

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1011-AIR-E **TCEQ ID:** RN100542711 **CASE NO.:** 37883

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

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input 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>SITE WHERE VIOLATION(S) OCCURRED: Dupont Sabine River Works, 3055 Farm-to-Market Road 1006, Orange, Orange County</p> <p>TYPE OF OPERATION: Chemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no additional record of pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 14, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Raymond Marlow, P.G., Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. M. N. Sanchez, Site Manager, E. I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 6, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 9, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions during Incident Number 121831. Specifically, 870.8 pounds of ethylene were released from the suction separator, purge compressor and vent system on March 25, 2009 when the separator, purge compressor and vents were left open to atmosphere during a maintenance activity on the C Unit Flare Header Guard Valve. Since the emissions event was not beyond the control of the Respondent and could have been prevented with proper maintenance and/or operational practices, the demonstrations in 30 TEX. ADMIN. CODE §101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), Air Permit No. 9176, Special Condition ("SC") I, Federal Operating Permit No. 2001, General Terms and Conditions and SC 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$9,350</p> <p>Total Deferred: \$1,870 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,740</p> <p>Total Paid to General Revenue: \$3,740</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A.)</p> <p>2. The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, create a formal procedure for locking out the suction separator, purge compressor and vent system during a maintenance activity on the C Unit Flare Header Guard Valve; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): OC0007J

Attachment A
Docket Number: 2009-1011-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company
Penalty Amount:	Seven Thousand Four Hundred Eighty Dollars (\$7,480)
SEP Offset Amount:	Three Thousand Seven Hundred Forty Dollars (\$3,740)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas PTA – <i>Clean School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 106 – Southern Louisiana- Southeast Texas

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3087

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	22-Jun-2009	Screening	30-Jun-2009	EPA Due	12-Mar-2010
	PCW	29-Jul-2009				

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

CASE INFORMATION			
Enf./Case ID No.	37883	No. of Violations	1
Docket No.	2009-1011-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow, P.G.
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **274.0%** Enhancement **Subtotals 2, 3, & 7** **\$6,850**

Notes
Penalty enhancement due to four NOVs with same or similar violations, 36 NOVs for unrelated violations, seven Agreed Orders with denial of liability and two Agreed Orders without a denial of liability. Penalty reduction due to four letters of intended audits and two letters in which violations were disclosed.

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

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

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

Total EB Amounts **\$21**
Approx. Cost of Compliance **\$500**
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$9,350**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$9,350**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$9,350**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$1,870**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$7,480**

Screening Date 30-Jun-2009	Docket No. 2009-1011-AIR-E	PCW
Respondent E. I. du Pont de Nemours and Company	Policy Revision 2 (September 2002)	
Case ID No. 37883	PCW Revision October 30, 2008	
Reg. Ent. Reference No. RN100542711		
Media [Statute] Air		
Enf. Coordinator Raymond Marlow, P.G.		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	4	20%
	Other written NOVs	36	72%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	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	2	50%
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) 274%

>> **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 four NOV's with same or similar violations, 36 NOV's for unrelated violations, seven Agreed Orders with denial of liability and two Agreed Orders without a denial of liability. Penalty reduction due to four letters of intended audits and two letters in which violations were disclosed.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 274%

Screening Date 30-Jun-2009 **Docket No.** 2009-1011-AIR-E **PCW**
Respondent E. I. du Pont de Nemours and Company *Policy Revision 2 (September 2002)*
Case ID No. 37883 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100542711
Media [Statute] Air
Enf. Coordinator Raymond Marlow, P.G.

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Air Permit 8176, Special Condition ("SC") No. 1, and Federal Operating Permit No. 2001, General Terms and Conditions and SC No. 8 and Tex. Health & Safety Code § 382.085(b).
Violation Description Failed to prevent unauthorized emissions. Specifically, 870.8 pounds of ethylene were released (Incident 121831) from the suction separator, purge compressor and vent system on March 25, 2009. The emissions event was caused by the suction separator, purge compressor and vents being left open to atmosphere during a maintenance activity on the C Unit Flare Header Guard Valve. Since the emissions event was not beyond the control of the Respondent and could have been prevented with proper maintenance and/or operational practices, the demonstrations in 30 Tex. Admin. Code §101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			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 March 25, 2009.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$2,500

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

Estimated EB Amount \$21 **Violation Final Penalty Total** \$9,350

This violation Final Assessed Penalty (adjusted for limits) \$9,350

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 37883
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$500	25-Mar-2009	30-Oct-2009	0.60	\$1	\$20	\$21
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 a formal procedure for locking out this system without emissions. The date required is the date of the emissions event. The final date is the date corrective actions are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$21
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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: 2.20

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	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	10447

AIR NEW SOURCE PERMITS	PERMIT	11434
AIR NEW SOURCE PERMITS	PERMIT	12987
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 COMPLIANCE PLANS	PERMIT	50230

Location:

3055 FM 1006, ORANGE, TX, 77631

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 30, 2009

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Raymond Marlow, P.G. 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/operator of the site during the compliance period? No
- 3. If Yes, who is the current owner/operator? N/A
- 4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
- 5. When did the change(s) in owner or operator occur? N/A
- 6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 04/28/2008

ADMINORDER 2007-0760-AIR-E

Classification: Moderate

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

Rqmt Prov: 914, SC 7 PERMIT
 O-02074, SC 15 OP

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 5C THSC Chapter 382 382.0518(a)

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

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1H OP

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

Classification: Minor

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

Description: Failed to conduct quarterly opacity observations.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

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

Rqmt Prov: 914 SC 9E PERMIT
O-02074 SC 15 OP
O-02074 SC 1A OP

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02074 SC 1A OP

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

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01896 SC 1A OP

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01896 SC 1A OP

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02074 SC 1A OP

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

Classification: Moderate

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

Rqmt Prov: O-01896 SC 1A OP

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 20204 SC 1 PERMIT

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

Effective Date: 07/21/2008

ADMINORDER 2008-0037-AIR-E

Classification: Moderate

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

Rqmt Prov: 20204, Special Condition 1 PERMIT

O-02055, General Terms and Conditions OP

O-02055, Special Condition 8 OP

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

Effective Date: 08/29/2008

ADMINORDER 2007-1755-PWS-E

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(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, 73 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)

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: falling 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.

Effective Date: 04/20/2009

ADMINORDER 2008-1315-IWD-E

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 05/18/2009

ADMINORDER 2008-0971-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: 914, Special Condition 1 PERMIT

O-02074, General Terms and Conditions OP

O-02074, Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limit. Incident 102860.

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. Incident 103221.

Classification: Minor

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 OP

Special Condition 8 PERMIT

Description: Failure to notify the agency within 24 hours of the discovery of an emissions event.

Specifically, the reportable event report for the February 2, 2008, emissions event was not submitted 24 hours after the discovery of the event.

Effective Date: 06/01/2009

ADMINORDER 2008-1923-PWS-E

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.

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.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)

Description: Failed to post a sign at the raw water intakes warning that a restricted zone has been established and that all recreational activities and trespassing is prohibited within the area.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description: Failed to install a backflow prevention assembly or an air gap at all locations where an actual or potential contamination hazard exist.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)

Description: Failed to provide disinfection equipment with a capacity of at least 50% greater than the highest expected disinfectant dosage.

Classification: Minor

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

Description: Failed to maintain an up-to-date plant operations manual for operator review and reference.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failed to maintain the Facility's clearwell in strict accordance with current AWWA standards.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failed to provide an up-to-date map of the distribution system.

Classification: Minor

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

Description: Failed to properly locate the filter so that common walls do not exist between the filter and aerators, mixing, and sedimentation basins or clearwells.

Effective Date: 06/15/2009

ADMINORDER 2008-1817-AIR-E

Classification: Major

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: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 8 OP

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

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2F OP

Description: Failure to submit an initial report within 24 hours for TCEQ Incident No. 110539.

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	07/07/2004	(352267)
2	07/09/2004	(273112)
3	07/23/2004	(274856)
4	07/26/2004	(279807)
5	07/30/2004	(285129)
6	08/13/2004	(352268)
7	08/20/2004	(276576)
8	08/23/2004	(288711)
9	08/31/2004	(253065)
10	08/31/2004	(253079)
11	09/02/2004	(289441)
12	10/13/2004	(336664)
13	10/18/2004	(352269)
14	10/20/2004	(291761)
15	10/20/2004	(291763)
16	10/20/2004	(291767)
17	10/20/2004	(291769)
18	10/20/2004	(291770)
19	10/20/2004	(291861)
20	10/20/2004	(292048)
21	10/20/2004	(292063)
22	10/20/2004	(292069)
23	10/20/2004	(292076)
24	10/20/2004	(292086)
25	10/20/2004	(292578)
26	10/20/2004	(293180)
27	11/08/2004	(339532)
28	11/22/2004	(338251)
29	11/29/2004	(338082)
30	11/29/2004	(352270)
31	12/09/2004	(285339)
32	12/09/2004	(337881)
33	12/09/2004	(337904)
34	12/22/2004	(381921)
35	01/09/2005	(342372)
36	01/09/2005	(342410)
37	01/21/2005	(381922)
38	02/21/2005	(348629)
39	02/22/2005	(381920)
40	03/03/2005	(350005)
41	03/29/2005	(419759)
42	04/01/2005	(349907)
43	04/08/2005	(373226)
44	04/20/2005	(373311)
45	04/25/2005	(419760)
46	04/25/2005	(419763)
47	04/28/2005	(378717)
48	04/28/2005	(378722)
49	04/29/2005	(348352)
50	04/29/2005	(379040)
51	05/16/2005	(374625)
52	05/31/2005	(393307)

53	05/31/2005	(419761)
54	06/13/2005	(379238)
55	06/28/2005	(419762)
56	07/12/2005	(397233)
57	07/12/2005	(397336)
58	07/13/2005	(397015)
59	07/13/2005	(397437)
60	07/13/2005	(397746)
61	07/15/2005	(396777)
62	07/15/2005	(397147)
63	07/15/2005	(397700)
64	08/17/2005	(404042)
65	08/18/2005	(402083)
66	08/19/2005	(440895)
67	08/26/2005	(402989)
68	10/21/2005	(431191)
69	10/27/2005	(440896)
70	10/27/2005	(468549)
71	11/15/2005	(436523)
72	11/28/2005	(468550)
73	12/05/2005	(437856)
74	12/27/2005	(468551)
75	01/13/2006	(451620)
76	01/30/2006	(438126)
77	01/30/2006	(468552)
78	02/04/2006	(452772)
79	02/04/2006	(452809)
80	02/23/2006	(452806)
81	02/28/2006	(454800)
82	02/28/2006	(456864)
83	02/28/2006	(468547)
84	03/23/2006	(454880)
85	03/27/2006	(498278)
86	04/05/2006	(453563)
87	04/13/2006	(468548)
88	04/25/2006	(461211)
89	05/01/2006	(459864)
90	05/01/2006	(459960)
91	05/01/2006	(460085)
92	05/11/2006	(462874)
93	05/16/2006	(498279)
94	05/24/2006	(467236)
95	05/30/2006	(467025)
96	06/20/2006	(498280)
97	07/12/2006	(498281)
98	07/31/2006	(484359)
99	08/22/2006	(520290)
100	08/22/2006	(520291)
101	08/24/2006	(487772)
102	08/31/2006	(458269)
103	10/23/2006	(520292)
104	11/15/2006	(575471)
105	12/06/2006	(532890)
106	12/11/2006	(514581)
107	12/12/2006	(575472)
108	12/28/2006	(270174)
109	01/03/2007	(534464)
110	01/23/2007	(593178)
111	01/25/2007	(575473)

112	02/01/2007	(538491)
113	02/21/2007	(575463)
114	03/14/2007	(575464)
115	04/12/2007	(575465)
116	04/12/2007	(575466)
117	05/04/2007	(542914)
118	05/10/2007	(555087)
119	05/21/2007	(556693)
120	06/07/2007	(575467)
121	06/27/2007	(565892)
122	06/29/2007	(564203)
123	07/10/2007	(562896)
124	07/10/2007	(575468)
125	07/10/2007	(575469)
126	07/17/2007	(575470)
127	07/19/2007	(565912)
128	07/19/2007	(565918)
129	07/19/2007	(565922)
130	07/20/2007	(565938)
131	07/20/2007	(565942)
132	07/20/2007	(565947)
133	07/24/2007	(564002)
134	07/30/2007	(564905)
135	08/02/2007	(645510)
136	08/03/2007	(568577)
137	08/28/2007	(573506)
138	08/30/2007	(567177)
139	09/01/2007	(645773)
140	09/07/2007	(572061)
141	09/25/2007	(607568)
142	10/03/2007	(595357)
143	10/10/2007	(607567)
144	10/12/2007	(567973)
145	10/23/2007	(607569)
146	10/24/2007	(594503)
147	11/20/2007	(596110)
148	12/07/2007	(619563)
149	12/07/2007	(619564)
150	12/18/2007	(598952)
151	01/11/2008	(598658)
152	01/17/2008	(610417)
153	03/03/2008	(613811)
154	03/03/2008	(615669)
155	03/14/2008	(613893)
156	03/14/2008	(672086)
157	03/20/2008	(672084)
158	03/26/2008	(618723)
159	04/09/2008	(672087)
160	04/17/2008	(672085)
161	05/05/2008	(640667)
162	05/07/2008	(639558)
163	05/07/2008	(646161)
164	05/14/2008	(657311)
165	05/15/2008	(657011)
166	05/16/2008	(646399)
167	06/03/2008	(639225)
168	06/03/2008	(690015)
169	06/24/2008	(690014)
170	07/09/2008	(680161)

171 07/11/2008 (646408)
 172 07/22/2008 (683031)
 173 08/01/2008 (680399)
 174 08/02/2008 (683872)
 175 08/13/2008 (681995)
 176 08/21/2008 (710791)
 177 10/02/2008 (710793)
 178 10/02/2008 (710794)
 179 10/07/2008 (699790)
 180 10/08/2008 (701116)
 181 10/12/2008 (699737)
 182 10/24/2008 (710792)
 183 11/18/2008 (700751)
 184 11/25/2008 (706867)
 185 12/04/2008 (702017)
 186 12/17/2008 (750320)
 187 12/22/2008 (707184)
 188 01/05/2009 (722099)
 189 01/13/2009 (721568)
 190 01/15/2009 (722163)
 191 01/15/2009 (722545)
 192 01/15/2009 (722549)
 193 01/15/2009 (722659)
 194 01/21/2009 (709214)
 195 01/26/2009 (722360)
 196 01/29/2009 (723620)
 197 02/03/2009 (722556)
 198 02/18/2009 (735803)
 199 02/19/2009 (725164)
 200 02/20/2009 (727160)
 201 02/23/2009 (750317)
 202 02/25/2009 (725736)
 203 03/23/2009 (737577)
 204 03/25/2009 (724903)
 205 03/25/2009 (750318)
 206 04/08/2009 (737447)
 207 04/09/2009 (736595)
 208 04/09/2009 (738127)
 209 04/16/2009 (740516)
 210 04/21/2009 (738332)
 211 04/23/2009 (750319)
 212 05/06/2009 (741871)
 213 05/11/2009 (741609)
 214 05/28/2009 (744747)
 215 06/04/2009 (744517)
 216 06/09/2009 (743371)
 217 06/19/2009 (746088)

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

Date: 08/23/2004 (288711)

N/A Self Report? NO

Classification: Moderate

Citation: 1468, Special Condition 7B PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02075, Special Condition 4F OP

O-02075, Special Condition 9 OP
Description: Failure to conduct quarterly Cylinder Gas Audit (CGA) and Calibration Error (CE) testing on the Continuous Emissions Monitoring System (CEMS) for the Adiponitrile (ADN) North Boiler, Emission Point Number (EPN) PP-40B.

Date: 09/02/2004 (289441)

Self Report? NO Classification: Minor

Citation: 21236, Special Condition 5E PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THG Chapter 382, SubChapter A 382.085(b)
O-01895, Special Condition 6 OP

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

Date: 04/08/2005 (373226)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent an unauthorized discharge.

Date: 08/18/2005 (404042)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Description: Failure to properly vent gas chlorination facilities.

Self Report? NO Classification: Minor

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

Description: 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
Citation: WQ 0475-000 PERMIT
Description: Numerous willows and tallows were observed growing in the embankments on the pond system.

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

Date: 05/30/2006 (467025)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Description: Failure to properly vent gas chlorination facilities.

Self Report? NO Classification: Minor

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

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

Description: Failure to re-monitor replaced valves and compressor seals as required by permit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
9176 PERMIT
O-02001, General Terms and Conditions OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02074, General Terms and Conditions OP
O-02074, Special Condition 1E OP
O-02074, Special Condition 1H OP

Description: Failure to equip each sampling connection system with a closed-purge, closed-loop, or closed vent system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
914 PERMIT
O-02074, General Terms and Conditions OP
O-02074, Special Condition 15A OP
O-02074, Special Condition 1A OP

O-02074, Special Condition 1E OP
O-02074, Special Condition 1H OP
O-02074, Special Condition 1I OP

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

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02074, General Terms and Conditions OP
O-02074, Special Condition 1E OP
O-02074, Special Condition 1G OP

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

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02074, General Terms and Conditions OP
O-02074, Special Condition 1E OP
O-02074, Special Condition 1G OP

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

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02074 OP

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

Date: 11/17/2006 (565918)

Self Report? NO **Classification:** Moderate

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

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

Date: 12/12/2006 (514581)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
30 TAC Chapter 116, SubChapter H 116.820
30 TAC Chapter 122, SubChapter B 122.143(4)
49076 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01901 OP

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

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02055 OP

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

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
49076 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01901 OP

Description: Failure to keep records of visible emissions observations.

Self Report? NO **Classification:** Minor

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

Description: Failure to submit an accurate deviation report.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02055 OP

Description: Failure to conduct a floating roof tank inspection.
Self Report? NO Classification: Moderate
Citation: 20204 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02055 OP

Description: Failure to install a continuous flow monitor and a Btu Analyzer and have them operational within 180 days from the approval of the permit amendment.
Self Report? NO Classification: Minor
Citation: 20204 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02055 OP

Description: Failure to record Abater emissions in maximum pounds per hour and tons per year at least quarterly for review by TCEQ personnel.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02055 OP

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

Date: 01/23/2007 (593178)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/30/2007 (565942)

Self Report? NO Classification: Moderate

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

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

Date: 03/07/2007 (565947)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)

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

Date: 05/10/2007 (555087)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

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

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02001, Special Condition 1A OP

Description: Failure to monitor a pressure relief device (PRD) within 24 hours after the PRD has failed as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2006, to October 10, 2006.

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(a)
5C THSC Chapter 382 382.085(b)
O-02074, General Terms and Conditions OP
O-02074, Special Condition 1A OP
O-02074, Special Condition 1H OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(1)
5C THSC Chapter 382 382.085(b)
914, Special Condition 10E PERMIT
O-02074, General Terms and Conditions OP
O-02074, Special Condition 15 OP

O-02074, Special Condition 1A OP
O-02074, Special Condition 1H OP
O-02074, Special Condition 1I OP

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

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(l)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(e)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(11)
5C THSC Chapter 382 382.085(b)
O-02074, General Terms and Conditions OP
O-02074, Special Condition 1A OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-02074, General Terms and Conditions OP
O-02074, Special Condition 1A OP

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

Date: 02/29/2008 (672084)

Self Report? YES Classification: Moderate

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

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

Date: 03/31/2008 (672085)

Self Report? YES Classification: Moderate

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

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

Date: 04/30/2008 (672086)

Self Report? YES Classification: Moderate

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

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

Date: 05/16/2008 (657011)

Self Report? NO Classification: Moderate

Citation: PC1c PERMIT

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

Date: 05/19/2008 (646399)

Self Report? NO Classification: Minor

Citation: 20204, Special Condition 3E PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 O-02055, General Terms and Conditions OP
 O-02055, Special Condition 1A OP
 O-02055, Special Condition B OP

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of July 15, 2006, through January 14, 2007; January 15, 2007, through July 14, 2007; and July 15, 2007, through January 14, 2008.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02055, General Terms and Conditions OP
 O-02055, Special Condition 1A OP

Description: Failure to monitor a relief valve within 24 hours after a release as reported in the Deviation Reports for FOP O-02055 covering the reporting periods of July 15, 2006, through January 14, 2007, and January 15, 2007, through July 14, 2007.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.130(d)(7)
 30 TAC Chapter 117, SubChapter G 117.8140(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02055, General Terms and Conditions OP
 O-02055, Special Condition 1A OP

Description: Failure to perform quarterly Nitrogen Oxide (NOx) monitoring for D1 Recycle as reported in the Deviation Report for FOP O-02055 covering the reporting period of July 15, 2006, through January 14, 2007.

Self Report? NO **Classification:** Moderate
Citation: 20204, Special Condition 13 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02055, General Terms and Conditions OP
 O-02055, Special Condition 1A OP
 O-02055, Special Condition 8 OP

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

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02055, General Terms and Conditions OP
 O-02055, Special Condition 1A OP
 O-02055, Special Condition 4B(v) OP

Description: Failure to maintain records of the last leak testing of each tank-truck as reported in the Deviation Report for FOP O-02055 covering the reporting period of January 15, 2007, through July 14, 2007.

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

Description: Failure to record the average hourly values for the analyzer on the C/D/G Flare as reported in the Deviation Report for FOP O-02055 covering the reporting period of January 15, 2007, through July 14, 2007.

Date: 07/11/2008 (646408)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP O-02331 General Terms and Conditions OP

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

Date: 08/01/2008 (680399)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
9176 Special Condition 3E PERMIT
O-02001 General Terms and Conditions OP
O-02001 Special Condition 1A OP
O-02001 Special Condition 8 OP

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Report for FOP O-02001 covering the reporting period of April 11, 2007, to October 10, 2007.

Date: 08/14/2008 (681995)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01896 covering the reporting periods of September 1, 2006, through February 28, 2007, and March 1, 2007, through August 31, 2007.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP

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

Date: 09/30/2008 (710792)

CN600128284

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)

CN600128284

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)
General Terms and Conditions OP
Special Condition 15 OP
Special Condition 1A OP
Special Condition 4C PERMIT

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)
General Terms and Conditions OP
Special Condition 15 OP
Special Condition 1A OP
Special Condition 9E PERMIT

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)
General Terms and Conditions OP
Special Condition 14 OP

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)
9629, Special Condition 7 PERMIT
O-02331, General Terms and Conditions OP
O-02331, Special Condition 6 OP

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)

Date: 04/16/2009 (740516)

Self Report? NO Classification: Moderate

Citation: 20204 Special Condition 1 PERMIT
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)
FOP O-02055 General Terms and Conditions OP
FOP O-02055 Special Condition 8 OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02055 General Terms and Conditions OP
FOP O-02055 Special Condition 2F OP

Description: Failure to submit an initial report within 24 hours for TCEQ Incident No. 120320.

Date: 04/22/2009 (738332)

Self Report? NO

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)
30 TAC Chapter 335, SubChapter F 335.152(a)(18)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1056(a)
40 CFR Part 61, Subpart V 61.242-6
50230 Section X(A)(2)(a) PERMIT
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 19 OP
O-01896, Special Condition 1A OP

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment as reported in the deviation report for FOP O-01896 covering the reporting period of September 1, 2007, through February 29, 2008.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(l)(1)(ii)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP
O-01896, Special Condition 1E OP

Description: Failure to maintain the pH above the minimum established limit as reported in the deviation report for FOP O-01896 covering the reporting period of September 1, 2007, through February 29, 2008.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(m)(1)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP
O-01896, Special Condition 1E OP

Description: Failure to maintain the pressure drop above the minimum established limit as reported in the deviation report for FOP O-01896 covering the reporting period of September 1, 2007, through February 29, 2008.

Self Report? NO

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)
50230 Special Condition X(B)(1)(j) OP
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 17 OP

Description: Failure to maintain an emission rate below the allowable emission limits as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP
O-01896, Special Condition 6B(i) OP

Description: Failure to prevent VOC leaks during transfer operations as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP

Description: Failure to report a deviation in a timely manner.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(c)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP
O-01896, Special Condition 1E OP

Description: Failure to comply with the feedstream analysis plan as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

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 V 61.242-1(d)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP

Description: Failure to mark each piece of equipment as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP

Description: Failure to maintain a daily record of material loaded as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01896, General Terms and Conditions OP
O-01896, Special Condition 1A OP

Description: Failure to leak test all tank-truck tanks within one year in accordance with 30 TAC 115.234 as reported in the deviation report for FOP O-01896 covering the reporting period of February 29, 2008, to September 1, 2008.

Date: 06/22/2009 (746088)

Self Report? NO 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 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 7E PERMIT
Special Condition 9 OP

Description: Failure to install a cap, blind flange, plug or second valve on open-ended lines as reported in the deviation report for FOP O-01895 covering the reporting period of June 23, 2007, to December 22, 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)
General Terms and Conditions OP
Special Condition 5 OP
Special Condition 5A PERMIT

Description: Failure to conduct daily opacity inspections as reported in the deviation reports for FOP O-01901 covering the reporting periods of June 23, 2007, through December 22, 2007, and June 23, 2008, through December 22, 2008.

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)
 General Terms and Conditions OP
 Special Condition 1A OP
 Special Condition 3E PERMIT
 Special Condition 8 OP
Description: Failure to install a cap, blind flange, plug or second valve on open-ended lines as reported in the deviation reports for FOP O-02055 covering the reporting periods of January 15, 2008, to July 14, 2008, and July 15, 2008, to January 14, 2009.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP
Description: Failure to maintain a daily record of the last leak testing of each tank-truck tank as required by 30 TAC 115.216.

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)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
Description: Failure to report a deviation in a timely manner as reported in the deviation report for FOP O-01901 covering the reporting period of June 23, 2008, through December 22, 2008, and for FOP O-02055 covering the reporting period of July 15, 2007, through January 14, 2007, and July 15, 2007, through January 14, 2008.

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)
 General Terms and Conditions OP
 Special Condition 5 OP
 Special Condition 5 PERMIT
Description: Failure to inspect all filter vents for visible emissions once each day as required by Special Condition 5 of NSR 49076.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP
Description: Failure to maintain flare operation logs in accordance with 30 TAC 111.111(a)(4)(A)(ii).

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 117, SubChapter G 117.8140(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP
Description: Failure to conduct periodic testing for stationary internal combustion engine (EPN PL-7B) in accordance with 30 TAC 117.8000(b).

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. 2009-1011-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 June 14, 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 Nine Thousand Three Hundred Fifty Dollars (\$9,350) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Three Thousand Seven Hundred Forty Dollars (\$3,740) of the administrative penalty and One Thousand Eight Hundred Seventy Dollars (\$1,870) 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. Three Thousand Seven Hundred Forty Dollars (\$3,740) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during Incident Number 121831, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), Air Permit No. 9176, Special Condition ("SC") 1, Federal Operating Permit No. 2001, General Terms and Conditions and SC 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 6, 2009. Specifically, 870.8 pounds of ethylene were released from the suction separator, purge compressor and vent system on March 25, 2009 when the separator, purge compressor and vents were left open to atmosphere during a maintenance activity on the C Unit Flare Header Guard Valve. Since the emissions event was not beyond the control of the Respondent and could have been prevented with proper maintenance and/or operational practices, the demonstrations in 30 TEX. ADMIN. CODE §101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2009-1011-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, Three Thousand Seven Hundred Forty Dollars (\$3,740) 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 agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, create a formal procedure for locking out the suction separator, purge compressor and vent system during a maintenance activity on the C Unit Flare Header Guard Valve; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087

Austin, Texas 78711-3087

with a copy to:

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

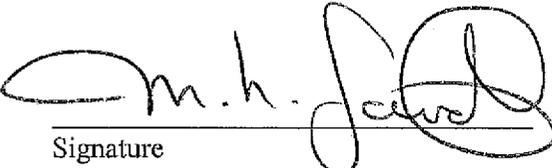
12/1/2009
Date

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

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

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

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



Signature

10-5-09
Date

M. N. SANCHEZ

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

SITE MANAGER

Title

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

Attachment A
Docket Number: 2009-1011-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company
Penalty Amount:	Seven Thousand Four Hundred Eighty Dollars (\$7,480)
SEP Offset Amount:	Three Thousand Seven Hundred Forty Dollars (\$3,740)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas PTA – <i>Clean School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 106 – Southern Louisiana-Southeast Texas

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3087

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

