

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1887-AIR-E **TCEQ ID:** RN100216035 **CASE NO.:** 38737

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 Beaumont Works Industrial Park, 5470 North Twin City Highway, Nederland, Jefferson County</p> <p>TYPE OF OPERATION: Industrial organic chemicals 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 one additional pending enforcement action regarding this facility location, Docket No. 2008-1520-IHW-E.</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 April 12, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Connie Hargraves, Regional SHE Manager, E. I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704 Mr. Thomas C. Davis, Plant Manager, E. I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704 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: August 5, 2009</p> <p>Date of NOV/NOE Relating to this Case: November 5, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions that occurred during two events on July 12, 2009. Specifically, the Respondent released a total of 602.22 pounds of unauthorized Nitrogen Oxides emissions from the Ammonia Oxidation Process unit (Emissions Point No. ANI-STK83) during the forty-four minute Incident No. 126664 event and the forty-eight minute Incident No. 126671 event. The events occurred due to a programming error made during the configuration of the 507- pressure control valve. Since the emissions events were avoidable by better operational practices, they do not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4351, Special Condition No. 1].</p> | <p>Total Assessed: \$6,275</p> <p>Total Deferred: \$1,255 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,020</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that by August 17, 2009, the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Fixed the programming error that led to the emissions events;</p> <p>b. Updated the Management of Change form to include a sign-off for any control changes that have been function checked; and</p> <p>c. Updated the L-12, Pre-Startup Safety Review Checklist form to include a sign-off for any new controls which have been installed or changed and if they have been functioned checked.</p> |

Additional ID No(s): JE0033C



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|------------|
| DATES | Assigned | 9-Nov-2009 | Screening | 16-Nov-2009 | EPA Due | 2-Aug-2010 |
| | PCW | 16-Nov-2009 | | | | |

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

| | | | |
|--|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 38737 | No. of Violations | 1 |
| Docket No. | 2009-1887-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Heather Podlipny |
| | | EC's Team | Enforcement Team 4 |
| 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 176.0% Enhancement **Subtotals 2, 3, & 7** **\$4,400**

Notes The penalty was enhanced due to two NOV's for similar violations, three NOV's for dissimilar violations, and eight 1660-style orders.

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** **\$625**

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

| | | |
|----------------------------|---------|-----------------------------------|
| Total EB Amounts | \$7 | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$1,500 | |

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$6,275**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$6,275**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$6,275**

DEFERRAL 20.0% Reduction **Adjustment** **-\$1,255**

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 **\$5,020**

Screening Date 16-Nov-2009

Docket No. 2009-1887-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 38737

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 2 | 10% |
| | Other written NOVs | 3 | 6% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 8 | 160% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 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) 176%

>> 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

The penalty was enhanced due to two NOVs for similar violations, three NOVs for dissimilar violations, and eight 1660-style orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 176%

Screening Date 16-Nov-2009

Docket No. 2009-1887-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 38737

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), Tex. Health & Safety Code § 382.085(b) and New Source Review Permit No. 4351, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions that occurred during two events on July 12, 2009, as documented during an investigation conducted on August 5, 2009. Specifically, the Respondent released a total of 602.22 pounds of unauthorized Nitrogen Oxides emissions from the Ammonia Oxidation Process unit (Emissions Point No. ANI-STIK83) during the forty-four minute Incident No. 126664 event and the forty-eight minute Incident No. 126671 event. The events occurred due to a programming error made during the configuration of the 507- pressure control valve. Since the emissions events were avoidable by better operational practices, they do not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | x |
| Potential | | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

| | Before NOV | NOV to EDRP/Settlement Offer |
|----------|---------------|------------------------------|
| | Extraordinary | |
| Ordinary | x | |
| N/A | | (mark with x) |

Notes The Respondent returned to compliance on August 17, 2009 and the NOE is dated November 5, 2009.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$6,275

This violation Final Assessed Penalty (adjusted for limits) \$6,275

Economic Benefit Worksheet

Respondent: E. I. du Pont de Nemours and Company
Case ID No. 38737
Reg. Ent. Reference No. RN100216035
Media: Air
Violation No. 1

| | |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

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

Item Description: No commas or \$:

Delayed Costs

| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500 | 12-Jul-2009 | 17-Aug-2009 | 0.10 | \$7 | n/a | \$7 |

Notes for DELAYED costs

Estimated costs for additional oversight, equipment modification, and operations training. Date Required is based on the date of the emissions events and the Final Date is the date of compliance.

Avoided Costs

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

| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$7

Compliance History Report

| | | | |
|-------------------------------------|---|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600128284 E. I. du Pont de Nemours and Company | Classification: AVERAGE | Rating: 3.47 |
| 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 | PERMIT | 16323 |
| | AIR NEW SOURCE PERMITS | PERMIT | 18127 |
| | AIR NEW SOURCE PERMITS | PERMIT | 24141 |
| | AIR NEW SOURCE PERMITS | PERMIT | 29106 |
| | AIR NEW SOURCE PERMITS | PERMIT | 29192 |
| | AIR NEW SOURCE PERMITS | PERMIT | 31224 |
| | AIR NEW SOURCE PERMITS | PERMIT | 31444 |
| | AIR NEW SOURCE PERMITS | PERMIT | 36730 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0033C |
| | AIR NEW SOURCE PERMITS | PERMIT | 318 |
| | AIR NEW SOURCE PERMITS | PERMIT | 1710 |
| | AIR NEW SOURCE PERMITS | PERMIT | 1743A |
| | AIR NEW SOURCE PERMITS | PERMIT | 2053 |
| | AIR NEW SOURCE PERMITS | PERMIT | 2324 |
| | AIR NEW SOURCE PERMITS | PERMIT | 2340 |
| | AIR NEW SOURCE PERMITS | PERMIT | 2672 |
| | AIR NEW SOURCE PERMITS | PERMIT | 3310 |
| | AIR NEW SOURCE PERMITS | PERMIT | 3879 |
| | AIR NEW SOURCE PERMITS | PERMIT | 4351 |
| | AIR NEW SOURCE PERMITS | PERMIT | 4351A |
| | AIR NEW SOURCE PERMITS | PERMIT | 4704 |
| | AIR NEW SOURCE PERMITS | PERMIT | 4752 |
| | AIR NEW SOURCE PERMITS | PERMIT | 5310 |
| | AIR NEW SOURCE PERMITS | PERMIT | 5777 |
| | AIR NEW SOURCE PERMITS | PERMIT | 6183 |
| | AIR NEW SOURCE PERMITS | PERMIT | 6301 |

| | | |
|-------------------------------|-------------------------------------|--------------|
| AIR NEW SOURCE PERMITS | PERMIT | 8106 |
| AIR NEW SOURCE PERMITS | PERMIT | 8143 |
| AIR NEW SOURCE PERMITS | PERMIT | 10013 |
| AIR NEW SOURCE PERMITS | PERMIT | 11844 |
| AIR NEW SOURCE PERMITS | PERMIT | 12208 |
| AIR NEW SOURCE PERMITS | PERMIT | 12368 |
| AIR NEW SOURCE PERMITS | PERMIT | 12835 |
| AIR NEW SOURCE PERMITS | PERMIT | 12888 |
| AIR NEW SOURCE PERMITS | PERMIT | 12894 |
| AIR NEW SOURCE PERMITS | PERMIT | 12895 |
| AIR NEW SOURCE PERMITS | PERMIT | 12896 |
| AIR NEW SOURCE PERMITS | PERMIT | 13542 |
| AIR NEW SOURCE PERMITS | PERMIT | 14020 |
| AIR NEW SOURCE PERMITS | PERMIT | 14134 |
| AIR NEW SOURCE PERMITS | PERMIT | 14489 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75778 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75676 |
| AIR NEW SOURCE PERMITS | AFS NUM | 4824500003 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71190 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71144 |
| AIR NEW SOURCE PERMITS | PERMIT | 52189 |
| AIR NEW SOURCE PERMITS | PERMIT | 54296 |
| AIR NEW SOURCE PERMITS | PERMIT | 50568 |
| AIR NEW SOURCE PERMITS | PERMIT | 52358 |
| AIR NEW SOURCE PERMITS | PERMIT | 71369 |
| AIR NEW SOURCE PERMITS | PERMIT | 54705 |
| UNDERGROUND INJECTION CONTROL | PERMIT | 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 COMPLIANCE PLANS | PERMIT | 50166 |
| AIR EMISSIONS INVENTORY | ACCOUNT NUMBER | JE0033C |

Location: 5470 N TWIN CITY HWY, NEDERLAND, TX, 77627

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 13, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 13, 2004 to November 13, 2009

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

Name: Heather Podlipny Phone: 239 - 2603

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? E. I. du Pont de Nemours and Company
OWNOPR
4. If Yes, who was/were the prior owner(s)/operator(s)? OPR Lucite International, Inc.
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 judgments, 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 D 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-IHW-E

Classification: Moderate

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

Description: Failure to prevent an unauthorized discharge.

Effective Date: 03/08/2008

ADMINORDER 2007-1308-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1961, General Terms and Conditions OP

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/29/2008

ADMINORDER 2007-2044-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

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. ADM.N. CODE § 101.222 necessary to present an affirmative defense were not met.

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 | 12/15/2004 | (342892) |
| 2 | 12/22/2004 | (341799) |
| 3 | 01/04/2005 | (344102) |
| 4 | 02/25/2005 | (347899) |
| 5 | 03/04/2005 | (348330) |
| 6 | 04/25/2005 | (377491) |
| 7 | 05/24/2005 | (380302) |
| 8 | 06/13/2005 | (267115) |
| 9 | 07/14/2005 | (397732) |
| 10 | 08/30/2005 | (398843) |
| 11 | 08/30/2005 | (398952) |
| 12 | 08/30/2005 | (398956) |
| 13 | 08/31/2005 | (349444) |
| 14 | 11/15/2005 | (435807) |
| 15 | 11/22/2005 | (436056) |
| 16 | 11/22/2005 | (436069) |
| 17 | 11/22/2005 | (438124) |
| 18 | 11/23/2005 | (435758) |
| 19 | 02/23/2006 | (454153) |
| 20 | 02/27/2006 | (453635) |

| | | |
|----|------------|----------|
| 21 | 04/18/2006 | (439023) |
| 22 | 05/12/2006 | (465540) |
| 23 | 05/16/2006 | (461492) |
| 24 | 05/16/2006 | (465147) |
| 25 | 06/08/2006 | (461493) |
| 26 | 06/08/2006 | (465140) |
| 27 | 06/09/2006 | (464979) |
| 28 | 06/23/2006 | (481385) |
| 29 | 06/23/2006 | (483323) |
| 30 | 07/20/2006 | (481088) |
| 31 | 07/20/2006 | (484761) |
| 32 | 08/23/2006 | (486519) |
| 33 | 08/23/2006 | (486526) |
| 34 | 08/23/2006 | (486528) |
| 35 | 08/30/2006 | (487349) |
| 36 | 08/31/2006 | (438112) |
| 37 | 08/31/2006 | (449843) |
| 38 | 08/31/2006 | (463773) |
| 39 | 08/31/2006 | (497541) |
| 40 | 08/31/2006 | (509139) |
| 41 | 10/30/2006 | (511265) |
| 42 | 11/08/2006 | (518131) |
| 43 | 11/10/2006 | (518881) |
| 44 | 11/15/2006 | (515866) |
| 45 | 11/17/2006 | (513262) |
| 46 | 12/19/2006 | (531150) |
| 47 | 12/20/2006 | (514400) |
| 48 | 12/29/2006 | (344561) |
| 49 | 01/30/2007 | (538186) |
| 50 | 02/12/2007 | (539047) |
| 51 | 04/12/2007 | (543282) |
| 52 | 04/12/2007 | (543292) |
| 53 | 04/12/2007 | (543295) |
| 54 | 04/25/2007 | (555253) |
| 55 | 04/25/2007 | (557419) |
| 56 | 06/13/2007 | (559952) |
| 57 | 06/18/2007 | (563733) |
| 58 | 06/20/2007 | (560649) |
| 59 | 07/13/2007 | (563518) |
| 60 | 08/29/2007 | (567227) |
| 61 | 09/10/2007 | (466042) |
| 62 | 09/17/2007 | (572715) |
| 63 | 10/19/2007 | (573592) |
| 64 | 11/05/2007 | (594907) |
| 65 | 11/07/2007 | (518772) |
| 66 | 12/14/2007 | (597009) |
| 67 | 12/17/2007 | (599959) |
| 68 | 12/19/2007 | (611284) |
| 69 | 03/31/2008 | (638733) |
| 70 | 04/04/2008 | (618550) |
| 71 | 04/29/2008 | (640755) |
| 72 | 05/27/2008 | (671278) |
| 73 | 05/30/2008 | (671477) |
| 74 | 06/18/2008 | (656983) |
| 75 | 07/09/2008 | (684335) |
| 76 | 08/01/2008 | (681179) |
| 77 | 08/04/2008 | (687589) |
| 78 | 08/12/2008 | (685941) |
| 79 | 09/10/2008 | (699791) |

80 10/06/2008 (688814)
 81 10/22/2008 (700426)
 82 11/13/2008 (706839)
 83 11/17/2008 (706201)
 84 11/19/2008 (700565)
 85 12/04/2008 (708769)
 86 12/04/2008 (709114)
 87 12/04/2008 (709823)
 88 12/09/2008 (707372)
 89 12/31/2008 (722045)
 90 01/15/2009 (710311)
 91 03/10/2009 (736037)
 92 03/11/2009 (735910)
 93 03/23/2009 (726682)
 94 04/06/2009 (738481)
 95 05/29/2009 (744149)
 96 06/02/2009 (726996)
 97 06/04/2009 (743995)
 98 06/04/2009 (744167)
 99 06/11/2009 (744804)
 100 06/11/2009 (744821)
 101 06/24/2009 (759677)
 102 07/02/2009 (745691)
 103 07/07/2009 (746465)
 104 07/14/2009 (760851)
 105 07/29/2009 (749567)
 106 07/29/2009 (761835)
 107 07/30/2009 (760130)
 108 07/30/2009 (762208)
 109 08/03/2009 (761392)
 110 08/11/2009 (765160)
 111 08/31/2009 (767323)
 112 09/14/2009 (765492)
 113 09/21/2009 (763451)
 114 10/05/2009 (765635)
 115 10/14/2009 (777441)
 116 10/30/2009 (776816)
 117 10/30/2009 (778749)
 118 11/02/2009 (776378)
 119 11/02/2009 (778751)
 120 11/05/2009 (765029)
 121 11/13/2009 (779905)

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/INC60.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 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 ACRVC51.

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 60.18(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/fitings.

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**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-1887-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 an industrial organic chemical plant at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 10, 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 Six Thousand Two Hundred Seventy-Five Dollars (\$6,275) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Twenty Dollars (\$5,020) of the administrative penalty and One Thousand Two Hundred Fifty-Five Dollars (\$1,255) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by August 17, 2009, the Respondent has implemented the following corrective measures at the Plant:
 - a. Fixed the programming error that led to the emissions events;
 - b. Updated the Management of Change form to include a sign-off for any control changes that have been function checked; and
 - c. Updated the L-12, Pre-Startup Safety Review Checklist form to include a sign-off for any new controls which have been installed or changed and if they have been functioned checked.
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 failed to prevent unauthorized emissions that occurred during two events on July 12, 2009, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 4351, Special Condition No. 1, as documented during an investigation conducted on August 5, 2009. Specifically, the Respondent released a total of 602.22 pounds of unauthorized Nitrogen Oxides emissions from the Ammonia Oxidation Process unit (Emissions Point No. ANI-STK83) during the forty-four minute Incident No. 126664 event and the forty-eight minute Incident No. 126671 event. The events occurred due to a programming error made during the configuration of the 507- pressure control valve. Since the emissions events were avoidable by better operational practices, they do not meet the demonstrations 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. 2009-1887-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Zullien
For the Executive Director

3/16/2010
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.

Thomas C Davis

Signature

2-1-2010

Date

Thomas C Davis

Name (Printed or typed)

Authorized Representative of

E. I. du Pont de Nemours and Company

Plant Mgr.

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.

