EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0102-AIR-E **TCEQ ID:** RN100216035 **CASE NO.:** 37051

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

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Dupont Beaumont Works Industrial Park, 5470 North Twin City Highway, Nederland, Jefferson County

TYPE OF OPERATION: Petrochemical plant

SMALL BUSINESS: ___ Yes _X_ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-1520-IHW-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 29, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Raymond Marlow, P. G., Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387

Respondent: Mr. Thomas C. Davis, Plant Manager, E. I. du Pont de Nemours and Company, 5470 North Twin City Highway, Nederland, Texas 77627

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** August 20, 2008 **Date of NOE Relating to this Case:** November 19, 2008 (NOE) **Background Facts:** This was a routine investigation. **AIR** 1) Failure to submit a final emissions event report within two weeks after the end of the event (Incident No. 106111). Specifically, the event occurred and ended on April 9, 2008 and the report was due by April 23, 2008, but was not submitted until June 30, 2008 [30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), Federal Operating Permit ("FOP") No. O-01961, General Terms and Conditions ("GTC"), and Special Condition ("SC") No. 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 473.93 pounds of nitrogen oxides were released from the Ammonia Oxidation Process Abater, emission point number ANI-STK83, during an emissions event (Incident No. 106111) that began during an April 9, 2008 shutdown activity and lasted 57 minutes. Since the emissions event was 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 (c), and 122.143(4), Air Permit No. 4351, SC No. 1, FOP No. O-01961, GTC and Special Condition No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $5,643 **Total Deferred:** $1,128 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $4,515 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent's management held a meeting on June 30, 2008 with the appropriate personnel to clarify roles and responsibilities and communicated that all of the required emissions event reports are to be tracked and submitted in State of Texas Environmental Electronic Reporting System on time.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	2-Dec-2008				
PCW	5-Feb-2009	Screening	21-Jan-2009	EPA Due	20-Aug-2009

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	37051	No. of Violations	2
Docket No.	2009-0102-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow P. G.
		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* $2,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 118.0% Enhancement — *Subtotals 2, 3, & 7* $3,068

Notes: Penalty enhancement due to one NOV for same or similar violations, four NOVs issued for dissimilar violations, four agreed orders containing a denial of liability, and one findings order.

Culpability No 0.0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* $25

Economic Benefit 0.0% Enhancement* — *Subtotal 6* $0

Total EB Amounts $5
Approx. Cost of Compliance $500
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $5,643

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $5,643

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $5,643

DEFERRAL 20.0% Reduction — *Adjustment* -$1,128

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $4,515

Screening Date 21-Jan-2009 **Docket No.** 2009-0102-AIR-E **PCW**

Respondent E. I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*

Case ID No. 37051 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Raymond Marlow P. G.

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		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) 118%

>> Repeat Violator (Subtotal 3)

No ***Adjustment Percentage (Subtotal 3)*** 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer ***Adjustment Percentage (Subtotal 7)*** 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to one NOV for same or similar violations, four NOVs issued for dissimilar violations, four agreed orders containing a denial of liability, and one findings order.

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

Screening Date 21-Jan-2009 **Docket No.** 2009-0102-AIR-E **PCW**

Respondent E. I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*

Case ID No. 37051 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Raymond Marlow P. G.

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(c) and 122.143(4), Federal Operating Permit ("FOP") No. O-01961, General Terms and Conditions ("GTC"), and Special Condition No. 2F and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a final emissions event report within two weeks after the end of the event (Incident No. 106111). Specifically, the event occurred and ended on April 9, 2008 and the report was due by April 23, 2008, but was not submitted until June 30, 2008.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule requirements were met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events: 1 — 7 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended based on one late report.

Good Faith Efforts to Comply

25.0% Reduction $25

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

Notes: The Respondent completed corrective actions on June 30, 2008, prior to the November 19, 2008 NOE.

Violation Subtotal $75

Economic Benefit (EB) for this violation

Estimated EB Amount $5

Statutory Limit Test

Violation Final Penalty Total $193

This violation Final Assessed Penalty (adjusted for limits) $193

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 37051
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
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	$500	23-Apr-2008	30-Jun-2008	0.19	$5	n/a	$5
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to evaluate and train personnel to properly report incidents. The date required is the deadline for the final report. The final date is the date corrective actions were 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: $5

Screening Date 21-Jan-2009 **Docket No.** 2009-0102-AIR-E **PCW**

Respondent E. I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*

Case ID No. 37051 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Raymond Marlow P. G.

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Air Permit No. 4351, Special Condition No. 1, FOP No. O-01961, GTC and Special Condition No. 16, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 473.93 pounds of nitrogen oxides were released from the Ammonia Oxidation Process Abater, emission point number ANI-STK83, during an emissions event (Incident No. 106111) that began during an April 9, 2008 shutdown activity and lasted 57 minutes. Since the emissions event was improperly reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended for the event that occurred on April 9, 2008.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $5,450

This violation Final Assessed Penalty (adjusted for limits) $5,450

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 37051
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	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: The economic benefit is included in violation no. 1 because the loss of an affirmative defense was due to late reporting.

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 Report

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 3.06
Regulated Entity:	RN100216035	DUPONT BEAUMONT WORKS INDUSTRIAL PARK	Classification: AVERAGE	Site Rating: 10.15

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C
AIR OPERATING PERMITS	PERMIT	1959
AIR OPERATING PERMITS	PERMIT	1960
AIR OPERATING PERMITS	PERMIT	1961
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081101
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081101
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30010
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50166
AIR NEW SOURCE PERMITS	PERMIT	16323
AIR NEW SOURCE PERMITS	PERMIT	18127
AIR NEW SOURCE PERMITS	PERMIT	24141
AIR NEW SOURCE PERMITS	PERMIT	29106
AIR NEW SOURCE PERMITS	PERMIT	29192
AIR NEW SOURCE PERMITS	PERMIT	31224
AIR NEW SOURCE PERMITS	PERMIT	31444
AIR NEW SOURCE PERMITS	PERMIT	36730
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0033C
AIR NEW SOURCE PERMITS	PERMIT	318
AIR NEW SOURCE PERMITS	PERMIT	1331
AIR NEW SOURCE PERMITS	PERMIT	1710
AIR NEW SOURCE PERMITS	PERMIT	1743A
AIR NEW SOURCE PERMITS	PERMIT	2053
AIR NEW SOURCE PERMITS	PERMIT	2324
AIR NEW SOURCE PERMITS	PERMIT	2340
AIR NEW SOURCE PERMITS	PERMIT	2672
AIR NEW SOURCE PERMITS	PERMIT	3310
AIR NEW SOURCE PERMITS	PERMIT	3879
AIR NEW SOURCE PERMITS	PERMIT	4351
AIR NEW SOURCE PERMITS	PERMIT	4351A
AIR NEW SOURCE PERMITS	PERMIT	4704
AIR NEW SOURCE PERMITS	PERMIT	4752
AIR NEW SOURCE PERMITS	PERMIT	5310

AIR NEW SOURCE PERMITS	PERMIT	5777
AIR NEW SOURCE PERMITS	PERMIT	6183
AIR NEW SOURCE PERMITS	PERMIT	6301
AIR NEW SOURCE PERMITS	PERMIT	8106
AIR NEW SOURCE PERMITS	PERMIT	8143
AIR NEW SOURCE PERMITS	PERMIT	10013
AIR NEW SOURCE PERMITS	PERMIT	11844
AIR NEW SOURCE PERMITS	PERMIT	12208
AIR NEW SOURCE PERMITS	PERMIT	12368
AIR NEW SOURCE PERMITS	PERMIT	12835
AIR NEW SOURCE PERMITS	PERMIT	12888
AIR NEW SOURCE PERMITS	PERMIT	12894
AIR NEW SOURCE PERMITS	PERMIT	12895
AIR NEW SOURCE PERMITS	PERMIT	12896
AIR NEW SOURCE PERMITS	PERMIT	13542
AIR NEW SOURCE PERMITS	PERMIT	14020
AIR NEW SOURCE PERMITS	PERMIT	14134
AIR NEW SOURCE PERMITS	PERMIT	14489
AIR NEW SOURCE PERMITS	REGISTRATION	75778
AIR NEW SOURCE PERMITS	REGISTRATION	75676
AIR NEW SOURCE PERMITS	AFS NUM	4824500003
AIR NEW SOURCE PERMITS	REGISTRATION	71190
AIR NEW SOURCE PERMITS	REGISTRATION	71144
AIR NEW SOURCE PERMITS	PERMIT	52189
AIR NEW SOURCE PERMITS	PERMIT	54296
AIR NEW SOURCE PERMITS	PERMIT	50568
AIR NEW SOURCE PERMITS	PERMIT	52358
AIR NEW SOURCE PERMITS	PERMIT	71369
AIR NEW SOURCE PERMITS	PERMIT	54705
UNDERGROUND INJECTION CONTROL	PERMIT	WDW188
UNDERGROUND INJECTION CONTROL	PERMIT	WDW388
UNDERGROUND INJECTION CONTROL	PERMIT	WDW391
WASTEWATER	PERMIT	WQ0000473000
WASTEWATER	EPA ID	TPDES0004669
WASTEWATER	PERMIT	TPDES0004669
WASTEWATER	PERMIT	TX0004669
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
WATER LICENSING	LICENSE	1230066

IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30010
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50166
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50166

Location: 5470 N TWIN CITY HWY, NEDERLAND, TX, 77627 Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 30, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 30, 2004 to January 30, 2009

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

Name: Raymond Marlow Phone: 409-899-8785

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	Yes
3. If Yes, who is the current owner?	E. I. du Pont de Nemours and Company Lucite International, Inc.
4. if Yes, who was/were the prior owner(s)?	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: 05/12/2006 **ADMINORDER 2005-1978-AIR-E**

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

Description: Failure to comply with emissions limits found in the Maximum Allowable Emissions Rate Table (MAERT) in TCEQ Permit 1743.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 1743 PERMIT

1743/Special Conditions 4 PERMIT

Description: Failure to comply with emissions limits found in the Maximum Allowable Emissions Rate Table (MAERT) in TCEQ Permit 1743.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 1743 PERMIT
1743/Special Condition 4 PERMIT

Description: Failure to comply with Special Condition 1 and the limits specified in the MAERT constitutes violations of 30 TAC 116.115(c) and 30 TAC 116.115(b)(2)(F).

Effective Date: 08/31/2007 **ADMINORDER 2003-1371-MLM-E**

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(e)(1)
Rqmt Prov: 2796A, Special Condition 12F PERMIT

Description: Failure to conduct valid stack sampling for nitrogen oxides ("NOx") on Boiler 7, Emission Point Number ("EPN") P&S-BLR7, within 60 days, but no later than 180 days after the initial start up of the Plant, which occurred in December 2002.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: 1743, SPECIAL CONDITION 1 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: 1743 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: 1743 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: 1 PERMIT
Operatational Lilitations 4 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
Rqmt Prov: 1743, Special Condition 1 PERMIT

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

Effective Date: 11/09/2007 **ADMINORDER 2007-0155-IHW-E**

Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent an unauthorized discharge.

Effective Date: 03/08/2008 **ADMINORDER 2007-1308-AIR-E**

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 1961, General Terms and Conditions OP

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/29/2008 **ADMINORDER 2007-2044-AIR-E**

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01960 General Terms and Conditions OP

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	01/30/2004	(260913)
2	02/25/2004	(262312)
3	03/30/2004	(266349)
4	04/08/2004	(264649)
5	05/19/2004	(270228)
6	05/19/2004	(272204)
7	05/19/2004	(272699)
8	06/11/2004	(269850)
9	08/31/2004	(262540)
10	09/02/2004	(285264)
11	09/23/2004	(290932)
12	09/23/2004	(291787)
13	10/06/2004	(334229)
14	12/15/2004	(342892)
15	12/22/2004	(341799)
16	01/04/2005	(344102)
17	02/25/2005	(347899)
18	03/04/2005	(348330)
19	04/25/2005	(377491)

20	05/24/2005	(380302)
21	06/13/2005	(267115)
22	07/14/2005	(397732)
23	08/30/2005	(398843)
24	08/30/2005	(398952)
25	08/30/2005	(398956)
26	08/31/2005	(349444)
27	11/15/2005	(435807)
28	11/22/2005	(436056)
29	11/22/2005	(436069)
30	11/22/2005	(438124)
31	11/23/2005	(435758)
32	02/23/2006	(454153)
33	02/27/2006	(453635)
34	04/18/2006	(439023)
35	05/12/2006	(465540)
36	05/16/2006	(461492)
37	05/16/2006	(465147)
38	06/08/2006	(461493)
39	06/08/2006	(465140)
40	06/09/2006	(464979)
41	06/23/2006	(481385)
42	06/23/2006	(483323)
43	07/20/2006	(481088)
44	07/20/2006	(484761)
45	08/23/2006	(486519)
46	08/23/2006	(486526)
47	08/23/2006	(486528)
48	08/30/2006	(487349)
49	08/31/2006	(438112)
50	08/31/2006	(449843)
51	08/31/2006	(463773)
52	08/31/2006	(497541)
53	08/31/2006	(509139)
54	10/30/2006	(511265)
55	11/08/2006	(518131)
56	11/10/2006	(518881)
57	11/15/2006	(515866)
58	11/17/2006	(513262)
59	12/19/2006	(531150)
60	12/20/2006	(514400)
61	12/29/2006	(344561)
62	01/30/2007	(538186)
63	02/12/2007	(539047)
64	04/12/2007	(543282)
65	04/12/2007	(543292)
66	04/12/2007	(543295)
67	04/25/2007	(555253)
68	04/25/2007	(557419)
69	06/13/2007	(559952)
70	06/18/2007	(563733)
71	06/20/2007	(560649)
72	07/13/2007	(563518)
73	08/29/2007	(567227)
74	09/10/2007	(466042)
75	09/17/2007	(572715)
76	10/19/2007	(573592)
77	11/05/2007	(594907)
78	11/07/2007	(518772)

79	12/14/2007	(597009)
80	12/17/2007	(599959)
81	12/19/2007	(611284)
82	03/31/2008	(638733)
83	04/04/2008	(618550)
84	04/29/2008	(640755)
85	05/27/2008	(671278)
86	05/30/2008	(671477)
87	06/18/2008	(656983)
88	07/09/2008	(684335)
89	08/01/2008	(681179)
90	08/04/2008	(687589)
91	08/12/2008	(685941)
92	09/10/2008	(699791)
93	10/06/2008	(688814)
94	10/22/2008	(700426)
95	11/13/2008	(706839)
96	11/17/2008	(706201)
97	11/19/2008	(700565)
98	12/04/2008	(708769)
99	12/04/2008	(709114)
100	12/04/2008	(709823)
101	12/09/2008	(707372)
102	12/31/2008	(722045)
103	01/15/2009	(710311)

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

Date: 01/30/2004 (260913)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PA 1743 SC 13(E)
PA 1743 SC 18

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.356(2)(A)
30 TAC Chapter 115, SubChapter D 115.356(2)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)

Rqmt Prov: PA 1743 SC 18

Description: Failure to include all equipment on a list of identification numbers for equipment subject to 40 CFR 63, Subpart H.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.149(a)

Rqmt Prov: PA 1743 SC 18

Description: Failure to install a tightly fitting solid cover (TFSC) on drains.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(7)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(3)

Rqmt Prov: PA 1743 SC 13(K)
PA 1743 SC 18

Description: Failure to monitor valves at least once during the semiannual monitoring period.

Date: 07/21/2006 (481088)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP O-01961
PA Permit 4351
Description: Failure to equip open-ended lines with a cap, blind flange, plug, or a second valve for lines in Volatile Organic Compound service.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.43b(f)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP O-01961
PA Permit 2796A
Description: Failure to conduct an alternate method of monitoring when the Continuous Emission Monitoring System (CEMS) of Nitrous Oxides at the Number 7 Boiler was malfunctioning.

Date: 06/14/2007 (559952)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP 1961, General Terms and Conditions
OP 1961, Special Terms and Conditions 16
PERMIT 4351, Special Condition 5.D.
Description: Failure to perform weekly calibrations for hydrogen concentration on a flare.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP 1961, General Terms and Conditions
OP 1961, Special Terms and Conditions 16
PERMIT 4351, Special Condition 5.D.
Description: Failure to maintain minimum natural gas flow to flare.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP 1961, General Terms and Conditions
OP 1961, Special Terms and Conditions 16
PERMIT 4351, Special Condition 5.D.
Description: Failure to perform weekly calibration on natural gas flow meter of flare.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter C 117.413(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP 1961, General Terms and Conditions
OP 1961, Special Terms and Conditions 6.F.
Description: Failure to perform daily calibrations on a Continuous Emission Monitoring System (CEMS).

Date: 12/14/2007 (597215)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart A 63.11(b)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01960 General Terms and Conditions

OP FOP O-01960, Special Condition 19
OP FOP O-01960, Special Condition 1A
PERMIT NSR Permit 1743, Special Condition 2
PERMIT NSR Permit 1743, Special Condition 9

Description: Failure to operate Flare ACR/FLR57 with a pilot flame present at all times.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 19
OP FOP O-01960, Special Condition 4
PERMIT NSR Permit 1743, Special Condition 13

Description: Failure to maintain the water flow to scrubber ACR/ABS59.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 19
PERMIT NSR Permit 1743, Special Condition 15

Description: Failure to perform the Second and Fourth Quarter 2005 CGAs of ACR/INC60.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 19
OP FOP O-01960, Special Condition 1E
PERMIT NSR Permit 1743, Special Condition 16E
PERMIT NSR Permit 1743, Special Condition 2

Description: Failure to maintain a cap or plug on an open-ended line.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 19
PERMIT NSR Permit 318, Special Condition 5

Description: Failure to perform Audio, Visual and Olfactory (AVO) inspections for Ammonia (NH3) leaks in EPN AMM/FDKAMB once per twelve hour shift.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.118(f)(1)
Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 19
PERMIT NSR Permit 1743, Special Condition 2

Description: Failure to include all daily averages of measured parameters in the HON Periodic Report for the period of October 11, 2005 through April 10, 2006.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 19
OP FOP O-01960, Special Condition 4
PERMIT NSR Permit 1743, Special Condition 10

Description: Failure to maintain the water flow to scrubber ACR/ABS219.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 19
PERMIT NSR Permit 1743, Special Condition 12

Description: Failure to maintain the operating parameter of the Oxygen concentration and to continuously monitor the Oxygen concentration of the Unit ACR/INC60.

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 19
PERMIT NSR Permit 1743, Special Condition 8C

Description: Failure to maintain the operaturing temperature of Vapor Combustor Unit ACR/VC51.

Date: 03/31/2008 (638733)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 4351, Special Condition 8E
OP O-01961, General Terms and Conditions
OP O-01961, Special Condition 16
OP O-01961, Special Condition 1A

Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP O-01961 General Terms and Conditions

OP O-01961, Special Condition 3D

Description: Failure to perform quarterly visible emission observations (VEO).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failure to keep a container of hazardous waste closed in a satellite accumulation area (SAA).

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP O-01961, General Terms and Conditions

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01961, General Terms and Conditions

Description: Failure to accurately certify compliance in Annual Compliance Certifications (ACCs).

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP O-01961, General Terms and Conditions
OP O-01961, Special Condition 16
PERMIT Permit 4351, Special Condition 5D

Description: Failure to perform annual calibrations on the process flow monitor.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP O-01961, General Terms and Conditions
OP O-01961, Special Condition 1A
Description: Failure to conduct inspections on the Benzene internal floating roof tank within the previous 12 months.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP O-01961, General Terms and Conditions
OP O-01961, Special Condition 1A
Description: Failure to maintain the required audio, visual, olfactory (AVO) weekly inspections on the pumps and flanges.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED ORDER
DOCKET NO. 2009-0102-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 petrochemical plant at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 24, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Five Thousand Six Hundred Forty-Three Dollars ($5,643) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Four Thousand Five Hundred Fifteen Dollars ($4,515) of the administrative penalty and One Thousand One Hundred Twenty-Eight Dollars ($1,128) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the Respondent's management held a meeting on June 30, 2008 with the appropriate personnel to clarify roles and responsibilities and communicated that all of the required emissions event reports are to be tracked and submitted in State of Texas Environmental Electronic Reporting System on time.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to submit a final emissions event report within two weeks after the end of the event (Incident No. 106111), in violation of 30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), Federal Operating Permit ("FOP") No. O-01961, General Terms and Conditions ("GTC"), and Special Condition No. 2F and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 20, 2008. Specifically, the event occurred and ended on April 9, 2008 and the report was due by April 23, 2008, but was not submitted until June 30, 2008.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), Air Permit No. 4351, Special Condition No. 1, FOP No. O-01961, GTC and Special Condition No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 20, 2008. Specifically, unauthorized emissions of 473.93 pounds of nitrogen oxides were released from the Ammonia

Oxidation Process Abater, emission point number ANI-STK83, during an emissions event (Incident No. 106111) that began during an April 9, 2008 shutdown activity and lasted 57 minutes. Since the emissions event was improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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. 2009-0102-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon 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.

3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

John Sadlier
For the Executive Director

5/27/2009
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

4-17-2009
Date

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

PLANT MANAGER
Title

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