

Executive Summary – Enforcement Matter – Case No. 43780
E. I. du Pont de Nemours and Company
RN100225085
Docket No. 2012-0598-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

E I Du Pont de Nemours La Porte Plant, 12501 Strang Road, La Porte, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2012-0050-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 10, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,040

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,520

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,520

Name of SEP: HRMC Houston Area Air Monitoring

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

**Executive Summary – Enforcement Matter – Case No. 43780
E. I. du Pont de Nemours and Company
RN100225085
Docket No. 2012-0598-AIR-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 9 through 11, 2012

Date(s) of NOE(s): January 25, 2012

Violation Information

Failed to maintain the liquid flow rate to the Hydrogen Fluoride (“HF”) Scrubber above 87 gallons per minute on April 11, 2011, May 15, 2011, and September 1, 2011 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); New Source Review Permit No. 20800, Special Conditions No. 18; Federal Operating Permit No. O-01846, Special Terms and Conditions No. 5; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On December 8, 2011, Respondent installed an interlock to open the process water strainer bypass valve whenever low water flow is detected to either the HF Unit or HF Scrubber.

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

Executive Summary – Enforcement Matter – Case No. 43780
E. I. du Pont de Nemours and Company
RN100225085
Docket No. 2012-0598-AIR-E

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Dean Thompson, Plant Manager, E. I. du Pont de Nemours and
Company, P.O. Box 347, La Porte, Texas 77572-0347

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0598-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	Eleven Thousand Forty Dollars (\$11,040)
SEP Offset Amount:	Five Thousand Five Hundred Twenty Dollars (\$5,520)
Type of SEP:	Pre-Approved
Third-Party Recipient:	Houston Regional Monitoring Corporation
Project Name:	HRMC Houston Area Air Monitoring
Location of SEP:	Harris County

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

1. Project Description

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the **HRMC Houston Area Air Monitoring**. The contribution will be used in accordance with the SEP between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants including approximately 160 volatile organic compounds (“VOCs”). Specifically, the Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives.

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 performed in accordance with all federal, state, and local environmental laws and regulations.

E. I. du Pont de Nemours and Company
Attachment A

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the National Ambient Air Quality Standards. Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, NOx, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur and to assess potential ambient community exposure to a limited number of HAPs. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

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

Houston Regional Monitoring Corporation SEP
c/o Christopher B. Amandes, Vinson & Elkins, LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to “Texas Commission on Environmental Quality” and shall mail it to:

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the “Clean Texas” (or any successor) program(s). Similarly, 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 Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	30-Jan-2012	Screening	13-Mar-2012	EPA Due	
	PCW	19-Apr-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	E. I. du Pont de Nemours and Company		
Reg. Ent. Ref. No.	RN100225085		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	43780	No. of Violations	1
Docket No.	2012-0598-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Enhancement for seven NOV's with same/similar violations, 66 NOV's with dissimilar violations, four agreed orders with denial of liability, and two agreed orders without a denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

Culpability Enhancement **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$46
Approx. Cost of Compliance	\$1,000

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 13-Mar-2012

Docket No. 2012-0598-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 43780

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225085

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4); New Source Review Permit No. 20800, Special Conditions No. 18; Federal Operating Permit No. O-01846, Special Terms and Conditions No. 5; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the liquid flow rate to the Hydrogen Fluoride ("HF") Scrubber above 87 gallons per minute ("gpm") on April 11, 2011 for six minutes, on May 15, 2011 for 12 minutes, and on September 1, 2011 for 43 minutes.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Human health or the environment could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 3

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$3,000

Three single events are recommended for April 11, 2011, May 15, 2011, and September 1, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$750

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with x), N/A.

Notes The Respondent completed corrective action on December 8, 2011, and the NOE was issued on January 25, 2012.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$11,040

This violation Final Assessed Penalty (adjusted for limits) \$11,040

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 43780
Req. Ent. Reference No. RN100225085
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,000	11-Apr-2011	8-Dec-2011	0.66	\$2	\$44	\$46
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The approximate cost of installing an interlock to open the process water strainer bypass valve whenever low water flow is detected to either the HF Unit or HF Scrubber. The date required is the first date of non-compliance 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 Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$46

Compliance History Report

Customer/Respondent/Owner-Operator:

CN600128284

E. I. du Pont de Nemours and Company

Classification: AVERAGE

Rating: 4.72

Regulated Entity:

RN100225085

E I DU PONT DE NEMOURS LA
PORTE PLANT

Classification: AVERAGE

Site Rating: 2.96

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008079212
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30046
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50213
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0218K
AIR OPERATING PERMITS	PERMIT	1845
AIR OPERATING PERMITS	PERMIT	1846
AIR OPERATING PERMITS	PERMIT	1905
AIR OPERATING PERMITS	PERMIT	1906
AIR OPERATING PERMITS	PERMIT	1907
AIR OPERATING PERMITS	PERMIT	1911
AIR OPERATING PERMITS	PERMIT	1990
AIR OPERATING PERMITS	PERMIT	1891
AIR NEW SOURCE PERMITS	AFS NUM	4820100011
AIR NEW SOURCE PERMITS	REGISTRATION	93752
AIR NEW SOURCE PERMITS	REGISTRATION	94357
AIR NEW SOURCE PERMITS	REGISTRATION	92250
AIR NEW SOURCE PERMITS	REGISTRATION	91667
AIR NEW SOURCE PERMITS	REGISTRATION	93294
AIR NEW SOURCE PERMITS	REGISTRATION	71932
AIR NEW SOURCE PERMITS	REGISTRATION	12705
AIR NEW SOURCE PERMITS	REGISTRATION	12725
AIR NEW SOURCE PERMITS	PERMIT	20800
AIR NEW SOURCE PERMITS	PERMIT	21130
AIR NEW SOURCE PERMITS	REGISTRATION	23740
AIR NEW SOURCE PERMITS	REGISTRATION	23688
AIR NEW SOURCE PERMITS	REGISTRATION	25009
AIR NEW SOURCE PERMITS	REGISTRATION	25657
AIR NEW SOURCE PERMITS	REGISTRATION	25400
AIR NEW SOURCE PERMITS	REGISTRATION	27385
AIR NEW SOURCE PERMITS	REGISTRATION	26222
AIR NEW SOURCE PERMITS	REGISTRATION	26496
AIR NEW SOURCE PERMITS	REGISTRATION	26340
AIR NEW SOURCE PERMITS	REGISTRATION	28383
AIR NEW SOURCE PERMITS	REGISTRATION	24984
AIR NEW SOURCE PERMITS	REGISTRATION	26592
AIR NEW SOURCE PERMITS	REGISTRATION	30182
AIR NEW SOURCE PERMITS	REGISTRATION	30428
AIR NEW SOURCE PERMITS	REGISTRATION	32351
AIR NEW SOURCE PERMITS	REGISTRATION	34030
AIR NEW SOURCE PERMITS	REGISTRATION	34178
AIR NEW SOURCE PERMITS	REGISTRATION	35510
AIR NEW SOURCE PERMITS	REGISTRATION	36110
AIR NEW SOURCE PERMITS	REGISTRATION	36341
AIR NEW SOURCE PERMITS	REGISTRATION	37427
AIR NEW SOURCE PERMITS	REGISTRATION	37277
AIR NEW SOURCE PERMITS	REGISTRATION	37750
AIR NEW SOURCE PERMITS	REGISTRATION	39520
AIR NEW SOURCE PERMITS	REGISTRATION	41316
AIR NEW SOURCE PERMITS	REGISTRATION	41436
AIR NEW SOURCE PERMITS	REGISTRATION	41786
AIR NEW SOURCE PERMITS	REGISTRATION	44102
AIR NEW SOURCE PERMITS	REGISTRATION	44807
AIR NEW SOURCE PERMITS	REGISTRATION	44835
AIR NEW SOURCE PERMITS	REGISTRATION	44934
AIR NEW SOURCE PERMITS	REGISTRATION	46250
AIR NEW SOURCE PERMITS	REGISTRATION	46795
AIR NEW SOURCE PERMITS	REGISTRATION	47006
AIR NEW SOURCE PERMITS	REGISTRATION	47657
AIR NEW SOURCE PERMITS	REGISTRATION	48201
AIR NEW SOURCE PERMITS	REGISTRATION	48336

AIR NEW SOURCE PERMITS	REGISTRATION	50145
AIR NEW SOURCE PERMITS	PERMIT	1834
AIR NEW SOURCE PERMITS	PERMIT	2295A
AIR NEW SOURCE PERMITS	PERMIT	2295B
AIR NEW SOURCE PERMITS	PERMIT	2446A
AIR NEW SOURCE PERMITS	PERMIT	2751
AIR NEW SOURCE PERMITS	PERMIT	3406
AIR NEW SOURCE PERMITS	PERMIT	4445
AIR NEW SOURCE PERMITS	PERMIT	6502
AIR NEW SOURCE PERMITS	PERMIT	7820
AIR NEW SOURCE PERMITS	PERMIT	7941
AIR NEW SOURCE PERMITS	PERMIT	7986
AIR NEW SOURCE PERMITS	REGISTRATION	51618
AIR NEW SOURCE PERMITS	REGISTRATION	51352
AIR NEW SOURCE PERMITS	REGISTRATION	52051
AIR NEW SOURCE PERMITS	REGISTRATION	93151
AIR NEW SOURCE PERMITS	REGISTRATION	84460
AIR NEW SOURCE PERMITS	REGISTRATION	55092
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0218K
AIR NEW SOURCE PERMITS	REGISTRATION	54748
AIR NEW SOURCE PERMITS	REGISTRATION	55472
AIR NEW SOURCE PERMITS	REGISTRATION	55169
AIR NEW SOURCE PERMITS	REGISTRATION	53691
AIR NEW SOURCE PERMITS	REGISTRATION	53898
AIR NEW SOURCE PERMITS	REGISTRATION	53933
AIR NEW SOURCE PERMITS	REGISTRATION	54142
AIR NEW SOURCE PERMITS	REGISTRATION	55100
AIR NEW SOURCE PERMITS	REGISTRATION	55125
AIR NEW SOURCE PERMITS	REGISTRATION	75780
AIR NEW SOURCE PERMITS	REGISTRATION	75781
AIR NEW SOURCE PERMITS	REGISTRATION	75939
AIR NEW SOURCE PERMITS	REGISTRATION	55942
AIR NEW SOURCE PERMITS	REGISTRATION	75522
AIR NEW SOURCE PERMITS	REGISTRATION	70090
AIR NEW SOURCE PERMITS	REGISTRATION	70680
AIR NEW SOURCE PERMITS	REGISTRATION	71485
AIR NEW SOURCE PERMITS	REGISTRATION	71515
AIR NEW SOURCE PERMITS	REGISTRATION	71521
AIR NEW SOURCE PERMITS	REGISTRATION	71555
AIR NEW SOURCE PERMITS	REGISTRATION	71589
AIR NEW SOURCE PERMITS	REGISTRATION	71637
AIR NEW SOURCE PERMITS	REGISTRATION	71079
AIR NEW SOURCE PERMITS	REGISTRATION	70683
AIR NEW SOURCE PERMITS	REGISTRATION	54434
AIR NEW SOURCE PERMITS	REGISTRATION	55709
AIR NEW SOURCE PERMITS	REGISTRATION	54656
AIR NEW SOURCE PERMITS	REGISTRATION	72501
AIR NEW SOURCE PERMITS	REGISTRATION	73137
AIR NEW SOURCE PERMITS	REGISTRATION	55614
AIR NEW SOURCE PERMITS	REGISTRATION	55864
AIR NEW SOURCE PERMITS	REGISTRATION	74445
AIR NEW SOURCE PERMITS	REGISTRATION	74547
AIR NEW SOURCE PERMITS	REGISTRATION	73850
AIR NEW SOURCE PERMITS	REGISTRATION	74781
AIR NEW SOURCE PERMITS	REGISTRATION	77245
AIR NEW SOURCE PERMITS	REGISTRATION	77924
AIR NEW SOURCE PERMITS	REGISTRATION	77101
AIR NEW SOURCE PERMITS	REGISTRATION	79091
AIR NEW SOURCE PERMITS	REGISTRATION	79153
AIR NEW SOURCE PERMITS	REGISTRATION	79624
AIR NEW SOURCE PERMITS	REGISTRATION	79912
AIR NEW SOURCE PERMITS	REGISTRATION	79682
AIR NEW SOURCE PERMITS	REGISTRATION	80234
AIR NEW SOURCE PERMITS	REGISTRATION	79824
AIR NEW SOURCE PERMITS	REGISTRATION	81545
AIR NEW SOURCE PERMITS	REGISTRATION	81161
AIR NEW SOURCE PERMITS	REGISTRATION	81466

AIR NEW SOURCE PERMITS	REGISTRATION	81328
AIR NEW SOURCE PERMITS	REGISTRATION	82048
AIR NEW SOURCE PERMITS	REGISTRATION	83253
AIR NEW SOURCE PERMITS	REGISTRATION	82394
AIR NEW SOURCE PERMITS	REGISTRATION	82353
AIR NEW SOURCE PERMITS	REGISTRATION	81488
AIR NEW SOURCE PERMITS	REGISTRATION	85923
AIR NEW SOURCE PERMITS	REGISTRATION	88555
AIR NEW SOURCE PERMITS	REGISTRATION	95217
AIR NEW SOURCE PERMITS	REGISTRATION	81487
AIR NEW SOURCE PERMITS	REGISTRATION	88256
AIR NEW SOURCE PERMITS	REGISTRATION	83743
AIR NEW SOURCE PERMITS	REGISTRATION	86302
AIR NEW SOURCE PERMITS	REGISTRATION	83045
AIR NEW SOURCE PERMITS	REGISTRATION	90542
AIR NEW SOURCE PERMITS	REGISTRATION	99259
AIR NEW SOURCE PERMITS	REGISTRATION	98906
WASTEWATER	PERMIT	WQ0000474000
WASTEWATER	EPA ID	TX0007293
UNDERGROUND INJECTION CONTROL	PERMIT	WDW082
UNDERGROUND INJECTION CONTROL	PERMIT	WDW083
UNDERGROUND INJECTION CONTROL	PERMIT	WDW149
UNDERGROUND INJECTION CONTROL	PERMIT	WDW360
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011171
PETROLEUM STORAGE TANK	REGISTRATION	35066
REGISTRATION		
WATER LICENSING	LICENSE	1011171
STORMWATER	PERMIT	TXR05P548
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30046
POLLUTION PREVENTION PLANNING	ID NUMBER	P00192
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0218K

Location: 12501 STRANG RD, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 13, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 13, 2007 to March 13, 2012

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

Name: James Nolan Phone: (512) 239-6634

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 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: 08/23/2007 ADMINORDER 2006-2093-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Air Permit # 1834, SC #1 PA
Description: Failed to prevent unauthorized emissions during an emissions event that started on June 15, 2006.

Effective Date: 04/03/2008

ADMINORDER 2007-1435-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

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

Effective Date: 03/12/2009

ADMINORDER 2007-1531-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #4445, SC#1 PA

Description: Failed to prevent unauthorized emissions during a February 19, 2006 emissions event. Since the emissions event was avoidable, excessive, and not properly reported, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

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 VV 60.482-10(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
40 CFR Part 60, Subpart A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP No. O-01911, Spec. Cond. 15 OP
FOP No. O-01911, SPec. Cond. 1A OP
NSR Permit No. 4445, Spec. Cond. 5A PERMIT

Description: Failed to maintain the net heating value of the gas being combusted by Flare VS-202C at 300 Btu/scf or greater.

Classification: Moderate

Citation: 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 No. O-01911, Spec. Cond. 15 OP
FOP No. O-01911, Spec. Cond. 1A OP
NSR Permit No. 4445, Spec. Cond. 6 PERMIT

Description: Failed to maintain the liquid flow rate to Tank Farm Super Scrubber VS-206 above 17 gpm.

Effective Date: 09/26/2010

ADMINORDER 2010-0313-AIR-E

Classification: Minor

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 130915. Specifically, 355 pounds ("lbs") of carbon dioxide and 3,700 lbs of methylene chloride, a hazardous air pollutant, were released from a relief valve (Emissions Point No. LN-21F) in the Lannate/API Unit during an emissions event that began on October 14, 2009 and lasted 7 hours and 6 minutes. The unauthorized release was the result of a failed pressure transmitter which caused the vent system to overpressurize,

Classification: Moderate

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

Description: Failed to timely report Incident No. 130915 within 24 hours after discovery. Specifically, the event was discovered on October 14, 2009, at 11:00 p.m. However, the initial notification was not submitted until October 19, 2009, at 4:31 p.m.

Effective Date: 12/19/2011

ADMINORDER 2011-0757-AIR-E

Classification: Moderate

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

Rqmt Prov: General Terms & Conditions OP

Description: Failure to submit the semi-annual deviation report dated November 17, 2010 within 30 days after the end of the reporting period. (CATEGORY B3 violation)

See addendum for information regarding federal actions.

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	08/27/2007	(462372)
2	04/16/2007	(542380)
3	04/25/2007	(543346)
4	04/25/2007	(543355)
5	04/25/2007	(543358)
6	06/20/2007	(543376)
7	07/20/2007	(543549)
8	08/28/2007	(543551)
9	05/22/2007	(543552)
10	05/31/2007	(543650)
11	07/31/2007	(558826)
12	05/25/2007	(558836)
13	07/10/2007	(559490)
14	05/23/2007	(560156)
15	07/24/2007	(564176)
16	11/26/2007	(567556)
17	08/22/2007	(570072)
18	03/22/2007	(575706)
19	04/24/2007	(575707)
20	05/23/2007	(575708)
21	06/25/2007	(575709)
22	07/23/2007	(575710)
23	11/01/2007	(594547)
24	11/01/2007	(594924)
25	11/01/2007	(594928)
26	04/04/2008	(595001)
27	04/17/2008	(595527)
28	12/21/2007	(598285)
29	12/13/2007	(598540)
30	12/13/2007	(598541)
31	12/13/2007	(598542)
32	11/15/2007	(600902)
33	08/16/2007	(607602)
34	09/21/2007	(607603)
35	04/03/2008	(609061)
36	12/21/2007	(609133)
37	12/17/2007	(610484)
38	12/17/2007	(610493)
39	12/17/2007	(610498)
40	12/10/2007	(611046)
41	12/13/2007	(611431)
42	12/10/2007	(611498)
43	01/01/2008	(611537)
44	02/08/2008	(612719)

45	02/11/2008	(612835)
46	01/16/2008	(613924)
47	02/11/2008	(616046)
48	02/11/2008	(616048)
49	02/11/2008	(616050)
50	02/11/2008	(616150)
51	01/29/2008	(616209)
52	02/05/2008	(616683)
53	04/04/2008	(617413)
54	10/22/2007	(619662)
55	11/26/2007	(619663)
56	12/27/2007	(619664)
57	10/22/2007	(619665)
58	12/20/2007	(635945)
59	05/29/2008	(636610)
60	08/27/2008	(636696)
61	07/28/2008	(636697)
62	04/28/2008	(636915)
63	04/28/2008	(636916)
64	04/29/2008	(641149)
65	04/29/2008	(641150)
66	04/29/2008	(641153)
67	04/23/2008	(646170)
68	02/22/2008	(672183)
69	03/19/2008	(672184)
70	06/17/2008	(680377)
71	06/06/2008	(680392)
72	08/14/2008	(687863)
73	08/04/2008	(687973)
74	09/01/2008	(688029)
75	08/12/2008	(688159)
76	08/12/2008	(688161)
77	08/12/2008	(688162)
78	10/09/2008	(688316)
79	08/29/2008	(689245)
80	04/21/2008	(690096)
81	05/21/2008	(690097)
82	06/23/2008	(690098)
83	11/21/2008	(700294)
84	08/26/2008	(701031)
85	08/26/2008	(701041)
86	08/26/2008	(701043)
87	05/13/2009	(702546)
88	10/06/2008	(702718)
89	11/25/2008	(708172)
90	11/25/2008	(708175)
91	11/25/2008	(708177)
92	01/21/2009	(709039)

93	07/21/2008	(710883)
94	08/22/2008	(710884)
95	09/30/2008	(710885)
96	02/19/2009	(725340)
97	10/22/2008	(727589)
98	12/01/2008	(727590)
99	12/22/2008	(727591)
100	05/07/2009	(737100)
101	06/11/2009	(737249)
102	06/01/2009	(737251)
103	08/28/2009	(737259)
104	05/13/2009	(737282)
105	07/13/2009	(738157)
106	07/30/2009	(741154)
107	05/18/2009	(743192)
108	05/18/2009	(743195)
109	05/18/2009	(743201)
110	07/15/2009	(744826)
111	09/03/2009	(747011)
112	08/27/2009	(747523)
113	06/17/2009	(749357)
114	02/23/2009	(750398)
115	01/23/2009	(750399)
116	08/11/2009	(763020)
117	08/11/2009	(763039)
118	08/24/2009	(766638)
119	09/22/2009	(767226)
120	04/20/2009	(768458)
121	11/09/2009	(777109)
122	11/09/2009	(777116)
123	11/10/2009	(778076)
124	11/09/2009	(778383)
125	12/03/2009	(783577)
126	01/07/2010	(786284)
127	02/10/2010	(786789)
128	01/07/2010	(787198)
129	02/05/2010	(787487)
130	02/12/2010	(787495)
131	02/12/2010	(787514)
132	02/05/2010	(789149)
133	08/18/2010	(790338)
134	06/30/2010	(790348)
135	02/05/2010	(790565)
136	03/22/2010	(793494)
137	03/16/2010	(793584)
138	04/01/2010	(793813)
139	03/15/2010	(793882)
140	08/18/2010	(794042)

141	07/22/2010	(794179)
142	08/27/2010	(794180)
143	08/18/2010	(794203)
144	03/17/2010	(794414)
145	05/07/2010	(794423)
146	04/01/2010	(794468)
147	04/01/2010	(794472)
148	03/12/2010	(794629)
149	04/01/2010	(796791)
150	04/07/2010	(797870)
151	04/22/2010	(798404)
152	05/27/2010	(798885)
153	05/27/2010	(798893)
154	05/27/2010	(798894)
155	05/25/2010	(803599)
156	05/25/2010	(803602)
157	05/25/2010	(803616)
158	02/26/2010	(805004)
159	11/18/2009	(805005)
160	12/21/2009	(805006)
161	01/22/2010	(805007)
162	07/23/2010	(825858)
163	06/30/2010	(828551)
164	07/14/2010	(828955)
165	03/19/2010	(831002)
166	04/22/2010	(831003)
167	05/24/2010	(831004)
168	09/02/2010	(843397)
169	09/02/2010	(843453)
170	09/02/2010	(844221)
171	09/02/2010	(844991)
172	06/17/2010	(846308)
173	07/21/2010	(860898)
174	10/26/2010	(865837)
175	10/26/2010	(865848)
176	10/26/2010	(865879)
177	08/17/2010	(866873)
178	12/14/2010	(873618)
179	12/14/2010	(873625)
180	12/14/2010	(873716)
181	12/16/2010	(873720)
182	12/16/2010	(873729)
183	12/16/2010	(873733)
184	09/22/2010	(873944)
185	04/26/2011	(878117)
186	10/21/2010	(881541)
187	12/21/2010	(882751)
188	07/18/2011	(893104)

189	01/05/2011	(896286)
190	11/30/2010	(896287)
191	06/16/2011	(899776)
192	04/26/2011	(899777)
193	05/24/2011	(899778)
194	04/29/2011	(899780)
195	03/30/2011	(899782)
196	04/15/2011	(899799)
197	05/20/2011	(901539)
198	04/12/2011	(907101)
199	04/12/2011	(907109)
200	04/12/2011	(907123)
201	05/19/2011	(907779)
202	02/22/2011	(909128)
203	01/24/2011	(909129)
204	04/15/2011	(912851)
205	06/02/2011	(915834)
206	03/21/2011	(916380)
207	07/20/2011	(922870)
208	03/18/2009	(924882)
209	04/25/2011	(924883)
210	05/20/2009	(924884)
211	06/22/2009	(924885)
212	07/22/2009	(924886)
213	08/20/2009	(924887)
214	10/15/2009	(924888)
215	10/15/2009	(924889)
216	06/20/2011	(934127)
217	07/27/2011	(936796)
218	05/20/2011	(938066)
219	06/22/2011	(945438)
220	08/19/2011	(948943)
221	08/19/2011	(948967)
222	08/31/2011	(950337)
223	07/22/2011	(952663)
224	10/13/2011	(957690)
225	10/13/2011	(957717)
226	10/13/2011	(957718)
227	08/19/2011	(959349)
228	09/22/2011	(965381)
229	12/21/2011	(969260)
230	10/17/2011	(971420)
231	12/19/2011	(974247)
232	01/17/2012	(976436)
233	01/20/2012	(977058)
234	01/24/2012	(977347)
235	11/21/2011	(977577)
236	12/19/2011	(984347)

237 03/01/2012 (988309)

238 01/24/2012 (990643)

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

Date: 03/31/2007 (575707) CN600128284
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 05/25/2007 (558836) CN600128284
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(1)(i)
Description: Failure to record the water flow rate on February 27, 2006 from 12:30 pm through 1:30 pm for the HF-01 Scrubber.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01846 STC 4 OP
Description: Failure to operate HF-01 scrubber at a minimum water flow rate of 87 gpm during February 25, 2006, February 27, 2006, and August 4, 2006.
Date: 06/22/2007 (543376) CN600128284
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
No. O-01845, Special Condition 4 OP
Description: failure to operate the Sulfuric Acid Plant within the Oleum filling rate of 30 gpm represented in the application submitted for NSR Permit No. 21130.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.263
30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
No. O-01845, Special Condition 6 OP
Description: failure to register a rental air compressor operated under Permit by Rule 106.263 within 180 days of the start-up of the compressor.
Date: 06/30/2007 (575710) CN600128284
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 07/20/2007 (543549) CN600128284
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 63, SubChapter C, PT 63, SubPT H 63.171(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP No. 01905, Spec. Cond. 11 OP
NSR Permit No. 2446A, Spec. Cond. 8H PERMIT
Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown.
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 63, SubChapter C, PT 63, SubPT H 63.171(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP No. 01905, Spec. Cond. 11 OP
NSR Permit No. 2446A, Spec. Cond. 8H PERMIT
Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown. The unit was restarted without completing the repairs.
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 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP No. 01905 Spec. Cond. 1A OP
 Description: Failure to make a first attempt at repairing fugitive components within five (5) days after discovery.
 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 63, SubChapter C, PT 63, SubPT H 63.169(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP No. 01905, Spec. Cond 11 OP
 NSR Permit No. 2446A, Spec. Cond 8H PERMIT
 Description: Failure to complete final repairs on two (2) fugitive components within fifteen (15) days of initial discovery.
 Date: 07/31/2007 (567547) CN600128284
 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-01906 STC 9 OP
 NSR Permit No. 1834 SC 10C PERMIT
 Description: Failure to change the carbon canister within four hours when the breakthrough had occurred at the first canister on August 31, 2006.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to conduct first attempt repair for fugitive leaking component within five days after the leak was discovered.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.116(c)(1)(B)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to maintain a minimum temperature of -66 degrees F for the cryogenic compressor (LN05CRY) as represented in the New Source Review (NSR) Permit No. 1834 application during the operation on October 28, 2006 through October 31, 2006 and on December 13, 2006.
 Date: 07/31/2007 (607602) CN600128284
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/28/2007 (568558) CN600128284
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.767(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP No. O-01911, Spec. Cond. 15 OP
 Description: Failure to maintain a minimum of five (5) psig differential pressures between the process side and cooling tower water side on North Cooling Tower.
 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 63, SubChapter C, PT 63, SubPT H 63.171(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01911, Spec. Cond. 1A OP
 FOP Permit No. O-01911, Spec. Cond 15 OP
 NSR Permit No. 4445, Spec. Cond. 7H & 7I PERMIT
 Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)
FOP No. O-01911, Spec. Cond. 15 OP
FOP No. O-01911, Spec. Cond. 1A OP
Description: Failure to monthly monitor fugitive components (pumps) that were not included in LDAR program.

Self Report? NO Classification: Minor
Citation: 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)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP No. O-01911, Spec. Cond. 15 OP
FOP No. O-01911, Spec. Cond. 1A OP
NSR Permit No. 4445, Spec. Cond. 7G PERMIT

Description: Failure to quarterly monitor fugitive components (pumps) that were not included in LDAR program.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP No. O-01911, Spec. Cond. 1A OP
FOP Permit No. O-01911, Spec. Cond. 15 OP

Description: Failure to make a first attempt at repairing fugitive components within five (5) days after discovery.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP Permit No. O-01911, Spec. Cond. 15 OP

Description: Failure to complete quarterly calibration tests on South Cooling Tower.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP Permit No. O-01911, Spec. Cond. 15 OP

Description: Failure to complete quarterly calibration tests on the vinyls flare (VS-202).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.766(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP Permit No. O-01911, Spec. Cond. 15 OP

Description: Failure to record ethylene emissions from South Cooling Tower.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.766(a)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP Permit No. O-01911, Spec. Cond. 15 OP

Description: Failure to record recirculation flow from South Cooling Tower.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP No. O-01911, Spec. Cond. 15 OP

Description: Failure to include a recordable emission event in a deviation report.
Date: 10/31/2007 (619663) CN600128284

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2007 (619664) CN600128284

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date: 12/12/2007 (598542) CN600128284

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Permit #1834, Special Condition #1 PERMIT
 Description: Failure to prevent higher than normal loading of the incinerator resulting in excess opacity.
 Date: 12/12/2007 (598541) CN600128284

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Permit #1834, Special Condition #1 PERMIT
 Description: Failure to prevent higher load than normal on the incinerator which resulted in excess opacity.
 Date: 12/13/2007 (598540) CN600128284

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Permit #1834, Special Condition #1 PERMIT
 Description: Failure to prevent higher load than normal on the incinerator which resulted in excess opacity.
 Date: 12/20/2007 (635945) CN600128284

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 12/21/2007 (598285)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.261
 30 TAC Chapter 106, SubChapter K 106.262
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent leak from the North Tank Conservation Vent which resulted in the unauthorized release of contaminants.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: Failure to submit initial notification in a timely manner.
 Date: 12/31/2007 (619665) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2008 (672183) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2008 (672184) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2008 (690096) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/02/2008 (609061) CN600128284

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Permit #1834, Special Condition #1 PERMIT
 Description: Failure to prevent unauthorized emissions from the Dowtherm Recovery Tank.
 Date: 04/18/2008 (595527) CN600128284

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01846, Special Condition 3 OP
Description: Failure to prevent the water flow to the scrubber falling below the minimum flow of 87 gallons per minute (gpm) as represented in the NSR Permit 20800 permit application.

Self Report? NO **Classification:** Minor
Citation: 20800, Special Condition 6 PERMIT
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01846, Special Condition 3 OP
Description: Failure to record the cause of the visible emissions and the corrective action.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-01846, General Terms and Conditions OP
Description: Failure to include the incidences for not recording the cause of the visible emissions and the corrective action on the Title V deviation reports, during the certification period.

Date: 04/28/2008 (636916) CN600128284
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 O-01906, GENERAL TERMS AND CONDITIONS OP
Description: DuPont failure to submit permit compliance certification no latter than 30 days after the end of the reporting period

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)
 5C THSC Chapter 382 382.085(b)
 O-01906, GENERAL TERMS AND CONDITIONS OP
Description: DuPont failure to submit the deviation reports no later than 30 days after the end of the reporting period.

Date: 04/28/2008 (636915) CN600128284
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)
 5C THSC Chapter 382 382.085(b)
 O-01905, General Terms and Conditions OP
Description: Failure to submit a deviation report no latter than 30 days after the end of the reporting period.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 O-01905, General Terms and Conditions OP
Description: Failure to submit permit compliance certification no latter than 30 days after the end of the reporting period.

Date: 05/30/2008 (636610) CN600128284
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)
 5C THSC Chapter 382 382.085(b)
 FOP O-01907 STC #6 OP
Description: Failure to repair leaking component within 15 calendar days.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii)
 5C THSC Chapter 382 382.085(b)
 FOP O-01907 STC #6 OP
Description: Failure to continuously record outlet temperature of direct flame incinerator.

Date: 05/31/2008 (690098) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2008 (710883) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2008 (710884) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2008 (727590) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2009 (750398) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2009 (924882) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/08/2009 (737100) CN600128284
 Self Report? NO Classification: Minor
 Citation: 20800, SC 18 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01846, SC 5 OP
 Description: Failure to maintain water flow rate to HF Scrubber at 87 gallons per minute or above,
 and failure to record data for HF Scrubber water flow rate (Category C1 and C4
 violation).
 Date: 05/14/2009 (702546)
 Self Report? NO Classification: Moderate
 Citation: SC 3 (B) PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085
 Description: DuPont La Porte plant failed to operate their sulfuric acid (SA) manufacturing plant in a
 manner that the permit lb sulfuric acid emitted per ton of acid produced limit was less
 than 0.142 lb SA per ton acid produced.
 Date: 05/29/2009 (737251) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(e)(6)(i)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failed to submit the periodic report under 40 CFR 63 Subpart PPP on time
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failed to submit the Off-Notify Form required in 122.222(k)(2) on time
 Date: 06/12/2009 (737249) CN600128284
 Self Report? NO Classification: Minor
 Citation: 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 A 63.11(b)(7)
 40 CFR Part 60, Subpart A 60.18(c)(4)(i)
 General Terms and Conditions OP
 Special Condition 4A PERMIT
 Special Terms and Conditions No. 11 OP
Description: Failed to operate flare at an exit velocity less than 60 ft/sec
Self Report? NO **Classification:** Minor
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 A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 4B PERMIT
 Special Terms and Conditions No. 11 OP
Description: Failed to maintain pilot flame at all times
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special and Conditions No. 11 OP
 Special Condition No. 3 PERMIT
Description: Failed to maintain the production rate of sodium methylate and hexazinone
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
Description: Failed to report two deviations within 30 days after the end of the certification period from December 12, 2007 to June 11, 2008
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
Description: Failed to submit the Off-Notify Form required on time after replacing the VO-01P-1 Extractor
Date: 06/16/2009 (749357) CN600128284
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 ELMR, No. 1 PERMIT
Description: Failure to maintain compliance with the permitted effluent limits.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to correctly calculate the Discharge Monitoring Reports (DMRs).
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit the noncompliance notification for an effluent violation which deviated from the permitted limit by more than 40%.
Date: 07/15/2009 (744826) CN600128284
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(8)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions 1D OP
Description: Failure to maintain established monitoring parameters as set by the facility. (CATEGORY B18 violation)
Date: 07/31/2009 (924887) CN600128284
Self Report? YES **Classification:** Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 08/27/2009 (747523) CN600128284
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(iv)
 30 TAC Chapter 115, SubChapter C 115.216(1)(B)
 30 TAC Chapter 115, SubChapter H 115.722(d)
 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)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP #O-01911, ST & C#11 OP
 NSR Permit No. 4445, SC#5A PA
 Description: Failure to maintain the A Plant Flare (EPN: VS-202) net heating value at 300 Btu/scf on November 22, 2007; December 3, 2007 through December 4, 2007; and March 9, 2008. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(6)
 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-01911, ST & C#11 OP
 NSR Permit No. 4445, SC#5G PA
 Description: Failure to record hourly tip velocity monitoring data due to a transmitter malfunction. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP #O-01911, ST & C#11 OP
 NSR Permit #4445, SC#6 PA
 Description: Failure to record Tank Farm Super Scrubber (EPN: VS-204), Million Gallon Acetic Acid Scrubber (EPN: VS-207), "A" Acetic Acid Tank Scrubber (EPN: VS-208), "B" Acetic Acid Tank Scrubber (EPN: VS-209), Tar Receiver Scrubber (EPN: VS-212), and Dry Product Scrubber (EPN: VS-376) water flow data. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP #O-01911, ST & C#11 OP
 NSR Permit No. 4445, SC #6 PA
 Description: Failure to maintain the Dry Product Scrubber (EPN: VS-376) water flow at 15 gallons per minute (gpm) on April 23, 2008. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(4)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP #O-01911, ST & C #1A OP
 Description: failed to maintain a daily marine loading operation record for July 6, 2008. (Category C4 Violation)

Date: 08/28/2009 (737259) CN600128284

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)
 Special Condition No. 4 PERMIT
 Special Terms and Conditions No. 6 OP
 Description: failure to prevent exceeding the H2S permitted concentration limit of 30 ppmv. (Category B14 violation)

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)
 Special Condition No.4 PERMIT
 Special Terms and Conditions No. 6 OP
 Description: failure to prevent exceeding the H2S permitted concentration limit of 1500 ppmv for the Sulfur Unloading Pit SA-04. (Category B14 violation)

Date: 11/30/2009 (805006) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2009 (805007) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2010 (805004) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/01/2010 (793813) CN600128284

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
 Description: During the investigation, it was noted that the TC Overheads tank, NOR unit 089, did not posses a hazardous waste label.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
 Description: During the investigation, it was noted that the facility operating record was missing a daily tank inspection for April 7, 2007.
 Date: 04/30/2010 (831004) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2010 (846308) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2010 (860898) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/01/2010 (790348) CN600128284

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 FOP O-01907 General Terms and Conditions OP
 Description: Failure to submit Deviation Report dated June 12, 2009 within the required time frame. (CATEGORY B3 Violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.142(3)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Description: Failure to maintain Total Suspended Solid levels above permitted limits. (CATEGORY C4 Violation)
 Date: 07/27/2010 (794179) CN600128284

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition (4)(E)(3) PERMIT
 Special Condition 6 OP
 Description: Failure to install natural gas and vent flow monitors by the installation deadline of December 1, 2009, on the VP-01BC flare (Category B16 Violation).
 Date: 08/15/2010 (794180) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1D OP
 Description: Failure to maintain caustic concentration by minimum established concentration of 3% on scrubber units LN-06C and LN-07C on 3 different occasions from December 21, 2008 to September 6, 2009 (Category C4 Violation).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(e)(7)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Description: Failure to make first attempt to repair leaking valve numbers 0058, 0157, and LAN1346 in Unit LN-21F (Category B14 Violation).
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to include 4 deviations in previous semiannual deviation report from July 11, 2009 to January 8, 2010 (Category B3 Violation).
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Description: Failure to record temperature and flow data from December 5, 2009 to December 7, 2009 (Category B3 Violation).
 Date: 08/19/2010 (790338) CN600128284
 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 A 60.18(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP #O-01911, ST&C 11 OP
 FOP #O-01911, ST&C 1A. OP
 NSR #4445, SC 5A. PA
 Description: Failure to maintain a minimum net heating value of 300 Btu/scf for the Plant "A" (Vinyls) flare (EPN VS-202C).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter F 116.617
 30 TAC Chapter 122, SubChapter B 122.143(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(e)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.985(a)
 5C THSC Chapter 382 382.085(b)
 FOP #O-01911, ST&C 11 OP
 FOP #O-01911, ST&C 13 OP
 FOP #O-01911, ST&C 1D. OP
 NSR #4445, SC 6. PA
 Description: Failure to maintain adequate water flow rate to process and wastewater scrubbers.
 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-01911, ST&C 11 OP
 NSR #4445, SC 5G. PA
 Description: Failure to maintain required hourly average records for the "A" Plant (Vinyls) flare (EPN VS-202C).
 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 Part 60, Subpart A 60.18(c)(4)(i)
 40 CFR Part 63, Subpart A 63.11(b)(7)(i)

5C THSC Chapter 382 382.085(b)
FOP O-01911 ST&C 11 OP
FOP O-01911, ST&C 1A OP
NSR 4445 SC 5A PERMIT

Description: Failure to maintain flare tip exit velocities below 60 feet per second.
Date: 08/19/2010 (794042) CN600128284

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-01845 Special Term and Condition 5 OP
NSR Permit 21130 Special Condition 4 PERMIT

Description: Failure to maintain the 1500 ppmv hydrogen sulfide limit on the sulfur unloading pit (SA-04). Category B19 (g) (1)

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)
FOP O-01845 General Terms and Conditions OP

Description: Failure to report all deviations in the second semi-annual deviation report. Category C3

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01845 Special Term and Condition 6 OP

Description: Failure to maintain the representation stated in the registration for Permit by Rule 106.512. Category B19(g)(1)

Date: 09/30/2010 (881541) CN600128284

Self Report? YES Classification: Moderate

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

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

Date: 11/30/2010 (896287) CN600128284

Self Report? YES Classification: Moderate

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

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

Date: 12/14/2010 (873716) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(18)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1050(d)

Description: Failure to tag a piece of equipment subject to 40 CFR 264 Subpart BB

Date: 12/14/2010 (873618) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.52(d)

Description: Failure to include Emergency Coordinator information in the Contingency Plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174

Description: Failure to conduct weekly hazardous waste container area inspection for the week of September 28, 2010.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(9)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195(b)

Description: Failure to conduct daily hazardous waste tank inspections.

Date: 12/16/2010 (873729) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(h)
PP V.D PERMIT

Description: Failure to maintain the specific gravity above the permit limit

Date: 12/31/2010 (909129) CN600128284

Self Report? YES Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2011 (909128) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2011 (916380) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2011 (924883) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 04/27/2011 (899777) CN600128284
 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)
 SC No.,18 PERMIT
 Special Terms & Condition # 10 OP
 Special Terms & Conditions #5 OP

Description: Failure to meet the liquid flow rate of 87 gpm for the HFS.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)
 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions #6 OP

Description: Failed to have the instructions posted on the outside of the degreaser. (Category C3)
 Date: 04/29/2011 (899780) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP

Description: Failure to submit the PCC report dated November 17, 2010 within 30 days after the end of the compliance period. (CATEGORY B3 violation)
 Date: 05/19/2011 (907779) CN600128284
 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)
 General Terms and Conditions OP

Description: Failure to include all deviations in the deviation reports. (Category B3)
 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)
 SC#6 PERMIT
 STC#10 OP

Description: Failure to maintain the water flow for the scrubbers: VS-206, VS-212 and VS-376. (Category B3)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC#5A PERMIT
 STC#10 OP

Description: Failure to maintain the net heating value for the flares: VS-202C, on 05/01/10; and

VS-203C, on 06/23/10. (Category B3)

Self Report? NO Classification: Minor

Citation: 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 SS 63.998(b)
5C THSC Chapter 382 382.085(b)
SC# 2A PERMIT
STC# 1A OP
STC#10 OP

Description: Failure to record the flow data for the scrubbers (VS-204, VS-206, VS-212, VS-376, VS-382) from 01/01/10 through 07/20/10. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)
5C THSC Chapter 382 382.085(b)
STC#1A OP

Description: Failure to submit the HON Subpart A, F, G and H periodic reports within 60 days of the end of the 180 day reporting period for the semi-annual reporting period. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC#5(D) PERMIT
STC#10 OP

Description: Failure to record the flare's, VS-202C, data on 12/06/09 and 04/22/10. (Category C3)

Self Report? NO Classification: Minor

Citation: 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 G 63.146(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.985(c)(2)
5C THSC Chapter 382 382.085(b)
SC#2 PERMIT
STC# 10 OP
STC#1A OP

Description: Failure to maintain the water flow for the scrubbers: VS-204, VS-206, VS-212 and VS-382. (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC#9 OP

Description: Failure to monitor the specific gravity for the scrubber, VS-206, on 01/15/10, 02/19/10 and 03/19/10; and the scrubber, VS-0212. (Category B1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(g)(1)(ii)
5C THSC Chapter 382 382.085(b)
STC# 1A OP

Description: Failure to report a maintenance activity on the HON Periodic Report. The scrubber, VS-206, was taken out of service on 08/19/10, for maintenance to the flowmeter calibration. (Category B3)

Date: 05/24/2011 (899778) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(e)(7)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 11(H) PERMIT
Special Term and Condition 6 & 4 OP

Description: Failure to conduct first attempt repair within 5 days after leak detection. (Category B1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(ii)
30 TAC Chapter 115, SubChapter C 115.216(3)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)
 Special Condition 10(B) PERMIT
 Special Term and Condition 1A and 6 OP
Description: Failure to maintain throughput records. (Category B3 Violation)
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)
 Special Condition 4(E)(2) PERMIT
 Special Term and Condition 6 OP
Description: Failure to record vent gas flow to the NaOMe flare (EPN VP-01B). (Category C1 Violation)
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)
 Special Condition 4(E)(1) PERMIT
 Special Term and Condition 6 OP
Description: Failure to maintain the ratio of natural gas to purge gas to the NaOMe flare (EPN VP-01B). (Category C1 Violation)
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)
 Special Condition 5(C) PERMIT
 Special Term and Condition 6 OP
Description: Failure to record the differential pressure across the dust collector (EPN VP-10). (Category C1 Violation)
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)
 Special Condition 5(C) PERMIT
 Special Term and Condition 6 OP
Description: Failure to maintain the differential pressure above 0"H2O across the dust collector (EPN VP-10). (Category C1 Violation)
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)
 Special Condition 11(F) PERMIT
 Special Term and Condition 6 OP
Description: Failure to conduct weekly inspections of pressure sensing devices. (Category B3 Violation)
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)
 General Terms and Conditions OP
Description: Failure to report all instances of a deviation. (Category C3 Violation)
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)
 Special Condition 4(E)(1) PERMIT
 Special Term and Condition 6 OP
Description: Failure to maintain the vent gas flow meter for the NaOMe flare (EPN VP-01B). (Category B1 Violation)
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)
 Special Condition 4(E)(1) PERMIT
 Special Term and Condition 6 OP
Description: Failure to maintain 200 BTU/scf for the NaOMe flare (EPN VP-01B). (Category C1 Violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4 (D)(1) PERMIT
 Special Term and Condition 6 OP
 Description: Failure to maintain 200 BTU/scf for the for the Velpar flare (VP-01A). (Category B3 Violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4(E)(2) PERMIT
 Special Term and Condition 6 OP
 Description: Failure to record vent gas flow, ratio of nitrogen gas to vent gas, and net heating value for the Velpar flare (VP-01A). (Category B3 Violation)

Date: 05/31/2011 (945438) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/16/2011 (899776) CN600128284

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4 PERMIT
 Special Terms & Conditions 6 OP
 Description: Failure to maintain a concentration of less than 1,500 parts per million by volume (ppmv) hydrogen sulfide (H2S) in the sulfur transfer pit (EPN SA-05) during the dates of August 22, 2010 through August 28, 2010. [Category C]

Date: 08/31/2011 (965381) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2011 (971420) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2011 (977577) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2011 (984347) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2011 (990643) CN600128284

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/20/2012 (977058) CN600128284

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Description: Failure to report all deviations in the deviation report dated May 26, 2011. (Category B3 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9F PERMIT
Special Term & Condition 7 OP
Description: Failure to limit analyzer downtime to five percent (%) for the sulfur dioxide (SO2) analyzer for the Sulfuric Acid Absorber Stack (EPN: SA-01). (Category C1 Violation)

Date: 01/24/2012 (977347) CN600128284
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP
Description: Failure to conduct required stack testing on Process Heater HF-01H. (Category B1 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Description: Failure to report all instances of deviations in semi-annual deviation report. (Category C3 Violation)

F. Environmental audits.

Notice of Intent Date: 08/21/2007 (594321)
No DOV Associated

Notice of Intent Date: 10/04/2010 (877022)
Disclosure Date: 01/07/2011

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT Special Conditions 11.J and 12.K

Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT Special Condition 11.E

Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT Special Condition 11.E

Description: One open-ended valve was found in the Lannate/API Unit.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)

Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363

Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.

Disclosure Date: 04/14/2011

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT Special Conditions 11.J and 12.K

Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: One open-ended valve was found in the Lannate/API Unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)

Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363

Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
E. I. DU PONT DE NEMOURS AND	§	
COMPANY	§	
RN100225085	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-0598-AIR-E

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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant at 12501 Strang Road in La Porte, Harris County, Texas (the “Plant”).

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review on January 9 through 11, 2012, TCEQ staff documented that the Respondent failed to maintain the liquid flow rate to the Hydrogen Fluoride ("HF") Scrubber above 87 gallons per minute ("gpm") on April 11, 2011 for six minutes, on May 15, 2011 for 12 minutes, and on September 1, 2011 for 43 minutes.
4. The Respondent received notice of the violations on January 26, 2012.
5. The Executive Director recognizes that on December 8, 2011, the Respondent installed an interlock to open the process water strainer bypass valve whenever low water flow is detected to either the HF Unit or HF Scrubber.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to maintain the liquid flow rate to the HF Scrubber above 87 gpm on April 11, 2011, May 15, 2011, and September 1, 2011, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); New Source Review Permit No. 20800, Special Conditions No. 18; Federal Operating Permit No. O-01846, Special Terms and Conditions No. 5; and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Eleven Thousand Forty Dollars (\$11,040) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Five Thousand Five Hundred Twenty Dollars (\$5,520) of the administrative penalty. Five Thousand Five Hundred Twenty Dollars (\$5,520) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Eleven Thousand Forty Dollars (\$11,040) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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. 2012-0598-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Five Thousand Five Hundred Twenty Dollars (\$5,520) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

9/4/12

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of E. I. du Pont de Nemours and Company. I am authorized to agree to the attached Agreed Order on behalf of E. I. du Pont de Nemours and Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, E. I. du Pont de Nemours and Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

6/21/12

Date

Dean Thompson

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 III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-0598-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	Eleven Thousand Forty Dollars (\$11,040)
SEP Offset Amount:	Five Thousand Five Hundred Twenty Dollars (\$5,520)
Type of SEP:	Pre-Approved
Third-Party Recipient:	Houston Regional Monitoring Corporation
Project Name:	HRMC Houston Area Air Monitoring
Location of SEP:	Harris County

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

1. Project Description

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the **HRMC Houston Area Air Monitoring**. The contribution will be used in accordance with the SEP between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants including approximately 160 volatile organic compounds (“VOCs”). Specifically, the Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives.

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 performed in accordance with all federal, state, and local environmental laws and regulations.

E. I. du Pont de Nemours and Company
Attachment A

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the National Ambient Air Quality Standards. Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, NOx, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur and to assess potential ambient community exposure to a limited number of HAPs. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

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

Houston Regional Monitoring Corporation SEP
c/o Christopher B. Amandes, Vinson & Elkins, LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to “Texas Commission on Environmental Quality” and shall mail it to:

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the “Clean Texas” (or any successor) program(s). Similarly, 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 Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.