifically, the CO analyzer was unavailable due to internal power supply failure, so a temporary replacement analyzer was installed on August 21, 2007 and operated until September 11, 2007, when a single-range CO analyzer was installed and operated until January 4, 2008. The RAT and CD tests were not conducted on either of the temporary replacement analyzers.
  4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), FOP No. O-02001, General Terms and Conditions and NSR Permit No. 9176, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 28 through June 10, 2008. Specifically, 2,025.7 pounds ("lbs") of ethylene, 684 lbs of methylacrylic acid, 151.2 lbs of maleic acid monoester, 52.9 lbs of butyl acrylate, and 430.5 lbs of particulate matter were released from the Baghouse Vent, EPN PL-BAG, in the D Unit during an emissions event (Incident No. 105482) that occurred on March 27, 2008 and lasted 148 hours. These emissions are not authorized by the Permit. Since the emissions were improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
  5. Failed to submit a final record for an emissions event (Incident No. 105482) within two weeks after the end of the event, in violation of 30 TEX. ADMIN. CODE §§ 101.211(b) and 122.143(4), FOP No. O-02001, General Terms and Conditions and Special Term and Condition 2G and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 28 through June 10, 2008. The initial report was submitted timely, but the emissions amounts and duration subsequently changed, and a final record with the corrected information was not submitted by April 17, 2008 (two weeks after the event that ended on April 3, 2008). On June 1, 2008, the correct amount and duration of emissions was submitted via electronic mail.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2008-1167-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twelve Thousand Five Hundred Sixty-Three Dollars (\$12,563) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement measures designed to ensure that EPN PG-14 is operated within NOx concentration limits;
    - ii. Implement measures designed to ensure that the RAT and the 7-day CD test are conducted when required on the NOx analyzer in the Cogeneration Unit;
    - iii. Implement measures designed to ensure that the RAT and the 7-day CD test are conducted when required on the CO analyzer in the Cogeneration Unit; and
    - iv. Implement measures designed to ensure that emissions are properly reported.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering

Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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.
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. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

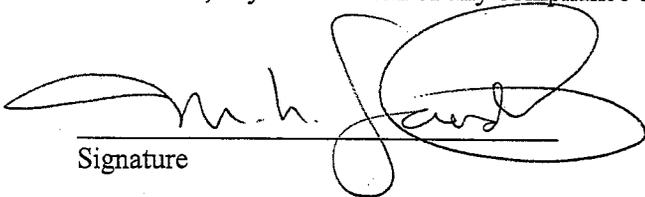
5/6/2009  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

3-23-09  
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 IV, Paragraph 1 of this Agreed Order.



Attachment A

Docket Number: 2008-1167-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** E. I. du Pont de Nemours and Company  
**Penalty Amount:** Twenty-Five Thousand One Hundred Twenty-Seven Dollars (\$25,127)  
**SEP Offset Amount:** Twelve Thousand Five Hundred Sixty-Three Dollars (\$12,563)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Texas PTA – *Clean School Bus Program*  
**Location of SEP:** Texas Air Quality Control Region No. 106

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas PTA* for the *Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today’s level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Congress of Parents and Teachers dba Texas PTA  
Clean School Bus Program  
Suzy Swan, Director of Finance  
408 West 11<sup>th</sup> Street  
Austin, Texas 78707

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to ATexas Commission on Environmental Quality@ and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

