

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1529-IHW-E TCEQ ID: RN100216035 CASE NO.: 36521
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 type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" 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 are two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1887-AIR-E and 2010-0379-AIR-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 June 21, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Mr. John Shelton, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-2563; Ms. Laurie Baves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Connie Hargraves, Regional Site Manager, E.I. du Pont de Nemours and Company, 5470 North Twin City Highway, Nederland, Texas 77627 Mr. Thomas C. Davis, Plant Manager, E.I. du Pont de Nemours and Company, 5470 North Twin City Highway, Nederland, Texas 77627 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 30, 2008</p> <p>Date of NOE Relating to this Case: August 1, 2008</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1. Failure to prevent the disposal of industrial hazardous waste at an unauthorized facility. Specifically, an April 8, 2008 tank failure resulted in a discharge of approximately 2,655 gallons of a mixture of 75% sulfuric acid, 25% nitrobenzene and trace amounts of benzene and aniline [30 TEX. ADMIN. CODE § 335.2(b) and 40 CODE OF FEDERAL REGULATIONS § 270.1(c)].</p> <p>2. Failure to maintain and operate the tank in a manner to prevent the release of hazardous waste. Specifically, hazardous waste was managed in an acid recovery tank with no preventive control measures and was listed on the Respondent's inspection records as being in poor to fair condition [30 TEX. ADMIN. CODE §335.69(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 265.31].</p>	<p>Total Assessed: \$85,500</p> <p>Total Deferred: \$17,100 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$34,200</p> <p>Total Paid to General Revenue: \$34,200</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 the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Submitted documentation on August 15, 2008 showing the discharge had been cleaned up and properly disposed of at an authorized facility; and</p> <p>b. Submitted documentation on December 2, 2008 showing that the Mechanical Integrity Program had been upgraded and a Mechanical Integrity Team had been chartered to prevent any additional releases of hazardous waste.</p> <p>Ordering Provisions: The Respondent will be required to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A.)</p>

Additional ID No(s): 30010

Attachment A
Docket Number: 2008-1529-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: E.I. du Pont de Nemours and Company
Penalty Amount: Sixty-Eight Thousand Four Hundred Dollars (\$68,400)
SEP Offset Amount: Thirty-Four Thousand Two Hundred Dollars (\$34,200)
Type of SEP: Pre-Approved
Third-Party Recipient: Texas Air Quality Research Center at Lamar University – *Flare Speciation and Air Quality Modeling*
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 the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

E.I. du Pont de Nemours and Company
Agreed Order – Attachment A

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 June 12, 2008

TCEQ

DATES	Assigned	4-Aug-2008	Screening	29-Aug-2008	EPA Due	
	PCW	21-Dec-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.	38521	No. of Violations	2
Docket No.	2008-1529-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Shelton
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$30,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 195.0% Enhancement **Subtotals 2, 3, & 7** \$58,500

Notes The Respondent has been issued five NOV's with dissimilar violations, eight Agreed Orders with denial and one Agreed Order without denial in the past five years.

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** \$3,000

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

Total EB Amounts \$283
Approx. Cost of Compliance \$24,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$85,500

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$85,500

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$85,500

DEFERRAL 20.0% Reduction **Adjustment** -\$17,100

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 \$68,400

Screening Date 29-Aug-2008

Docket No. 2008-1529-IHW-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 36521

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator John Shelton

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)	0	0%
	Other written NOVs	5	10%
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	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) 195%

>> 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 Respondent has been issued five NOVs with dissimilar violations, eight Agreed Orders with denial and one Agreed Order without denial in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 195%

Screening Date: 29-Aug-2008	Docket No.: 2008-1529-IHW-E	PCW													
Respondent: E.I. du Pont de Nemours and Company		<small>Policy Revision 2 (September 2002)</small>													
Case ID No.: 36521		<small>PCW Revision June 12, 2008</small>													
Reg. Ent. Reference No.: RN100216035															
Media [Statute]: Industrial and Hazardous Waste															
Enf. Coordinator: John Shelton															
Violation Number: 1															
Rule Cite(s):	30 Tex. Admin. Code § 335.2(b) and 40 Code of Federal Regulations § 270.1(c)														
Violation Description:	Failed to prevent the disposal of industrial hazardous waste at an unauthorized facility. Specifically, an April 8, 2008 tank failure resulted in a discharge of approximately 2,655 gallons of a mixture of 75% sulfuric acid, 25% nitrobenzene and trace amounts of benzene and aniline.														
	Base Penalty:	\$10,000													
>> Environmental, Property and Human Health Matrix															
OR	Release	Harm													
		Major Moderate Minor													
	Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Percent <input type="text" value="50%"/>												
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>													
>> Programmatic Matrix															
	Falsification	Major Moderate Minor													
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Percent <input type="text" value="0%"/>												
Matrix Notes:	Human health or the environment have been exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.														
	Adjustment:	\$5,000													
		\$5,000													
Violation Events															
	Number of Violation Events:	<input type="text" value="3"/>	Number of violation days: <input type="text" value="77"/>												
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	monthly	<input checked="" type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>		Violation Base Penalty: <input type="text" value="\$15,000"/>
daily	<input type="checkbox"/>														
monthly	<input checked="" type="checkbox"/>														
quarterly	<input type="checkbox"/>														
semiannual	<input type="checkbox"/>														
annual	<input type="checkbox"/>														
single event	<input type="checkbox"/>														
	Three monthly events are recommended from the May 30, 2008 investigation date to the August 15, 2008 compliance date.														
Good Faith Efforts to Comply		10.0% Reduction	\$1,500												
		<small>Before NOV NOV to EOPRP/Settlement Offer</small>													
	Extraordinary	<input type="checkbox"/> <input type="checkbox"/>													
	Ordinary	<input type="checkbox"/> <input checked="" type="checkbox"/>													
	N/A	<input type="checkbox"/> (mark with x)													
Notes:	The Respondent came into compliance on August 15, 2008.														
	Violation Subtotal:	\$13,500													
Economic Benefit (EB) for this violation:		Statutory Limit Test													
	Estimated EB Amount:	<input type="text" value="\$232"/>	Violation Final Penalty Total: <input type="text" value="\$42,750"/>												
		This violation Final Assessed Penalty (adjusted for limits): <input type="text" value="\$42,750"/>													

Economic Benefit Worksheet

Respondent E.I. du Pont de Nemours and Company
Case ID No. 38521
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$20,000	30-May-2008	15-Aug-2008	0.21	\$211	n/a	\$211
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	30-May-2008	15-Aug-2008	0.21	\$21	n/a	\$21

Notes for DELAYED costs: Estimated cost to develop and implement procedures to prevent the unauthorized disposal of hazardous waste and to properly remediate and dispose of the industrial hazardous waste. The Date Required is the investigation date and the Final Date is the date of compliance.

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 \$22,000 TOTAL \$232

Screening Date 29-Aug-2008		Docket No. 2008-1529-IHW-E		PCW
Respondent E.I. du Pont de Nemours and Company				<i>Policy Revision 2 (September 2002)</i>
Case ID No. 36521				<i>PCW Revision June 12, 2008</i>
Reg. Ent. Reference No. RN100216035				
Media [Statute] Industrial and Hazardous Waste				
Enf. Coordinator John Shelton				
Violation Number	2			
Rule Cite(s)	30 Tox. Admin. Code § 335.69(a)(4) and 40 Code of Federal Regulations § 265.31			
Violation Description	Failed to maintain and operate the Facility in a manner to prevent the release of hazardous waste. Specifically, hazardous waste was managed in an acid-recovery tank, with no preventive control measures and was listed on the Respondent's inspection records as being in poor to fair condition.			
Base Penalty				\$10,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	x	<input type="checkbox"/>	<input type="checkbox"/>
				Percent 50%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent 0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors.			
Adjustment				\$5,000
				\$5,000
Violation Events				
Number of Violation Events		3	Number of violation days 91	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	monthly	x		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
				Violation Base Penalty \$15,000
Three monthly events are recommended from the May 30, 2008 investigation date to the August 29, 2008 screening date.				
Good Faith Efforts to Comply		10.0%	Reduction	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>	x		
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent came into compliance on December 2, 2008.			
Violation Subtotal				\$13,500
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount \$51		Violation Final Penalty Total \$42,750		
This violation Final Assessed Penalty (adjusted for limits)				\$42,750

Economic Benefit Worksheet

Respondent E.I. du Pont de Nemours and Company
Case ID No. 36521
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
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)	\$2,000	30-May-2008	2-Dec-2008	0.51	\$51	n/a	\$51

Notes for DELAYED costs

Estimated cost to submit documentation that demonstrates appropriate measures have been taken to ensure proper maintenance and operation of the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.

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

\$2,000

TOTAL

77

\$51

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	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: December 21, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 21, 2004 to December 21, 2009

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

Name: John Shelton Phone: (512) 239-2563

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
Lucite International, Inc.
4. If Yes, who was/were the prior owner(s)/operator(s) ?
Lucite International, Inc.
5. When did the change(s) in owner or operator occur?
03/30/2007 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 Lilitations 4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1743, Special Condition 1 PERMIT

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

Effective Date: 11/09/2007

ADMINORDER 2007-0155-IHW-E

Classification: Moderate

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

Description: Failure to prevent an unauthorized discharge.

Effective Date: 03/08/2008

ADMINORDER 2007-1308-AIR-E

Classification: Moderate

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

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

Rqmt Prov: 1961, General Terms and Conditions OP

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/29/2008

ADMINORDER 2007-2044-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Part 63, Subpart G 63.120(d)(5)

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

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

FOP O-01960, Special Condition 19 OP

FOP O-01960, Special Condition 1A OP

FOP O-01960, Special Condition 1E OP

FOP O-01960, Special Condition 4 OP

NSR Permit 1743, Special Condition 10 PERMIT

NSR Permit 1743, Special Condition 2 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP

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

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

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

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

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

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

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.

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	12/22/2004	(341799)
2	01/04/2005	(344102)
3	02/25/2005	(347899)
4	03/04/2005	(348330)
5	04/25/2005	(377491)
6	05/24/2005	(380302)
7	06/13/2005	(267115)
8	07/14/2005	(397732)
9	08/30/2005	(398843)
10	08/30/2005	(398952)
11	08/30/2005	(398956)
12	08/31/2005	(349444)
13	11/15/2005	(435807)
14	11/22/2005	(436056)
15	11/22/2005	(436069)
16	11/22/2005	(438124)
17	11/23/2005	(435758)
18	02/23/2006	(454153)
19	02/27/2006	(453635)
20	04/18/2006	(439023)
21	05/12/2006	(465540)
22	05/16/2006	(461492)
23	05/16/2006	(465147)
24	06/08/2006	(461493)
25	06/08/2006	(465140)
26	06/09/2006	(464979)
27	06/23/2006	(481385)

28	06/23/2006	(483323)
29	07/20/2006	(481088)
30	07/20/2006	(484761)
31	08/23/2006	(486519)
32	08/23/2006	(486526)
33	08/23/2006	(486528)
34	08/30/2006	(487349)
35	08/31/2006	(438112)
36	08/31/2006	(449843)
37	08/31/2006	(463773)
38	08/31/2006	(497541)
39	08/31/2006	(509139)
40	10/30/2006	(511265)
41	11/08/2006	(518131)
42	11/10/2006	(518881)
43	11/15/2006	(515866)
44	11/17/2006	(513262)
45	12/19/2006	(531150)
46	12/20/2006	(514400)
47	12/29/2006	(344561)
48	01/30/2007	(538186)
49	02/12/2007	(539047)
50	04/12/2007	(543282)
51	04/12/2007	(543292)
52	04/12/2007	(543295)
53	04/25/2007	(555253)
54	04/25/2007	(557419)
55	06/13/2007	(559952)
56	06/18/2007	(563733)
57	06/20/2007	(560649)
58	07/13/2007	(563518)
59	08/29/2007	(567227)
60	09/10/2007	(466042)
61	09/17/2007	(572715)
62	10/19/2007	(573592)
63	11/05/2007	(594907)
64	11/07/2007	(518772)
65	12/14/2007	(597009)
66	12/17/2007	(599959)
67	12/19/2007	(611284)
68	03/31/2008	(638733)
69	04/04/2008	(618550)
70	04/29/2008	(640755)
71	05/27/2008	(671278)
72	05/30/2008	(671477)
73	06/18/2008	(656983)
74	07/09/2008	(684335)
75	08/01/2008	(681179)
76	08/04/2008	(687589)
77	08/12/2008	(685941)
78	09/10/2008	(699791)
79	10/06/2008	(688814)
80	10/22/2008	(700426)
81	11/13/2008	(706839)
82	11/17/2008	(706201)
83	11/19/2008	(700565)

84	12/04/2008	(708769)
85	12/04/2008	(709114)
86	12/04/2008	(709823)
87	12/09/2008	(707372)
88	12/31/2008	(722045)
89	01/15/2009	(710311)
90	03/10/2009	(736037)
91	03/11/2009	(735910)
92	03/23/2009	(726682)
93	04/06/2009	(738481)
94	05/29/2009	(744149)
95	06/02/2009	(726996)
96	06/04/2009	(743995)
97	06/04/2009	(744167)
98	06/11/2009	(744804)
99	06/11/2009	(744821)
100	06/24/2009	(759677)
101	07/02/2009	(745691)
102	07/07/2009	(746465)
103	07/14/2009	(760851)
104	07/29/2009	(749567)
105	07/29/2009	(761835)
106	07/30/2009	(760130)
107	07/30/2009	(762208)
108	08/03/2009	(761392)
109	08/11/2009	(765160)
110	08/31/2009	(767323)
111	09/14/2009	(765492)
112	09/21/2009	(763451)
113	10/05/2009	(765635)
114	10/14/2009	(777441)
115	10/30/2009	(776816)
116	10/30/2009	(778749)
117	11/02/2009	(776378)
118	11/02/2009	(778751)
119	11/05/2009	(765029)
120	11/13/2009	(779905)
121	12/04/2009	(782747)
122	12/04/2009	(783095)
123	12/04/2009	(783136)

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 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 callbratrons 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/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)

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)

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. 2008-1529-IHW-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. 361 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 chemicals plant at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
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 August 6, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighty-Five Thousand Five Hundred Dollars (\$85,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Four Thousand Two Hundred Dollars (\$34,200)

of the administrative penalty and Seventeen Thousand One Hundred Dollars (\$17,100) 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. Thirty-Four Thousand Two Hundred Dollars (\$34,200) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Submitted documentation on August 15, 2008 showing the discharge had been cleaned up and properly disposed of at an authorized facility; and
 - b. Submitted documentation on December 2, 2008 showing that the Mechanical Integrity Program had been upgraded and a Mechanical Integrity Team had been chartered to prevent any additional releases of hazardous waste.
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 Facility, the Respondent is alleged to have:

1. Failed to prevent the disposal of industrial hazardous waste at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b) and 40 CODE OF FEDERAL REGULATIONS § 270.1(c), as documented during an investigation conducted on May 30, 2008. Specifically, an April 8, 2008 tank failure resulted in a discharge of approximately 2,655 gallons of a mixture of 75% sulfuric acid, 25% nitrobenzene and trace amounts of benzene and aniline.
2. Failed to maintain and operate the tank in a manner to prevent the release of hazardous waste, in violation of 30 TEX. ADMIN. CODE §335.69(a)(4) and 40 CODE OF FEDERAL REGULATIONS §

265.31, as documented during an investigation conducted on May 30, 2008. Specifically, hazardous waste was managed in an acid recovery tank with no preventive control measures and was listed on the Respondent's inspection records as being in poor to fair condition.

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. 2008-1529-IHW-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, Thirty-Four Thousand Two Hundred Dollars (\$34,200) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/10/2010
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.



Signature

4-8-2010
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: 2008-1529-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company
Penalty Amount:	Sixty-Eight Thousand Four Hundred Dollars (\$68,400)
SEP Offset Amount:	Thirty-Four Thousand Two Hundred Dollars (\$34,200)
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 the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

E.I. du Pont de Nemours and Company
Agreed Order – Attachment A

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.

