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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-0379-AIR-E **TCEQ ID:** RN100216035 **CASE NO.:** 39247  
**RESPONDENT NAME:** E.I. du Pont de Nemours and Company

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> DuPont Beaumont Works Industrial Park, 5470 North Twin City Highway, Nederland, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1529-IHW-E and 2010-1058-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 2, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223  <b>TCEQ Enforcement Coordinator:</b> Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Ms. Connie Hargraves, Regional SHE Manager, E.I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704  <b>Mr. Thomas C. Davis,</b> Plant Manager, E.I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2010-0379-AIR-E

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 20, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 16, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions. Specifically, 593.43 pounds ("lbs") of unauthorized nitrogen oxides ("NOx") were released into the atmosphere due to the Ammonia Oxidation Process ("AOP") unit shutting down due to oil in the ammonia feed which caused foam to build-up in the vaporizer (Incident No. 124107). The emissions event that occurred on May 12, 2009 lasted one hour and five minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. 4351, Special Condition ("SC") No. 1, Federal Operating Permit ("FOP") No. O-1961, SC No.16, and General Terms and Conditions ("GTC")].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, 608.52 lbs of unauthorized NOx were released into the atmosphere due to the AOP unit aborting startup procedures causing hot air from a gasket leak to melt several runs of plastic air supply tubing into the cable tray on May 13, 2009 which lasted one hour and 36 minutes</p>	<p><b>Total Assessed:</b> \$30,050</p> <p><b>Total Deferred:</b> \$6,010  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$12,020</p> <p><b>Total Paid to General Revenue:</b> \$12,020</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On May 17, 2009, the plastic air supply tubing was replaced with high density polyethylene tubing and the air duct was fitted with insulation to prevent heat exposure to the tubing (Incident Nos. 124115 and 124241);</p> <p>b. On April 16, 2010, procedures were implemented to check for oil in the ammonia vaporizer which includes monitoring process parameters and periodically draining the ammonia vaporizer to remove accumulated oil (Incident No. 124107); and</p> <p>c. On April 16, 2010, preventative maintenance checks were established to check the drain pipe thickness on an annual basis (Incident No. 124321).</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

DOCKET NO.: 2010-0379-AIR-E

<p>(Incident No. 124115); however, the AOP unit attempted to re-start on May 14, 2009 and aborted start-up procedures an hour later releasing 257.06 lbs of unauthorized NOx into the atmosphere due to additional melted air supply tubing, temperature bypass valve 532HV, and the upstream of temperature control valve 536TV not operating in the field which lasted two hours and 24 minutes (Incident No. 124241). Since the emissions events were avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. 4351, SC No. 1, and FOP No. O-1961, SC No. 16, and GTC].</p>		
<p>3) Failure to prevent unauthorized emissions. Specifically, 189.39 lbs of unauthorized NOx were released into the atmosphere due to a crack in the piping drain on the converter gas cooler and the replacement of the catalytic gauze. The emissions event that occurred on May 15, 2009 lasted 39 minutes (Incident No. 124321). Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. 4351, SC No. 1, and FOP No. O-1961, SC No. 16, and GTC].</p>		

Additional ID No(s): JE0033C



Attachment A  
Docket Number: 2010-0379-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>E.I. du Pont de Nemours and Company</b>
<b>Penalty Amount:</b>	<b>Twenty-Four Thousand Forty Dollars (\$24,040)</b>
<b>SEP Offset Amount:</b>	<b>Twelve Thousand Twenty Dollars (\$12,020)</b>
<b>Type of SEP:</b>	<b>Pre-Approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Air Quality Research Center at Lamar University -- <i>Flare Speciation and Air Quality Modeling</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP 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 Air Quality Research Center at Lamar University* for the *Flare Speciation and Air Quality Modeling* project to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for advanced modeling and simulations to identify the VOC species generated and emitted from industrial flares at chemical process facilities under various operating conditions and environmental conditions as well as determine the Combustion Efficiency (CE) and Destruction and Removal Efficiency (DRE). 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

A flare operating under its designed conditions and in compliance with 40 C.F.R. § 60.18 is assumed to achieve a 98% DRE for Volatile Organic Compound (VOC) emissions, i.e. 98% of VOC emissions are assumed to be completely destroyed in the flaring process; however, basic combustion chemistry demonstrates the possibility that intermediate VOC species are formed during the combustion process, and these speciated VOC emissions are not accounted for in the DRE. This SEP will provide a discernible environmental benefit by providing better quantification of actual emissions from flaring operations and provide TCEQ with a more



accurate emissions inventory, which may be utilized in SIP documentation. This information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

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 Air Research Center  
Lamar University  
Attention: George Talbert, Director  
P.O. Box 10613  
Beaumont, Texas 77710

**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:

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

**4. Failure to Fully Perform**

If 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 13087



Austin, Texas 78711-3087

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	22-Feb-2010	Screening	3-Mar-2010	EPA Due	15-Nov-2010
	PCW	24-Mar-2010				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	39247	No. of Violations	3
Docket No.	2010-0379-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	50	Maximum	\$10,000

## Penalty Calculation Section

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

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

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

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

Notes:

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

Notes:

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

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

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes:

**PAYABLE PENALTY**

Screening Date 3-Mar-2010

Docket No. 2010-0379-AIR-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 39247

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 218%

>> 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 enhanced due to one NOV for same or similar violation, four NOV's for unrelated violations, nine agreed orders containing a denial of liability, and one agreed order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 218%

Screening Date 3-Mar-2010

Docket No. 2010-0379-AIR-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 39247

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 4361, Special Condition ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-1961, SC No. 16, and General Terms and Conditions ("GTC")

Violation Description Failed to prevent unauthorized emissions. Specifically, 593.43 pounds ("lbs") of unauthorized nitrogen oxides ("NOx") were released into the atmosphere due to the Ammonia Oxidation Process ("AOP") unit shutting down due to oil in the ammonia feed which caused foam to build-up in the vaporizer (Incident No. 124107). The emissions event that occurred on May 12, 2009 lasted one hour and five minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,600

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.

Good Faith Efforts to Comply

10.0% Reduction \$250

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

Notes Corrective actions were completed on April 16, 2010, after the February 16, 2010 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$116

Statutory Limit Test

Violation Final Penalty Total \$7,700

This violation Final Assessed Penalty (adjusted for limits) \$7,700

# Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 39247  
**Reg. Ent. Reference No.** RN100218035  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	12-May-2009	16-Apr-2010	0.93	\$116	n/a	\$116

Notes for DELAYED costs

Estimated cost to prevent oil in the ammonia feed to the AOP Unit. The date required is the violation date. The final date is date corrective actions were completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$116

Screening Date 3-Mar-2010

Docket No. 2010-0379-AIR-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 39247

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 4351, SC No. 1, and FOP No. O-1961, SC No. 16, and GTC

Violation Description

Failed to prevent unauthorized emissions. Specifically, 608.52 lbs of unauthorized NOx were released into the atmosphere due to the AOP unit aborting startup procedures causing hot air from a gasket leak to melt several runs of plastic air supply tubing into the cable tray on May 13, 2009 which lasted one hour and 36 minutes (incident No. 124115); however, the AOP unit attempted to re-start on May 14, 2009 and aborted start-up procedures an hour later releasing 257.06 lbs of unauthorized NOx into the atmosphere due to additional melted air supply tubing, temperature bypass valve 532HV, and the upstream of temperature control valve 536TV not operating in the field which lasted two hours and 24 minutes (incident No. 124241). Since the emissions events were avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events	2
daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

2 Number of violation days

mark only one with an x

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

Corrective actions were completed on May 17, 2009 prior to the February 16, 2010 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Estimated EB Amount \$1

Statutory Limit Test

Violation Final Penalty Total \$14,650

This violation Final Assessed Penalty (adjusted for limits) \$14,650

# Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 39247  
**Reg. Ent. Reference No.** RN100216035  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	13-May-2009	17-May-2009	0.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prevent heating damage to the air supply tubing. The date required is the violation date. The final date is the date corrective actions were completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$1

Screening Date 3-Mar-2010

Docket No. 2010-0379-AIR-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 39247

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 4351, SC No. 1 and FOP No. O-1981, SC No. 16, and GTC

Violation Description

Failed to prevent unauthorized emissions. Specifically, 189.39 lbs of unauthorized NOx were released into the atmosphere due to a crack in the piping drain on the converter gas cooler and the replacement of the catalytic gauze (Incident No. 124321). The emissions event that occurred on May 15, 2009 lasted 39 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this 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.

Good Faith Efforts to Comply

	10.0% Reduction	\$250
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)
Notes	Corrective actions were completed on April 16, 2010, after the February 16, 2010 NOE.	

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$115

Statutory Limit Test

Violation Final Penalty Total \$7,700

This violation Final Assessed Penalty (adjusted for limits) \$7,700

# Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 39247  
**Reg. Ent. Reference No.** RN100216035  
**Media** Air  
**Violation No.** 3

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	16-May-2009	16-Apr-2010	0.92	\$115	n/a	\$115

Notes for DELAYED costs

Estimated cost to ensure key process drains are checked and cleared during unit shutdown. The date required is the violation date. The final date is the date corrective actions were completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$115

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600128284 E. I. du Pont de Nemours and Company Classification: AVERAGE Rating: 3.51  
Regulated Entity: RN100216035 DUPONT BEAUMONT WORKS INDUSTRIAL PARK Classification: AVERAGE Site Rating: 9.18

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C
	AIR OPERATING PERMITS	PERMIT	1959
	AIR OPERATING PERMITS	PERMIT	1960
	AIR OPERATING PERMITS	PERMIT	1961
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081101
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30010
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50166
	AIR NEW SOURCE PERMITS	REGISTRATION	16323
	AIR NEW SOURCE PERMITS	PERMIT	18127
	AIR NEW SOURCE PERMITS	REGISTRATION	24141
	AIR NEW SOURCE PERMITS	REGISTRATION	29106
	AIR NEW SOURCE PERMITS	REGISTRATION	29192
	AIR NEW SOURCE PERMITS	REGISTRATION	31224
	AIR NEW SOURCE PERMITS	REGISTRATION	31444
	AIR NEW SOURCE PERMITS	REGISTRATION	36730
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0033C
	AIR NEW SOURCE PERMITS	PERMIT	318
	AIR NEW SOURCE PERMITS	PERMIT	1743A
	AIR NEW SOURCE PERMITS	PERMIT	2053
	AIR NEW SOURCE PERMITS	PERMIT	2324
	AIR NEW SOURCE PERMITS	PERMIT	2340
	AIR NEW SOURCE PERMITS	PERMIT	2672
	AIR NEW SOURCE PERMITS	PERMIT	3310
	AIR NEW SOURCE PERMITS	PERMIT	3879
	AIR NEW SOURCE PERMITS	PERMIT	4351
	AIR NEW SOURCE PERMITS	PERMIT	4351A
	AIR NEW SOURCE PERMITS	PERMIT	4704
	AIR NEW SOURCE PERMITS	PERMIT	4752
	AIR NEW SOURCE PERMITS	PERMIT	5310
	AIR NEW SOURCE PERMITS	PERMIT	5777
	AIR NEW SOURCE PERMITS	PERMIT	6183
	AIR NEW SOURCE PERMITS	PERMIT	6301
	AIR NEW SOURCE PERMITS	PERMIT	8106

AIR NEW SOURCE PERMITS	PERMIT	8143
AIR NEW SOURCE PERMITS	REGISTRATION	10013
AIR NEW SOURCE PERMITS	REGISTRATION	11844
AIR NEW SOURCE PERMITS	REGISTRATION	12208
AIR NEW SOURCE PERMITS	REGISTRATION	12368
AIR NEW SOURCE PERMITS	REGISTRATION	12835
AIR NEW SOURCE PERMITS	REGISTRATION	12888
AIR NEW SOURCE PERMITS	REGISTRATION	12894
AIR NEW SOURCE PERMITS	REGISTRATION	12895
AIR NEW SOURCE PERMITS	REGISTRATION	12896
AIR NEW SOURCE PERMITS	REGISTRATION	13542
AIR NEW SOURCE PERMITS	REGISTRATION	14020
AIR NEW SOURCE PERMITS	REGISTRATION	14134
AIR NEW SOURCE PERMITS	REGISTRATION	14489
AIR NEW SOURCE PERMITS	REGISTRATION	75778
AIR NEW SOURCE PERMITS	REGISTRATION	75676
AIR NEW SOURCE PERMITS	AFS NUM	4824500003
AIR NEW SOURCE PERMITS	REGISTRATION	71190
AIR NEW SOURCE PERMITS	REGISTRATION	71144
AIR NEW SOURCE PERMITS	REGISTRATION	52189
AIR NEW SOURCE PERMITS	REGISTRATION	54296
AIR NEW SOURCE PERMITS	REGISTRATION	50568
AIR NEW SOURCE PERMITS	REGISTRATION	52358
AIR NEW SOURCE PERMITS	REGISTRATION	71369
AIR NEW SOURCE PERMITS	REGISTRATION	54705
UNDERGROUND INJECTION CONTROL	PERMIT	WDW101
UNDERGROUND INJECTION CONTROL	PERMIT	WDW188
UNDERGROUND INJECTION CONTROL	PERMIT	WDW388
UNDERGROUND INJECTION CONTROL	PERMIT	WDW391
WASTEWATER	PERMIT	WQ0000473000
WASTEWATER	EPA ID	TPDES0004669
WASTEWATER	PERMIT	TPDES0004669
WASTEWATER	PERMIT	TX0004669
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
WATER LICENSING	LICENSE	1230066
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30010
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50166

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50166  
COMPLIANCE PLANS  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0033C  
Location: 5470 N TWIN CITY HWY, NEDERLAND, TX, 77627

TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: March 03, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: March 03, 2005 to March 03, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Roshondra Lowe Phone: (713) 767-3553

### 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? Yes
3. If Yes, who is the current owner/operator?  
OWNOPR E. I. du Pont de Nemours and Company  
OWNOPR Lucite International, Inc.
4. If Yes, who was/were the prior owner(s)/operator(s) ? OPR Lucite International, Inc.
5. When did the change(s) in owner or operator occur? 03/30/2007 OPR Lucite International, Inc.
6. Rating Date: 9/1/2009 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: 05/12/2006 ADMINORDER 2005-1978-AIR-E

Classification: Moderate

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

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1743 PERMIT

1743/Special Conditions 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

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

Effective Date: 08/31/2007

ADMINORDER 2003-1371-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(e)(1)

Rqmt Prov: 2796A, Special Condition 12F PERMIT

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

Classification: Moderate

Citation: 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 permitted effluent limitations at Outfall 001A and 101A as documented on December 8, 2003.

Classification: Moderate

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

Rqmt Prov: 1743, SPECIAL CONDITION 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1743 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1743 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

Operational Limitations 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

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

Effective Date: 11/09/2007

ADMINORDER 2007-0155-JHW-E

Classification: Moderate

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

Description: Failure to prevent an unauthorized discharge.

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

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

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

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

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

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

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

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

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

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

5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP

FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1E OP  
FOP O-01960, Special Condition 4 OP  
NSR Permit 1743, Special Condition 10 PERMIT  
NSR Permit 1743, Special Condition 2 PERMIT

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

Classification: Moderate

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

Rqmt Prov: FOP O-01960 General Terms and Conditions OP

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

Effective Date: 03/12/2009 ADMINORDER 2008-1298-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01961, General Terms and Condition OP  
FOP O-01961, Special Condition 2F OP

Description: Failed to notify the TCEQ Regional Office within the required 24 hours of a reportable emissions event. The emissions event occurred on January 7, 2008, but was not reported until January 9, 2008 (Incident No. 102237).

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: FOP O-01961, General Terms and Condition OP  
FOP O-01961, Special Condition 16 OP  
Permit 4351, Special Condition 1 OP

Description: Failed to prevent unauthorized emissions of 1,425.86 pounds of oxides of nitrogen from the Ammonia Oxidation Process Abater, Emissions Point Number ANI-STK83 due to a power outage damaging the catalyst and the unit shutdown for repair.

Effective Date: 03/23/2009 ADMINORDER 2008-1571-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit 4351, Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a 40-minute emissions event on January 17, 2008, the Ammonia Oxidation Process ("AOP") Abater, Emissions Point Number ANI-STK83, released 741.21 pounds of unauthorized nitrogen oxides. The abater was shutdown due to a loss of boiler feed water.

Effective Date: 07/20/2009 ADMINORDER 2009-0102-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01961, General Terms and Condition OP  
FOP O-01961, Special Condition 2F OP

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

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: FOP O-01961, General Terms and Condition OP  
FOP O-01961, Special Condition 16 OP  
Permit 4351, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 473.93 pounds of nitrogen oxides were released from the Ammonia Oxidation Process Abater, emission point

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

Effective Date: 11/13/2009 ADMINORDER 2009-0861-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: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failed to prevent unauthorized emissions during Incident No. 117097.

Effective Date: 02/22/2010 ADMINORDER 2009-1230-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: O-01961, General Terms and Condition OP  
O-01961, Special Condition 16 OP  
Permit 4351, Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.  
EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor

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 16 OP

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

Classification: Minor

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 16 OP

Description: Failure to maintain an emission rate below the allowable emission limit for incident number 107521.

Classification: Minor

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 16 OP

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

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a final report within two weeks after completion of the maintenance activity.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	03/04/2005	(348330)
2	04/25/2005	(377491)
3	05/24/2005	(380302)
4	06/13/2005	(267115)
5	07/14/2005	(397732)
6	08/30/2005	(398843)
7	08/30/2005	(398952)
8	08/30/2005	(398956)
9	08/31/2005	(349444)
10	11/15/2005	(435807)
11	11/22/2005	(436056)
12	11/22/2005	(436069)
13	11/22/2005	(438124)
14	11/23/2005	(435758)
15	02/23/2006	(454153)
16	02/27/2006	(453635)
17	04/18/2006	(439023)
18	05/12/2006	(465540)
19	05/16/2006	(461492)
20	05/16/2006	(465147)
21	06/08/2006	(461493)
22	06/08/2006	(465140)
23	06/09/2006	(464979)
24	06/23/2006	(481385)
25	06/23/2006	(483323)
26	07/20/2006	(481088)
27	07/20/2006	(484761)
28	08/23/2006	(486519)
29	08/23/2006	(486526)
30	08/23/2006	(486528)
31	08/30/2006	(487349)
32	08/31/2006	(438112)
33	08/31/2006	(449843)
34	08/31/2006	(463773)
35	08/31/2006	(497541)
36	08/31/2006	(509139)
37	10/30/2006	(511265)
38	11/08/2006	(518131)
39	11/10/2006	(518881)
40	11/15/2006	(515866)
41	11/17/2006	(513262)
42	12/19/2006	(531150)
43	12/20/2006	(514400)
44	12/29/2006	(344561)
45	01/30/2007	(538186)
46	02/12/2007	(539047)

47	04/12/2007	(543282)
48	04/12/2007	(543292)
49	04/12/2007	(543295)
50	04/25/2007	(555253)
51	04/25/2007	(557419)
52	06/13/2007	(559952)
53	06/18/2007	(563733)
54	06/20/2007	(560649)
55	07/13/2007	(563518)
56	08/29/2007	(567227)
57	09/10/2007	(466042)
58	09/17/2007	(572715)
59	10/19/2007	(573592)
60	11/05/2007	(594907)
61	11/07/2007	(518772)
62	12/14/2007	(597009)
63	12/17/2007	(599959)
64	12/19/2007	(611284)
65	03/31/2008	(638733)
66	04/04/2008	(618550)
67	04/29/2008	(640755)
68	05/27/2008	(671278)
69	05/30/2008	(671477)
70	06/18/2008	(656983)
71	07/09/2008	(684335)
72	08/01/2008	(681179)
73	08/04/2008	(687589)
74	08/12/2008	(685941)
75	09/10/2008	(699791)
76	10/06/2008	(688814)
77	10/22/2008	(700426)
78	11/13/2008	(706839)
79	11/17/2008	(706201)
80	11/19/2008	(700565)
81	12/04/2008	(708769)
82	12/04/2008	(709114)
83	12/04/2008	(709823)
84	12/09/2008	(707372)
85	12/31/2008	(722045)
86	01/15/2009	(710311)
87	03/10/2009	(736037)
88	03/11/2009	(735910)
89	03/23/2009	(726682)
90	04/06/2009	(738481)
91	05/29/2009	(744149)
92	06/02/2009	(726996)
93	06/04/2009	(743995)
94	06/04/2009	(744167)
95	06/11/2009	(744804)
96	06/11/2009	(744821)
97	06/24/2009	(759677)
98	07/02/2009	(745691)
99	07/07/2009	(746465)
100	07/14/2009	(760851)
101	07/29/2009	(749567)
102	07/29/2009	(761835)
103	07/30/2009	(760130)
104	07/30/2009	(762208)
105	08/03/2009	(761392)

106 08/11/2009 (765160)  
 107 08/31/2009 (767323)  
 108 09/14/2009 (765492)  
 109 09/21/2009 (763451)  
 110 10/05/2009 (765635)  
 111 10/14/2009 (777441)  
 112 10/30/2009 (776816)  
 113 10/30/2009 (778749)  
 114 11/02/2009 (776378)  
 115 11/02/2009 (778751)  
 116 11/05/2009 (765029)  
 117 11/13/2009 (779905)  
 118 12/04/2009 (782747)  
 119 12/04/2009 (783095)  
 120 12/04/2009 (783136)  
 121 01/19/2010 (785778)  
 122 01/21/2010 (783282)  
 123 02/01/2010 (788970)  
 124 02/08/2010 (787971)  
 125 02/16/2010 (762577)  
 126 02/16/2010 (783408)  
 127 02/16/2010 (783682)  
 128 02/16/2010 (789764)  
 129 02/16/2010 (789795)  
 130 02/23/2010 (787960)

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

Date: 07/21/2006 (481088) CN600128284  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-01961 OP  
 Permit 4351 PA  
 Description: Failure to equip open-ended lines with a cap, blind flange, plug, or a second valve for lines in Volatile Organic Compound service.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.43b(f)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-01961 OP  
 Permit 2796A PA  
 Description: Failure to conduct an alternate method of monitoring when the Continuous Emission Monitoring System (CEMS) of Nitrous Oxides at the Number 7 Boiler was malfunctioning.  
 Date: 06/14/2007 (559952) CN600128284  
 Self Report? NO Classification: Moderate  
 Citation: 1961, General Terms and Conditions OP  
 1961, Special Terms and Conditions 16 OP  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 4351, Special Condition 5.D. PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to perform weekly calibrations for hydrogen concentration on a flare.  
 Self Report? NO Classification: Moderate  
 Citation: 1961, General Terms and Conditions OP  
 1961, Special Terms and Conditions 16 OP

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 4351, Special Condition 5.D. PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to perform weekly calibration on natural gas flow meter of flare.

Self Report? NO Classification: Moderate  
 Citation: 1961, General Terms and Conditions OP  
 1961, Special Terms and Conditions 6.F. OP  
 30 TAC Chapter 117, SubChapter C 117.413(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to perform daily calibrations on a Continuous Emission Monitoring System (CEMS).

Date: 12/14/2007 (597215) CN600128284

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.100  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart A 63.11(b)(5)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01960 General Terms and Conditions OP  
 FOP O-01960, Special Condition 19 OP  
 FOP O-01960, Special Condition 1A OP  
 NSR Permit 1743, Special Condition 2 PERMIT  
 NSR Permit 1743, Special Condition 9 PERMIT

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

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

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

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

Description: Failure to perform Audio, Visual and Olfactory (AVO) inspections for Ammonia (NH3) leaks in EPN AMM/FDKAMB once per twelve hour shift.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.118(f)(1)

FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to include all daily averages of measured parameters in the HON Periodic Report for the period of October 11, 2005 through April 10, 2006.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 4 OP  
NSR Permit 1743, Special Condition 10 PERMIT

Description: Failure to maintain the water flow to scrubber ACR/ABS219.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 12 PERMIT

Description: Failure to maintain the operating parameter of the Oxygen concentration and to continuously monitor the Oxygen concentration of the Unit ACR/INC80.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 8C PERMIT

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

Date: 03/31/2008 (638733) CN600128284

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
4351, Special Condition 8E PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01961, General Terms and Conditions OP  
O-01961, Special Condition 16 OP  
O-01961, Special Condition 1A OP

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

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

O-01961 General Terms and Conditions OP  
O-01961, Special Condition 3D OP

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

**Self Report?** NO **Classification:** Minor

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

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

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
O-01961, General Terms and Conditions OP

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

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
5C THSC Chapter 382 382.085(b)  
O-01961, General Terms and Conditions OP

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

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01961, General Terms and Conditions OP  
O-01961, Special Condition 16 OP  
Permit 4351, Special Condition 5D PERMIT

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

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(I)  
5C THSC Chapter 382 382.085(b)  
O-01961, General Terms and Conditions OP  
O-01961, Special Condition 1A OP

**Description:** Failure to conduct inspections on the Benzene internal floating roof tank within the previous 12 months.

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)  
5C THSC Chapter 382 382.085(b)  
O-01961, General Terms and Conditions OP  
O-01961, Special Condition 1A OP

**Description:** Failure to maintain the required audio, visual, olfactory (AVO) weekly inspections on the pumps and flanges.

Date: 07/29/2009 (749567)

CN600128284

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
O-01961, General Terms and Conditions OP  
O-01961, Special Condition 16 OP  
Permit 4351, Special Condition 2 PERMIT  
Permit 4351, Special Condition 8C PERMIT

**Description:** Failure to operate the emergency flare, ANI/FLR296, with no visible emissions on

January 5 and 7, 2008.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01961 General Terms and Conditions OP  
O-01961 Special Condition 2F OP  
Description: Failure to determine if the event in Violation Track Number (VTN) 368029 was a reportable or recordable emissions event.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.19(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
O-01961 General Terms and Conditions OP  
O-01961 Special Condition 16 OP  
Permit 4351 Special Condition 4 PERMIT  
Permit 4351 Special Condition 8B PERMIT  
Description: Failure to operate the NOx Fare, ANI/FLR373, with a flame present at all times while emissions are being routed to it.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.136(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143(e)  
5C THSC Chapter 382 382.085(b)  
O-01961 General Terms and Conditions OP  
O-01961 Special Condition 15 OP  
Description: Failure to maintain monitoring data for the water scrubber (EPN: ANI/ABS62) due to a malfunction of the IP21 data historian system.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)  
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-01961 General Terms and Conditions OP  
O-01961 Special Condition 16 OP  
Permit 4351 Special Condition 8D PERMIT  
Description: Failure to maintain natural gas flow continuous monitoring data.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)  
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-01961 General Terms and Conditions OP  
O-01961 Special Condition 16 OP  
Permit 4351 Special Condition 13E PERMIT  
Description: Failure to conduct the required audio, visual, or olfactory (AVO) weekly inspections on connectors/flanges.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)  
5C THSC Chapter 382 382.085(b)  
O-01961 General Terms and Conditions OP  
O-01961 Special Condition 16 OP  
Permit 4351 Special Condition 13F and G PERMIT  
Permit 4351 Special Condition 4 PERMIT

Description: Failure to conduct the quarterly Leak Detection and Repair (LDAR) monitoring for the 3rd quarter of 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
O-01961 General Terms and Conditions OP

Description: Failure to report all instances of deviations on the Semi-Annual Deviation Report (SDR) for the compliance period of December 28, 2007, through June 27, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
O-01961 General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification (ACC) for the period of December 28, 2007, through December 27, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
O-01961 General Terms and Conditions OP  
O-01961 Special Condition 18 OP

Description: Failure to submit an ACC and SDR in a timely manner.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
E.I. DU PONT DE NEMOURS AND  
COMPANY  
RN100216035

§  
§  
§  
§  
§  
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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2010-0379-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 manufacturing plant at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 21, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty Thousand Fifty Dollars (\$30,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Twenty Dollars (\$12,020) of the administrative penalty

and Six Thousand Ten Dollars (\$6,010) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twelve Thousand Twenty Dollars (\$12,020) shall be offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On May 17, 2009, the plastic air supply tubing was replaced with high density polyethylene tubing and the air duct was fitted with insulation to prevent heat exposure to the tubing (Incident Nos. 124115 and 124241);
  - b. On April 16, 2010, procedures were implemented to check for oil in the ammonia vaporizer which includes monitoring process parameters and periodically draining the ammonia vaporizer to remove accumulated oil (Incident No. 124107); and
  - c. On April 16, 2010, preventative maintenance checks were established to check the drain pipe thickness on an annual basis (Incident No. 124321).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 4351, Special Condition ("SC") No. 1, Federal Operating Permit ("FOP") No. O-1961, SC No.16, and General Terms and Conditions ("GTC"), as documented during an investigation

conducted on November 20, 2009. Specifically, 593.43 pounds ("lbs") of unauthorized nitrogen oxides ("NOx") were released into the atmosphere due to the Ammonia Oxidation Process ("AOP") unit shutting down due to oil in the ammonia feed which caused foam to build-up in the vaporizer (Incident No. 124107). The emissions event that occurred on May 12, 2009 lasted one hour and five minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 4351, SC No. 1, and FOP No. O-1961, SC No. 16, and GTC, as documented during an investigation conducted on November 20, 2009. Specifically, 608.52 lbs of unauthorized NOx were released into the atmosphere due to the AOP unit aborting startup procedures causing hot air from a gasket leak to melt several runs of plastic air supply tubing into the cable tray on May 13, 2009 which lasted one hour and 36 minutes (Incident No. 124115); however, the AOP unit attempted to re-start on May 14, 2009 and aborted start-up procedures an hour later releasing 257.06 lbs of unauthorized NOx into the atmosphere due to additional melted air supply tubing, temperature bypass valve 532HV, and the upstream of temperature control valve 536TV not operating in the field which lasted two hours and 24 minutes (Incident No. 124241). Since the emissions events were avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 4351, SC No. 1, and FOP No. O-1961, SC No. 16, and GTC, as documented during an investigation conducted on November 20, 2009. Specifically, 189.39 lbs of unauthorized NOx were released into the atmosphere due to a crack in the piping drain on the converter gas cooler and the replacement of the catalytic gauze. The emissions event that occurred on May 15, 2009 lasted 39 minutes (Incident No. 124321). Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

### 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. 2010-0379-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twelve Thousand Twenty Dollars (\$12,020) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent 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.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Szolter  
\_\_\_\_\_  
For the Executive Director

9/22/2010  
\_\_\_\_\_  
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.

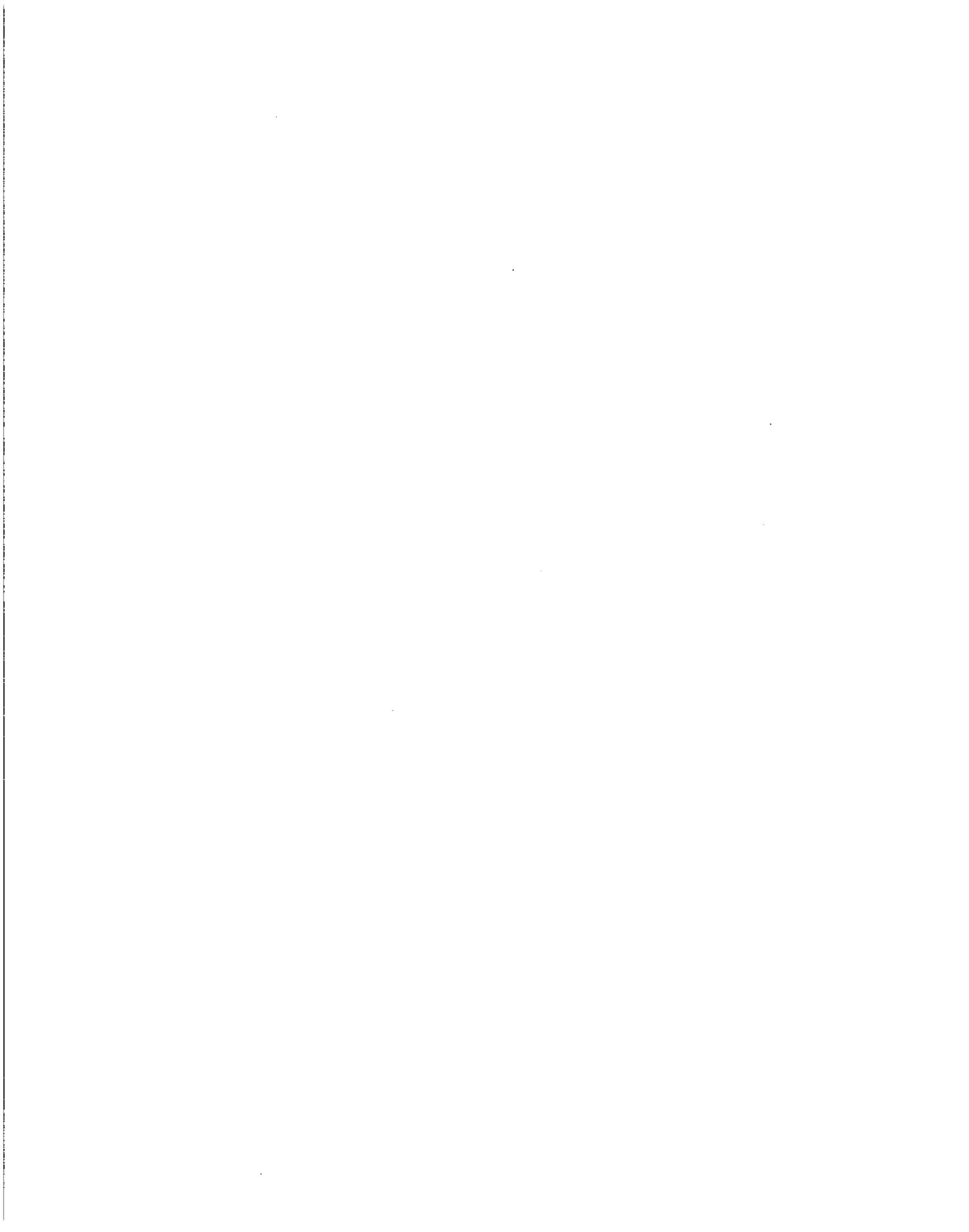
D. S. COJ  
\_\_\_\_\_  
Signature

6-3-2010  
\_\_\_\_\_  
Date

Thomas C Davis  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
E.I. du Pont de Nemours and Company

PLANT MANAGER  
\_\_\_\_\_  
Title

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



Attachment A  
Docket Number: 2010-0379-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company
Penalty Amount:	Twenty-Four Thousand Forty Dollars (\$24,040)
SEP Offset Amount:	Twelve Thousand Twenty Dollars (\$12,020)
Type of SEP:	Pre-Approved
Third-Party Recipient:	Texas Air Quality Research Center at Lamar University – <i>Flare Speciation and Air Quality Modeling</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP 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 Air Quality Research Center at Lamar University* for the *Flare Speciation and Air Quality Modeling* project to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for advanced modeling and simulations to identify the VOC species generated and emitted from industrial flares at chemical process facilities under various operating conditions and environmental conditions as well as determine the Combustion Efficiency (CE) and Destruction and Removal Efficiency (DRE). 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

A flare operating under its designed conditions and in compliance with 40 C.F.R. § 60.18 is assumed to achieve a 98% DRE for Volatile Organic Compound (VOC) emissions, i.e. 98% of VOC emissions are assumed to be completely destroyed in the flaring process; however, basic combustion chemistry demonstrates the possibility that intermediate VOC species are formed during the combustion process, and these speciated VOC emissions are not accounted for in the DRE. This SEP will provide a discernible environmental benefit by providing better quantification of actual emissions from flaring operations and provide TCEQ with a more

accurate emissions inventory, which may be utilized in SIP documentation. This information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

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 Air Research Center  
Lamar University  
Attention: George Talbert, Director  
P.O. Box 10613  
Beaumont, Texas 77710

**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:

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

**4. Failure to Fully Perform**

If 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 13087

Austin, Texas 78711-3087

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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

