

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2009-0285-AIR-E TCEQ ID: RN100542711 CASE NO.: 37210**

**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 three additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1167-AIR-E, 2009-0600-AIR-E, and 2009-1011-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 August 24, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. Raymond Marlow, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785;                  Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. M. N. Sanchez, Site Manager, E. I. du Pont de Nemours and Company, 2739 Farm-to-Market Road 1006, Orange, Texas 77631  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 16, 2008 and January 28, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 13 and February 19, 2009 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions. Specifically, 979 pounds of propylene were released (Incident No. 112335) from the Ethylene Unit Emission Point Number PKS-S13 Valve on August 8, 2008. Improperly set alarm limits allowed a relief valve to vent emissions from the propylene make tank after pressure build up as a result of isolation automatics closing after rainfall cooled the tank. Since the emissions event could have been foreseen and avoided, 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 914, Special Condition ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-02074, General Terms and Conditions ("GTC") and SC No. 15, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, the emissions event (Incident No. 116375) that occurred on November 5, 2008, at the C Unit resulted in 179 pounds of ethylene from the C Unit Wax Recovery Tank being released to the atmosphere. Since the emissions event was improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an</p>	<p><b>Total Assessed:</b> \$14,178</p> <p><b>Total Deferred:</b> \$2,835  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$5,671</p> <p><b>Total Paid to General Revenue:</b> \$5,672</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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Changed the alarm limits on the Ethylene Unit on August 12, 2008 to prevent a future occurrence of over pressuring of the tank; and</p> <p>b. Held a meeting with the appropriate personnel on November 7, 2008 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.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

<p>affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Air Permit 9176, SC No. 1, and FOP No. O-02001, GTC and SC No. 8, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to submit an initial report within 24 hours for Incident No. 116375. Specifically, the incident occurred on November 5, 2008 at 11:15 a.m., but was not reported until November 7, 2008, at 10:08 a.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), FOP No. O-02001, SC No. 2F, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): OC0007J



Attachment A  
Docket Number: 2009-0285-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** E. I. du Pont de Nemours and Company

**Payable Penalty Amount:** Eleven Thousand Three Hundred Forty-Three Dollars (\$11,343)

**SEP Amount:** Five Thousand Six Hundred Seventy-One Dollars (\$5,671)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles

**Location of SEP:** Jefferson County

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 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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

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 there is 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 air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Judge Ron Walker  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP 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 payment of the SEP 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 Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**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 an 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 October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	23-Feb-2009			
	<b>PCW</b>	19-Mar-2009	<b>Screening</b>	26-Feb-2009	<b>EPA Due</b> 20-Nov-2009

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37210	<b>No. of Violations</b>	3
<b>Docket No.</b>	2009-0285-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Raymond Marlow
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$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**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

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

**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 indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

**PAYABLE PENALTY**

**Screening Date** 26-Feb-2009

**Docket No.** 2009-0285-AIR-E

**PCW**

**Respondent** E. I. du Pont de Nemours and Company

*Policy Revision 2 (September 2002)*

**Case ID No.** 37210

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100542711

**Media [Statute]** Air

**Enf. Coordinator** Raymond Marlow

**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 <i>(number of NOVs meeting criteria)</i>	8	40%
	Other written NOVs	33	66%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	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)** 203%

>> **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 with same or similar violations, 33 NOVs for unrelated violations, four Ageed Orders with denial of liability and one Findings Order. Penalty reduction due to four letters of intended audits and two letters in which violations were disclosed.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 203%

**Screening Date** 26-Feb-2009 **Docket No.** 2009-0285-AIR-E **PCW**  
**Respondent** E. I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*  
**Case ID No.** 37210 *PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100542711  
**Media [Statute]** Air  
**Enf. Coordinator** Raymond Marlow

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Air Permit 914, Special Condition ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-02074, General Terms and Conditions ("GTC") and SC No. 15, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, 979 pounds of propylene were released (Incident 112335) from the Ethylene Unit Emission Point Number PKS-S13 Valve on August 8, 2008. Improperly set alarm limits allowed a relief valve to vent emissions from the propylene make tank after pressure build up as a result of isolation automatics closing after rainfall cooled the tank. Since the emissions event could have been foreseen and avoided, 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**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

**>> 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 of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 1 Number of violation days 1

*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 based upon the emissions event which occurred on August 8, 2008.

**Good Faith Efforts to Comply**

25.0% Reduction

\$625

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

**Notes** The Respondent completed corrective actions on August 12, 2008 prior to the NOE dated January 13, 2009.

**Violation Subtotal** \$1,875

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

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$6,950

**This violation Final Assessed Penalty (adjusted for limits)** \$6,950

## Economic Benefit Worksheet

**Respondent** E. I. du Pont de Nemours and Company  
**Case ID No.** 37210  
**Reg. Ent. Reference No.** RN100542711  
**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**

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	\$100	8-Aug-2008	12-Aug-2008	0.01	\$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**  
 Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by improperly set software for the alarm on the Ethylene Unit. The date required is the date of the emissions event. 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)**

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 \$100

**TOTAL** \$0

<b>Screening Date</b> 26-Feb-2009	<b>Docket No.</b> 2009-0285-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> 37210		<small>PCW Revision October 30, 2008</small>														
<b>Reg. Ent. Reference No.</b> RN100542711																
<b>Media [Statute]</b> Air																
<b>Enf. Coordinator</b> Raymond Marlow																
<b>Violation Number</b> 2																
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Air Permit 9176, SC No. 1, and FOP No. O-02001, GTC and SC No. 8 and Tex. Health & Safety Code § 382.085(b)															
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the emissions event (Incident No. 116375) that occurred on November 5, 2008, at the C Unit resulted in 179 pounds of ethylene from the C Unit Wax Recovery Tank being released to the atmosphere. 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.															
	<b>Base Penalty</b>	\$10,000														
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	Major      Moderate      Minor															
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Release	Major	Moderate	Minor													
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<b>Matrix Notes</b>	Human health or the environment has been exposed to an insignificant amount 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>	\$7,500														
		\$2,500														
<b>Violation Events</b>																
	Number of Violation Events <input type="text" value="1"/>	Number of violation days <input type="text" value="1"/>														
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daily	<input type="checkbox"/>															
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	One quarterly event is recommended based upon the emissions event which occurred on November 5, 2008.															
<b>Good Faith Efforts to Comply</b>																
	25.0% Reduction	\$625														
	Before NOV      NOV to EDRP/Settlement Offer															
Extraordinary	<input type="checkbox"/>															
Ordinary	<input checked="" type="checkbox"/>															
N/A	<input type="checkbox"/>	<small>(mark with x)</small>														
<b>Notes</b>	The Respondent completed all corrective actions on November 7, 2008 prior to the NOE dated February 19, 2009.															
	<b>Violation Subtotal</b>	\$1,875														
<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>	\$6,950														
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$6,950														

## Economic Benefit Worksheet

**Respondent** E. I. du Pont de Nemours and Company  
**Case ID No.** 37210  
**Reg. Ent. Reference No.** RN100542711  
**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
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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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in that for Violation No. 3 since loss of affirmative defense was based solely on 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

<b>Screening Date</b> 26-Feb-2009	<b>Docket No.</b> 2009-0285-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> 37210	<small>PCW Revision October 30, 2008</small>																			
<b>Reg. Ent. Reference No.</b> RN100542711																				
<b>Media [Statute]</b> Air																				
<b>Enf. Coordinator</b> Raymond Marlow																				
<b>Violation Number</b> <input type="text" value="3"/>																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.201(a)(1) and 122.143(4), FOP No. O-02001, SC No. 2F and Tex. Health & Safety Code § 382.085(b)																			
<b>Violation Description</b>	Failed to submit an initial report within 24 hours for Incident No. 116375. Specifically, the incident occurred on November 5, 2008 at 11:15 a.m., but was not reported until November 7, 2008, at 10:08 a.m.																			
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>																		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td>Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> <input type="text" value="0%"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Harm																			
Release	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>																
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input checked="" type="text" value="X"/></td> <td style="text-align: right;"><b>Percent</b> <input type="text" value="1%"/></td> </tr> </table>		Falsification	Major	Moderate	Minor			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	<b>Percent</b> <input type="text" value="1%"/>							
	Falsification	Major	Moderate	Minor																
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	<b>Percent</b> <input type="text" value="1%"/>															
<b>Matrix Notes</b>	Most (at least 70%) of the rule requirements were met.																			
<b>Adjustment</b>		<input type="text" value="\$9,900"/>																		
		<input type="text" value="\$100"/>																		
<b>Violation Events</b>																				
	Number of Violation Events <input type="text" value="1"/>	Number of violation days <input type="text" value="1"/>																		
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text" value="X"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="text" value="X"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>				
daily	<input type="text"/>																			
weekly	<input type="text"/>																			
monthly	<input type="text"/>																			
quarterly	<input type="text"/>																			
semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	<input checked="" type="text" value="X"/>																			
One single event is recommended for the one late report.																				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="\$25"/>																		
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;"><b>25.0% Reduction</b></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td><input checked="" type="text" value="X"/></td> <td><input type="text"/></td> </tr> <tr> <td>N/A</td> <td><input type="text"/></td> <td style="text-align: center;"><small>(mark with x)</small></td> </tr> </table>			<b>25.0% Reduction</b>			Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input checked="" type="text" value="X"/>	<input type="text"/>	N/A	<input type="text"/>	<small>(mark with x)</small>				
	<b>25.0% Reduction</b>																			
	Before NOV	NOV to EDPRP/Settlement Offer																		
Extraordinary	<input type="text"/>	<input type="text"/>																		
Ordinary	<input checked="" type="text" value="X"/>	<input type="text"/>																		
N/A	<input type="text"/>	<small>(mark with x)</small>																		
<b>Notes</b>	The Respondent completed all corrective actions on November 7, 2008 prior to the NOE dated February 19, 2009.																			
<b>Violation Subtotal</b>		<input type="text" value="\$75"/>																		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																		
<b>Estimated EB Amount:</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$278"/>																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$278"/>																		

## Economic Benefit Worksheet

**Respondent** E. I. du Pont de Nemours and Company  
**Case ID No.** 37210  
**Reg. Ent. Reference No.** RN100542711  
**Media** Air  
**Violation No.** 3

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$100	5-Nov-2008	7-Nov-2008	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to implement personnel training to prevent the recurrence of late reporting of emissions events. The date required is the date of the emissions event. 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**

<b>Approx. Cost of Compliance</b>	\$100	<b>TOTAL</b>	\$0
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# Compliance History Report

Customer/Respondent/Owner-Operator: CN600128284 E. I. du Pont de Nemours and Company Classification: AVERAGE Rating: 3.06  
Regulated Entity: RN100542711 DUPONT SABINE RIVER WORKS Classification: AVERAGE Site Rating: 2.21

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0007J
	AIR OPERATING PERMITS	PERMIT	1350
	AIR OPERATING PERMITS	PERMIT	1868
	AIR OPERATING PERMITS	PERMIT	1895
	AIR OPERATING PERMITS	PERMIT	1896
	AIR OPERATING PERMITS	PERMIT	1897
	AIR OPERATING PERMITS	PERMIT	1898
	AIR OPERATING PERMITS	PERMIT	1899
	AIR OPERATING PERMITS	PERMIT	1900
	AIR OPERATING PERMITS	PERMIT	1901
	AIR OPERATING PERMITS	PERMIT	1996
	AIR OPERATING PERMITS	PERMIT	2001
	AIR OPERATING PERMITS	PERMIT	2055
	AIR OPERATING PERMITS	PERMIT	2074
	AIR OPERATING PERMITS	PERMIT	2331
	AIR OPERATING PERMITS	PERMIT	1882
	AIR NEW SOURCE PERMITS	REGISTRATION	72030
	AIR NEW SOURCE PERMITS	PERMIT	9629
	AIR NEW SOURCE PERMITS	PERMIT	914
	AIR NEW SOURCE PERMITS	PERMIT	914A
	AIR NEW SOURCE PERMITS	PERMIT	1302
	AIR NEW SOURCE PERMITS	PERMIT	1303
	AIR NEW SOURCE PERMITS	PERMIT	1387
	AIR NEW SOURCE PERMITS	PERMIT	1423
	AIR NEW SOURCE PERMITS	PERMIT	1423A
	AIR NEW SOURCE PERMITS	PERMIT	1423B
	AIR NEW SOURCE PERMITS	PERMIT	1423C
	AIR NEW SOURCE PERMITS	PERMIT	1790
	AIR NEW SOURCE PERMITS	PERMIT	2004
	AIR NEW SOURCE PERMITS	PERMIT	2116
	AIR NEW SOURCE PERMITS	PERMIT	2490
	AIR NEW SOURCE PERMITS	PERMIT	5745
	AIR NEW SOURCE PERMITS	PERMIT	7021
	AIR NEW SOURCE PERMITS	PERMIT	9176

AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	10447
AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	12967
AIR NEW SOURCE PERMITS	PERMIT	16327
AIR NEW SOURCE PERMITS	PERMIT	17157
AIR NEW SOURCE PERMITS	PERMIT	20204
AIR NEW SOURCE PERMITS	PERMIT	21236
AIR NEW SOURCE PERMITS	PERMIT	22977
AIR NEW SOURCE PERMITS	PERMIT	23646
AIR NEW SOURCE PERMITS	PERMIT	24252
AIR NEW SOURCE PERMITS	PERMIT	26132
AIR NEW SOURCE PERMITS	PERMIT	25167
AIR NEW SOURCE PERMITS	PERMIT	26158
AIR NEW SOURCE PERMITS	PERMIT	26325
AIR NEW SOURCE PERMITS	PERMIT	26410
AIR NEW SOURCE PERMITS	PERMIT	28148
AIR NEW SOURCE PERMITS	PERMIT	32733
AIR NEW SOURCE PERMITS	PERMIT	36046
AIR NEW SOURCE PERMITS	PERMIT	37488
AIR NEW SOURCE PERMITS	PERMIT	41263
AIR NEW SOURCE PERMITS	PERMIT	42054
AIR NEW SOURCE PERMITS	PERMIT	44528
AIR NEW SOURCE PERMITS	PERMIT	46790
AIR NEW SOURCE PERMITS	PERMIT	47671
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0007J
AIR NEW SOURCE PERMITS	PERMIT	71863
AIR NEW SOURCE PERMITS	REGISTRATION	75999
AIR NEW SOURCE PERMITS	REGISTRATION	75839
AIR NEW SOURCE PERMITS	PERMIT	49076
AIR NEW SOURCE PERMITS	AFS NUM	4836100002
AIR NEW SOURCE PERMITS	REGISTRATION	70647
AIR NEW SOURCE PERMITS	REGISTRATION	70650
AIR NEW SOURCE PERMITS	REGISTRATION	71054
AIR NEW SOURCE PERMITS	REGISTRATION	71338
AIR NEW SOURCE PERMITS	PERMIT	53130
AIR NEW SOURCE PERMITS	PERMIT	56781
AIR NEW SOURCE PERMITS	PERMIT	53324

AIR NEW SOURCE PERMITS	PERMIT	55710
AIR NEW SOURCE PERMITS	REGISTRATION	71829
AIR NEW SOURCE PERMITS	REGISTRATION	72443
AIR NEW SOURCE PERMITS	PERMIT	53572
AIR NEW SOURCE PERMITS	PERMIT	56055
AIR NEW SOURCE PERMITS	REGISTRATION	73921
AIR NEW SOURCE PERMITS	REGISTRATION	73779
AIR NEW SOURCE PERMITS	REGISTRATION	74503
AIR NEW SOURCE PERMITS	REGISTRATION	76581
AIR NEW SOURCE PERMITS	REGISTRATION	76955
AIR NEW SOURCE PERMITS	REGISTRATION	76719
AIR NEW SOURCE PERMITS	REGISTRATION	76580
AIR NEW SOURCE PERMITS	REGISTRATION	76726
AIR NEW SOURCE PERMITS	REGISTRATION	76690
AIR NEW SOURCE PERMITS	REGISTRATION	76686
AIR NEW SOURCE PERMITS	REGISTRATION	78770
AIR NEW SOURCE PERMITS	REGISTRATION	78820
AIR NEW SOURCE PERMITS	REGISTRATION	79048
AIR NEW SOURCE PERMITS	REGISTRATION	78445
AIR NEW SOURCE PERMITS	REGISTRATION	79512
AIR NEW SOURCE PERMITS	REGISTRATION	80163
AIR NEW SOURCE PERMITS	REGISTRATION	80331
AIR NEW SOURCE PERMITS	REGISTRATION	79817
AIR NEW SOURCE PERMITS	REGISTRATION	80113
AIR NEW SOURCE PERMITS	REGISTRATION	80067
AIR NEW SOURCE PERMITS	REGISTRATION	80740
AIR NEW SOURCE PERMITS	REGISTRATION	80742
AIR NEW SOURCE PERMITS	REGISTRATION	80739
AIR NEW SOURCE PERMITS	REGISTRATION	80738
AIR NEW SOURCE PERMITS	REGISTRATION	80736
AIR NEW SOURCE PERMITS	REGISTRATION	80712
AIR NEW SOURCE PERMITS	REGISTRATION	80930
AIR NEW SOURCE PERMITS	REGISTRATION	80784
AIR NEW SOURCE PERMITS	REGISTRATION	81074
AIR NEW SOURCE PERMITS	REGISTRATION	80705
AIR NEW SOURCE PERMITS	REGISTRATION	80706
AIR NEW SOURCE PERMITS	REGISTRATION	80707
AIR NEW SOURCE PERMITS	REGISTRATION	80708

AIR NEW SOURCE PERMITS	REGISTRATION	80709
AIR NEW SOURCE PERMITS	REGISTRATION	80711
AIR NEW SOURCE PERMITS	REGISTRATION	80743
AIR NEW SOURCE PERMITS	REGISTRATION	81410
AIR NEW SOURCE PERMITS	REGISTRATION	81411
AIR NEW SOURCE PERMITS	REGISTRATION	81429
AIR NEW SOURCE PERMITS	REGISTRATION	81431
AIR NEW SOURCE PERMITS	REGISTRATION	81430
AIR NEW SOURCE PERMITS	REGISTRATION	81292
AIR NEW SOURCE PERMITS	REGISTRATION	81828
AIR NEW SOURCE PERMITS	REGISTRATION	81587
AIR NEW SOURCE PERMITS	REGISTRATION	82031
AIR NEW SOURCE PERMITS	REGISTRATION	83760
AIR NEW SOURCE PERMITS	REGISTRATION	86825
AIR NEW SOURCE PERMITS	REGISTRATION	84928
AIR NEW SOURCE PERMITS	REGISTRATION	85159
AIR NEW SOURCE PERMITS	REGISTRATION	85526
AIR NEW SOURCE PERMITS	REGISTRATION	85525
AIR NEW SOURCE PERMITS	REGISTRATION	83519
AIR NEW SOURCE PERMITS	REGISTRATION	84794
AIR NEW SOURCE PERMITS	REGISTRATION	82838
AIR NEW SOURCE PERMITS	REGISTRATION	85528
AIR NEW SOURCE PERMITS	REGISTRATION	85529
AIR NEW SOURCE PERMITS	REGISTRATION	87511
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	PERMIT	50230

Location: COMPLIANCE PLANS  
3055 FM 1006, ORANGE, TX, 77631

Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 13, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 13, 2004 to March 13, 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? 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.

**Effective Date: 07/21/2008**

**ADMINORDER 2008-0037-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 20204, Special Condition 1 PERMIT

O-02055, General Terms and Conditions OP

O-02055, Special Condition 8 OP

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

**Effective Date: 08/29/2008**

**ADMINORDER 2007-1755-PWS-E**

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

**Effective Date: 10/23/2008**

**ADMINORDER 2008-0499-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

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

Description: Failure to prevent unauthorized emissions.

**Effective Date: 10/23/2008**

**ADMINORDER 2004-1135-MLM-E**

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 914 Special Condition 15.I. PA

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

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limitations and Monitoring R 1 PERMIT  
Effluent Limitations PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 914, SC 1 PERMIT  
914, SC 2 PERMIT  
914, SC 4 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: MAERT PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1302/ General Condition MAERT PERMIT  
1790/General Condition MAERT PERMIT  
9629 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: 9176 and 20204/MAERT PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 914/MAERT PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 914, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1302, Special Condition 2 PERMIT

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

Classification: Moderate

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

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

Description: failing maintain an emissions rate below the allowable emission limit as documented by an

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

Rqmt Prov: 1302, General Condition 8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC 1 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

Rqmt Prov: 1302, GC 8 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: Effluent Limitations and Monitoring PERMIT

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

	1	03/26/2004	(295802)
N/A	2	03/30/2004	(264137)
	3	03/30/2004	(264141)
	4	04/02/2004	(332777)
	5	04/20/2004	(264114)
	6	04/26/2004	(295803)
	7	04/28/2004	(266290)
	8	05/13/2004	(271900)
	9	05/21/2004	(267872)
	10	05/24/2004	(295805)
	11	05/26/2004	(266492)
	12	06/10/2004	(269300)
	13	06/16/2004	(271873)
	14	06/16/2004	(274638)
	15	06/21/2004	(295807)
	16	06/21/2004	(295813)
	17	06/22/2004	(274709)
	18	06/22/2004	(274776)
	19	06/22/2004	(274848)
	20	06/24/2004	(269645)
	21	07/07/2004	(352267)
	22	07/09/2004	(273112)
	23	07/23/2004	(274856)
	24	07/26/2004	(279807)
	25	07/30/2004	(285129)
	26	08/13/2004	(352268)
	27	08/20/2004	(276576)
	28	08/23/2004	(288711)
	29	08/31/2004	(253065)
	30	08/31/2004	(253079)
	31	09/02/2004	(289441)
	32	10/13/2004	(336664)
	33	10/18/2004	(352269)
	34	10/20/2004	(291761)
	35	10/20/2004	(291763)
	36	10/20/2004	(291767)
	37	10/20/2004	(291769)
	38	10/20/2004	(291770)
	39	10/20/2004	(291861)
	40	10/20/2004	(292048)

41	10/20/2004	(292063)
42	10/20/2004	(292069)
43	10/20/2004	(292076)
44	10/20/2004	(292086)
45	10/20/2004	(292578)
46	10/20/2004	(293180)
47	11/08/2004	(339532)
48	11/22/2004	(338251)
49	11/29/2004	(338082)
50	11/29/2004	(352270)
51	12/09/2004	(285339)
52	12/09/2004	(337881)
53	12/09/2004	(337904)
54	12/22/2004	(381921)
55	01/09/2005	(342372)
56	01/09/2005	(342410)
57	01/21/2005	(381922)
58	02/21/2005	(348629)
59	02/22/2005	(381920)
60	03/03/2005	(350005)
61	03/29/2005	(419759)
62	04/01/2005	(349907)
63	04/08/2005	(373226)
64	04/20/2005	(373311)
65	04/25/2005	(419760)
66	04/25/2005	(419763)
67	04/28/2005	(378717)
68	04/28/2005	(378722)
69	04/29/2005	(348352)
70	04/29/2005	(379040)
71	05/16/2005	(374625)
72	05/31/2005	(393307)
73	05/31/2005	(419761)
74	06/13/2005	(379238)
75	06/28/2005	(419762)
76	07/12/2005	(397233)
77	07/12/2005	(397336)
78	07/13/2005	(397015)
79	07/13/2005	(397437)
80	07/13/2005	(397746)
81	07/15/2005	(396777)
82	07/15/2005	(397147)
83	07/15/2005	(397700)
84	08/17/2005	(404042)
85	08/18/2005	(402083)
86	08/19/2005	(440895)
87	08/26/2005	(402989)
88	10/21/2005	(431191)
89	10/27/2005	(440896)
90	10/27/2005	(468549)
91	11/15/2005	(436523)
92	11/28/2005	(468550)
93	12/05/2005	(437856)
94	12/27/2005	(468551)
95	01/13/2006	(451620)
96	01/30/2006	(438126)
97	01/30/2006	(468552)
98	02/04/2006	(452772)
99	02/04/2006	(452809)

100	02/23/2006	(452806)
101	02/28/2006	(454800)
102	02/28/2006	(456864)
103	02/28/2006	(468547)
104	03/23/2006	(454880)
105	03/27/2006	(498278)
106	04/05/2006	(453563)
107	04/13/2006	(468548)
108	04/25/2006	(461211)
109	05/01/2006	(459864)
110	05/01/2006	(459960)
111	05/01/2006	(460085)
112	05/11/2006	(462874)
113	05/16/2006	(498279)
114	05/24/2006	(467236)
115	05/30/2006	(467025)
116	06/20/2006	(498280)
117	07/12/2006	(498281)
118	07/31/2006	(484359)
119	08/22/2006	(520290)
120	08/22/2006	(520291)
121	08/24/2006	(487772)
122	08/31/2006	(458269)
123	10/23/2006	(520292)
124	11/15/2006	(575471)
125	12/06/2006	(532890)
126	12/11/2006	(514581)
127	12/12/2006	(575472)
128	12/28/2006	(270174)
129	01/03/2007	(534464)
130	01/23/2007	(593178)
131	01/25/2007	(575473)
132	02/01/2007	(538491)
133	02/21/2007	(575463)
134	03/14/2007	(575464)
135	04/12/2007	(575465)
136	04/12/2007	(575466)
137	05/04/2007	(542914)
138	05/10/2007	(555087)
139	05/21/2007	(556693)
140	06/07/2007	(575467)
141	06/27/2007	(565892)
142	06/29/2007	(564203)
143	07/10/2007	(562896)
144	07/10/2007	(575468)
145	07/10/2007	(575469)
146	07/17/2007	(575470)
147	07/19/2007	(565912)
148	07/19/2007	(565918)
149	07/19/2007	(565922)
150	07/20/2007	(565938)
151	07/20/2007	(565942)
152	07/20/2007	(565947)
153	07/24/2007	(564002)
154	07/30/2007	(564905)
155	08/02/2007	(645510)
156	08/03/2007	(568577)
157	08/28/2007	(573506)
158	08/30/2007	(567177)

159	09/01/2007	(645773)
160	09/07/2007	(572061)
161	09/25/2007	(607568)
162	10/03/2007	(595357)
163	10/10/2007	(607567)
164	10/12/2007	(567973)
165	10/23/2007	(607569)
166	10/24/2007	(594503)
167	11/20/2007	(596110)
168	12/07/2007	(619563)
169	12/07/2007	(619564)
170	12/18/2007	(598952)
171	01/11/2008	(598658)
172	01/17/2008	(610417)
173	03/03/2008	(613811)
174	03/03/2008	(615669)
175	03/14/2008	(613893)
176	03/14/2008	(672086)
177	03/20/2008	(672084)
178	03/26/2008	(618723)
179	04/09/2008	(672087)
180	04/17/2008	(672085)
181	05/05/2008	(640667)
182	05/07/2008	(639558)
183	05/07/2008	(646161)
184	05/14/2008	(657311)
185	05/15/2008	(657011)
186	05/16/2008	(646399)
187	06/03/2008	(639225)
188	06/03/2008	(690015)
189	06/24/2008	(690014)
190	07/09/2008	(680161)
191	07/11/2008	(646408)
192	07/22/2008	(683031)
193	08/01/2008	(680399)
194	08/02/2008	(683872)
195	08/13/2008	(681995)
196	08/21/2008	(710791)
197	10/02/2008	(710793)
198	10/02/2008	(710794)
199	10/07/2008	(699790)
200	10/08/2008	(701116)
201	10/12/2008	(699737)
202	10/24/2008	(710792)
203	11/18/2008	(700751)
204	11/25/2008	(706867)
205	12/04/2008	(702017)
206	12/22/2008	(707184)
207	01/05/2009	(722099)
208	01/13/2009	(721568)
209	01/15/2009	(722163)
210	01/15/2009	(722545)
211	01/15/2009	(722549)
212	01/15/2009	(722659)
213	01/21/2009	(709214)
214	01/26/2009	(722360)
215	01/29/2009	(723620)
216	02/03/2009	(722556)
217	02/18/2009	(735803)

218 02/19/2009 (725164)  
219 02/20/2009 (727160)  
220 02/25/2009 (725736)

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

**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: Failed to provide an air gap connection to waste for the FTW connection at the Facility.

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: Failed to provide an air gap connection to waste for the FTW connection at the Facility.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)  
Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known concentrations.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)  
Description: Failure to provide a well blow -off that is not subject to submergence.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)  
Description: Failure to maintain calibration records for laboratory equipment.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)  
Description: Failure to restandardized the secondary standards each time the Bench top turbidity meter is calibrated with primary standards.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)  
Description: Failure to perform primary calibrations on the on-line turbidity meters with primary standards.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)  
Description: Failure to maintain complete records of on-line pH meter calibrations.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
Description: Failure to properly inspect the potable filter well.

**Date: 07/07/2006 (565938)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)  
30 TAC Chapter 290, SubChapter F 290.111(f)(5)  
Description: May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)  
30 TAC Chapter 290, SubChapter F 290.111(f)(5)  
Description: May 2006 - 32.7% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
Description: May 2006 - 1 day when concentration time data were not collected.

**Date: 08/24/2006 (487772)**

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

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

Rqmt Prov: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 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: Failed to provide an air gap connection to waste for the FTW connection at the Facility.

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: Failed to identify the chlorine dioxide line every five feet either by the use of a label or by various colors of paint.

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: 04/30/2008 (672086)**

Self Report? YES Classification: Moderate

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

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

**Date: 05/16/2008 (657011)**

Self Report? NO Classification: Moderate

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.

**Date: 08/01/2008 (680399)**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: PERMIT 9176 Special Condition 3E  
OP O-02001 General Terms and Conditions  
OP O-02001 Special Condition 1A  
OP O-02001 Special Condition 8  
Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2007, to October 10, 2007.

**Date: 08/14/2008 (681995)**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: OP O-01896, General Terms and Conditions  
OP O-01896, Special Condition 1A  
Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01896 covering the reporting periods of September 1, 2006, through February 28, 2007, and March 1, 2007, through August 31, 2007.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: OP O-01896, General Terms and Conditions  
Description: Failure to report all deviations in a semi-annual deviation report.

**Date: 09/30/2008 (710792)**

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

**Date: 10/31/2008 (710793)**

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: 12/23/2008 (707184)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
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 General Terms and Conditions

OP Special Condition 15  
OP Special Condition 1A  
PERMIT Special Condition 4C

Description: Failure to prevent visible emissions at the Flare CB-801, EPN PK-16, as reported in the Deviation Reports for FOP O-02074 covering the reporting periods of April 11, 2007, to October 10, 2007, and from October 11, 2007, to April 10, 2008.

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)(1)  
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP General Terms and Conditions  
OP Special Condition 15  
OP Special Condition 1A  
PERMIT Special Condition 9E

Description: Failure to install a cap, blind flange, plug or second valve on 11 open-ended lines in the Ethylene Unit as reported in the Deviation Reports for FOP O-02074 covering the reporting periods of April 11, 2007, to October 10, 2007, and from October 11, 2007, to April 10, 2008.

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

Rqmt Prov: OP General Terms and Conditions  
OP Special Condition 14

Description: Failure to conduct a opacity observation for the stack heater, EPN PK-4, as reported in the Deviation Report for FOP O-02074 covering the reporting period of April 11, 2007, to October 10, 2007.

**Date: 02/20/2009 (727160)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.105(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 9629, Special Condition 7  
OP O-02331, General Terms and Conditions  
OP O-02331, Special Condition 6

Description: Failure to maintain a Nitrogen Oxide (NOx) concentration below 42 parts per million by volume (ppmv) as reported in the deviation report for FOP O-02331 covering the reporting period of February 5, 2008, to August 4, 2008.  
B19(g)(1)

F. Environmental audits.

Notice of Intent Date: 05/25/2005 (281209)

No DOV Associated

Notice of Intent Date: 06/28/2005 (403043)

No DOV Associated

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

Disclosure Date: 06/16/2006

Viol. Classification: Moderate

Citation:

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(I)(A)

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

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

Disclosure Date: 09/01/2006

Viol. Classification: Moderate

Rqmt 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-Unauthorized Personnel Keep Out" signs at 4 permitted facilities.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6

30 TAC Chapter 335, SubChapter C 335.69(a)

30 TAC Chapter 335, SubChapter C 335.69(d)

Description: Failure to update NOR.

Viol. Classification: Minor

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

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

Description: Failure to properly complete land disposal restriction forms

Viol. Classification: Moderate

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

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

30 TAC Chapter 335, SubChapter C 335.69(a)

30 TAC Chapter 335, SubChapter C 335.69(d)

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

Viol. Classification: Moderate

Rqmt 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. 2009-0285-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 notice of the violations alleged in Section II ("Allegations") on or about January 18 and February 24, 2009.
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 Fourteen Thousand One Hundred Seventy-Eight Dollars (\$14,178) is assessed by the Commission in settlement of the violations alleged in Section

- II ("Allegations"). The Respondent has paid Five Thousand Six Hundred Seventy-Two Dollars (\$5,672) of the administrative penalty and Two Thousand Eight Hundred Thirty-Five Dollars (\$2,835) 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. Five Thousand Six Hundred Seventy-One Dollars (\$5,671) 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 recognizes that the Respondent has implemented the following corrective measures at the Plant:
    - a. Changed the alarm limits on the Ethylene Unit on August 12, 2008 to prevent a future occurrence of over pressuring of the tank; and
    - b. Held a meeting with the appropriate personnel on November 7, 2008 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 of the plant, the Respondent is alleged to have:

1. 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 914, Special Condition ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-02074, General Terms and Conditions ("GTC") and SC No. 15, and TEX. HEALTH & SAFETY CODE §382.085(b), as documented during an investigation conducted on December 16, 2008. Specifically, 979 pounds of propylene were released (Incident

No. 112335) from the Ethylene Unit Emission Point Number PKS-S13 Valve on August 8, 2008. Improperly set alarm limits allowed a relief valve to vent emissions from the propylene make tank after pressure build up as a result of isolation automatics closing after rainfall cooled the tank. Since the emissions event could have been foreseen and avoided, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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 9176, SC No. 1, FOP No. O-02001, GTC and SC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 28, 2009. Specifically, the emissions event (Incident No. 116375) that occurred on November 5, 2008, at the C Unit resulted in the release of 179 pounds of ethylene from the C Unit Wax Recovery Tank being released to the atmosphere. 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.
3. Failed to submit an initial report within 24 hours for Incident No. 116375, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), FOP No. O-02001, SC No. 2F and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 28, 2009. Specifically, the incident occurred on November 5, 2008 at 11:15 a.m. but was not reported until November 7, 2008 at 10:08 a.m.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by that the TCEQ 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. 2009-0285-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

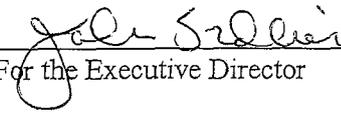
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Six Hundred Seventy-One Dollars (\$5,671) of the assessed administrative penalty shall be offset with the condition that the Respondent implement 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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

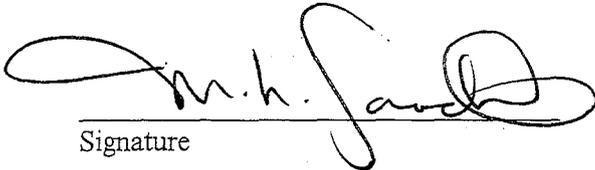
\_\_\_\_\_  
Date 8/6/2009

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date JUNE 11, 2009

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

\_\_\_\_\_  
Title SITE Manager

**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: 2009-0285-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>E. I. du Pont de Nemours and Company</b>
<b>Payable Penalty Amount:</b>	<b>Eleven Thousand Three Hundred Forty-Three Dollars (\$11,343)</b>
<b>SEP Amount:</b>	<b>Five Thousand Six Hundred Seventy-One Dollars (\$5,671)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles</b>
<b>Location of SEP:</b>	<b>Jefferson County</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 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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

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 there is 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 air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Judge Ron Walker  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP 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 payment of the SEP 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 Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

