

Executive Summary – Enforcement Matter – Case No. 48849
E. I. du Pont de Nemours and Company
RN100542711
Docket No. 2014-0868-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Dupont Sabine River Works, 3055 Farm-to-Market Road 1006, Orange, Orange County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 20, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$87,500

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$43,750

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$43,750

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 48849
E. I. du Pont de Nemours and Company
RN100542711
Docket No. 2014-0868-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 10, 2014 and October 14, 2014

Date(s) of NOE(s): May 1, 2014 and November 14, 2014

Violation Information

1. Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2055, Special Terms and Conditions ("STC") No. 12, and New Source Review ("NSR") Permit No. 20204, Special Conditions ("SC") No. 1].

2. Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2055, STC No. 12, and NSR Permit No. 20204, SC No. 1].

3. Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2055, STC No. 12, and NSR Permit No. 20204, SC No. 1].

4. Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2001, STC No. 11, and NSR Permit No. 9176, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Executive Summary – Enforcement Matter – Case No. 48849
E. I. du Pont de Nemours and Company
RN100542711
Docket No. 2014-0868-AIR-E

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, implement procedures to prevent recurrence of emissions events due to similar causes as Incident Nos. 190082, 191783, 191940, and 202990; and
 - b. Within 45 days, submit written certification to demonstrate compliance with 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: Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Janet G. Schepcoff, Plant Manager, E. I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0868-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	Eighty-Seven Thousand Five Hundred Dollars (\$87,500)
SEP Offset Amount:	Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Meteorological and Air Monitoring Network</i>
Location of SEP:	Jefferson County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640

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

- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The 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 the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

DATES	Assigned	2-Jun-2014	Screening	16-Jun-2014	EPA Due	
	PCW	7-Jan-2015				

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

CASE INFORMATION			
Enf./Case ID No.	48849	No. of Violations	3
Docket No.	2014-0868-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$36,250
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$36,250
---------------------------	--------------------	--------------------------------	----------

Notes: Enhancement for five NOV's with same/similar violations, one NOV with dissimilar violations, 11 orders with denial of liability, and one order without denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts: \$1,061
 Estimated Cost of Compliance: \$15,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$72,500
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$72,500
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$72,500
-----------------------------------	-------------------------------	----------

DEFERRAL	0.0% Reduction	Adjustment	\$0
-----------------	----------------	-------------------	-----

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	\$72,500
------------------------	----------

Screening Date 16-Jun-2014

Docket No. 2014-0868-AIR-E

PCW

Respondent

E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48849

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Jessica Schildwacher

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	11	220%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 272%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for five NOVs with same/similar violations, one NOV with dissimilar violations, 11 orders with denial of liability, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 272%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 16-Jun-2014

Docket No. 2014-0868-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48849

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O2055, Special Terms and Conditions ("STC") No. 12, and New Source Review ("NSR") Permit No. 20204, Special Conditions ("SC") No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 493 pounds ("lbs") of vinyl acetate, 1,944 lbs of ethylene, 306 lbs of methyl acrylate, 3 lbs of glycidyl methacrylate, 228 lbs of mineral spirit, 245 lbs of acetone, 245 lbs of cyclopentane, 228 lbs of iso-butyl acrylate, 245 lbs of isopropanol, 205 lbs of methacrylic acid, 228 lbs of methanol, 267 lbs of n-butyl acrylate, 228 lbs of propane, and 252 lbs of propylene from the CDG Flare, Emission Point Number ("EPN") PL-22, during an avoidable emissions event (Incident No. 190082) that began on November 7, 2013 and lasted 47 hours and 34 minutes. The event occurred when process operation continued while repairs were made on the flare tip. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

2 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$369

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48849
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	7-Nov-2013	30-Apr-2015	1.48	\$369	n/a	\$369

Notes for DELAYED costs

Estimated cost to implement procedures to prevent recurrence of emissions events due to similar causes as Incident No. 190082. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$369

Screening Date 16-Jun-2014

Docket No. 2014-0868-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48849

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O2055, STC No. 12, and NSR Permit No. 20204, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 169.46 lbs of acetone, 1.42 lbs of carbon monoxide, 1,240.08 lbs of ethylene, 327.57 lbs of methacrylic acid, 10,750.19 lbs of vinyl acetate, 621.12 lbs of n-butyl acrylate, and 413 lbs of particulate matter ("PM") from the Baghouse Vent, EPN PLUM-D, during an avoidable emissions event (Incident No. 191783) that began on December 9, 2013 and lasted 55 hours and 34 minutes. The event occurred due to the breakdown of the Baghouse screw conveyor causing a buildup of fines. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	X			100.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 Number of violation days 3

mark only one with an x	daily	
	weekly	X
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$25,000

One weekly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$347

Statutory Limit Test

Violation Final Penalty Total \$50,000

This violation Final Assessed Penalty (adjusted for limits) \$50,000

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48849
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	9-Dec-2013	30-Apr-2015	1.39	\$347	n/a	\$347

Notes for DELAYED costs

Estimated cost to implement procedures to prevent recurrence of emissions events due to similar causes as Incident No. 191783. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$347

Screening Date 16-Jun-2014

Docket No. 2014-0868-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48849

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O2055, STC No. 12, and NSR Permit No. 20204, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 440 lbs of ethylene, 146 lbs of methacrylic acid, 4,010 lbs of vinyl acetate, and 134 lbs of PM from the Baghouse Vent, EPN PLUM-D, during an avoidable emissions event (Incident No. 191940) that began on December 13, 2013 and lasted 18 hours. The event occurred when repairs on the Baghouse screw conveyor were unsuccessful causing a release of emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$345

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48849
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	13-Dec-2013	30-Apr-2015	1.38	\$345	n/a	\$345

Notes for DELAYED costs

Estimated cost to implement procedures to prevent recurrence of emissions events due to similar causes as Incident No. 191940. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$345

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600128284, RN100542711, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600128284, E. I. du Pont de Nemours and Company	Classification: SATISFACTORY	Rating: 8.07
Regulated Entity:	RN100542711, DUPONT SABINE RIVER WORKS	Classification: SATISFACTORY	Rating: 19.38
Complexity Points:	49	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	3055 FM 1006 ORANGE, TX 77630-8045, ORANGE COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER OC0007J
AIR OPERATING PERMITS PERMIT 1896
AIR OPERATING PERMITS PERMIT 1898
AIR OPERATING PERMITS PERMIT 1900
AIR OPERATING PERMITS PERMIT 1996
AIR OPERATING PERMITS PERMIT 2055
AIR OPERATING PERMITS PERMIT 2331

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008079642

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50230
AIR NEW SOURCE PERMITS PERMIT 9629
AIR NEW SOURCE PERMITS PERMIT 914A
AIR NEW SOURCE PERMITS PERMIT 1423A
AIR NEW SOURCE PERMITS PERMIT 1423C
AIR NEW SOURCE PERMITS PERMIT 2116
AIR NEW SOURCE PERMITS PERMIT 5745
AIR NEW SOURCE PERMITS PERMIT 9176
AIR NEW SOURCE PERMITS REGISTRATION 11434
AIR NEW SOURCE PERMITS REGISTRATION 16327
AIR NEW SOURCE PERMITS PERMIT 20204
AIR NEW SOURCE PERMITS REGISTRATION 22977
AIR NEW SOURCE PERMITS REGISTRATION 24252
AIR NEW SOURCE PERMITS REGISTRATION 26158
AIR NEW SOURCE PERMITS REGISTRATION 26410
AIR NEW SOURCE PERMITS REGISTRATION 32733
AIR NEW SOURCE PERMITS REGISTRATION 37488
AIR NEW SOURCE PERMITS REGISTRATION 42054
AIR NEW SOURCE PERMITS REGISTRATION 46790
AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0007J
AIR NEW SOURCE PERMITS REGISTRATION 75999
AIR NEW SOURCE PERMITS AFS NUM 4836100002
AIR NEW SOURCE PERMITS REGISTRATION 70650
AIR NEW SOURCE PERMITS REGISTRATION 71338
AIR NEW SOURCE PERMITS REGISTRATION 53324
AIR NEW SOURCE PERMITS REGISTRATION 71829
AIR NEW SOURCE PERMITS REGISTRATION 53572
AIR NEW SOURCE PERMITS REGISTRATION 73921
AIR NEW SOURCE PERMITS REGISTRATION 73779
AIR NEW SOURCE PERMITS REGISTRATION 76955

AIR OPERATING PERMITS PERMIT 1895
AIR OPERATING PERMITS PERMIT 1897
AIR OPERATING PERMITS PERMIT 1899
AIR OPERATING PERMITS PERMIT 1901
AIR OPERATING PERMITS PERMIT 2001
AIR OPERATING PERMITS PERMIT 2074
POLLUTION PREVENTION PLANNING ID NUMBER P00193
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30019
AIR NEW SOURCE PERMITS REGISTRATION 72030
AIR NEW SOURCE PERMITS PERMIT 914
AIR NEW SOURCE PERMITS REGISTRATION 1423
AIR NEW SOURCE PERMITS PERMIT 1423B
AIR NEW SOURCE PERMITS PERMIT 2004
AIR NEW SOURCE PERMITS PERMIT 2490
AIR NEW SOURCE PERMITS PERMIT 7021
AIR NEW SOURCE PERMITS REGISTRATION 10447
AIR NEW SOURCE PERMITS REGISTRATION 12967
AIR NEW SOURCE PERMITS PERMIT 17157
AIR NEW SOURCE PERMITS PERMIT 21236
AIR NEW SOURCE PERMITS REGISTRATION 23646
AIR NEW SOURCE PERMITS REGISTRATION 25167
AIR NEW SOURCE PERMITS REGISTRATION 26325
AIR NEW SOURCE PERMITS REGISTRATION 28148
AIR NEW SOURCE PERMITS REGISTRATION 36046
AIR NEW SOURCE PERMITS REGISTRATION 41263
AIR NEW SOURCE PERMITS REGISTRATION 44528
AIR NEW SOURCE PERMITS REGISTRATION 47671
AIR NEW SOURCE PERMITS REGISTRATION 71863
AIR NEW SOURCE PERMITS PERMIT 49076
AIR NEW SOURCE PERMITS REGISTRATION 70647
AIR NEW SOURCE PERMITS REGISTRATION 71054
AIR NEW SOURCE PERMITS REGISTRATION 56781
AIR NEW SOURCE PERMITS REGISTRATION 55710
AIR NEW SOURCE PERMITS REGISTRATION 72443
AIR NEW SOURCE PERMITS REGISTRATION 56055
AIR NEW SOURCE PERMITS REGISTRATION 109695
AIR NEW SOURCE PERMITS REGISTRATION 76581
AIR NEW SOURCE PERMITS REGISTRATION 76580

AIR NEW SOURCE PERMITS REGISTRATION 76726
AIR NEW SOURCE PERMITS REGISTRATION 78770
AIR NEW SOURCE PERMITS REGISTRATION 79048
AIR NEW SOURCE PERMITS REGISTRATION 79512
AIR NEW SOURCE PERMITS REGISTRATION 80331
AIR NEW SOURCE PERMITS REGISTRATION 80113
AIR NEW SOURCE PERMITS REGISTRATION 80742
AIR NEW SOURCE PERMITS REGISTRATION 80738
AIR NEW SOURCE PERMITS REGISTRATION 80712
AIR NEW SOURCE PERMITS REGISTRATION 81074
AIR NEW SOURCE PERMITS REGISTRATION 80706
AIR NEW SOURCE PERMITS REGISTRATION 80711
AIR NEW SOURCE PERMITS REGISTRATION 81410
AIR NEW SOURCE PERMITS REGISTRATION 81431
AIR NEW SOURCE PERMITS REGISTRATION 81292
AIR NEW SOURCE PERMITS REGISTRATION 81587
AIR NEW SOURCE PERMITS REGISTRATION 83760
AIR NEW SOURCE PERMITS REGISTRATION 85529
AIR NEW SOURCE PERMITS REGISTRATION 86825
AIR NEW SOURCE PERMITS REGISTRATION 91170
AIR NEW SOURCE PERMITS REGISTRATION 87511
AIR NEW SOURCE PERMITS REGISTRATION 91398
AIR NEW SOURCE PERMITS REGISTRATION 92418
AIR NEW SOURCE PERMITS REGISTRATION 95104
AIR NEW SOURCE PERMITS REGISTRATION 99037
AIR NEW SOURCE PERMITS REGISTRATION 98635
AIR NEW SOURCE PERMITS REGISTRATION 100137
AIR NEW SOURCE PERMITS REGISTRATION 101050
AIR NEW SOURCE PERMITS REGISTRATION 101160
AIR NEW SOURCE PERMITS REGISTRATION 99960
AIR NEW SOURCE PERMITS REGISTRATION 99940
AIR NEW SOURCE PERMITS REGISTRATION 101055
AIR NEW SOURCE PERMITS REGISTRATION 101137
AIR NEW SOURCE PERMITS REGISTRATION 96918
AIR NEW SOURCE PERMITS REGISTRATION 98924
AIR NEW SOURCE PERMITS REGISTRATION 101083
AIR NEW SOURCE PERMITS REGISTRATION 104097
AIR NEW SOURCE PERMITS REGISTRATION 102793
AIR NEW SOURCE PERMITS REGISTRATION 104088
AIR NEW SOURCE PERMITS REGISTRATION 102106
AIR NEW SOURCE PERMITS REGISTRATION 104086
AIR NEW SOURCE PERMITS REGISTRATION 104091
AIR NEW SOURCE PERMITS REGISTRATION 104048
AIR NEW SOURCE PERMITS REGISTRATION 104050
AIR NEW SOURCE PERMITS REGISTRATION 104090
AIR NEW SOURCE PERMITS REGISTRATION 102624
AIR NEW SOURCE PERMITS REGISTRATION 109384
AIR NEW SOURCE PERMITS REGISTRATION 108655
AIR NEW SOURCE PERMITS REGISTRATION 110188
AIR NEW SOURCE PERMITS REGISTRATION 108747
AIR NEW SOURCE PERMITS REGISTRATION 106067
AIR NEW SOURCE PERMITS REGISTRATION 120341
AIR NEW SOURCE PERMITS REGISTRATION 114657
AIR NEW SOURCE PERMITS REGISTRATION 106680
AIR NEW SOURCE PERMITS REGISTRATION 106821
AIR NEW SOURCE PERMITS REGISTRATION 116840
AIR NEW SOURCE PERMITS REGISTRATION 119406
AIR NEW SOURCE PERMITS REGISTRATION 115102
AIR NEW SOURCE PERMITS REGISTRATION 115609
AIR NEW SOURCE PERMITS REGISTRATION 108092

AIR NEW SOURCE PERMITS REGISTRATION 76690
AIR NEW SOURCE PERMITS REGISTRATION 78820
AIR NEW SOURCE PERMITS REGISTRATION 78445
AIR NEW SOURCE PERMITS REGISTRATION 80163
AIR NEW SOURCE PERMITS REGISTRATION 79817
AIR NEW SOURCE PERMITS REGISTRATION 80740
AIR NEW SOURCE PERMITS REGISTRATION 80739
AIR NEW SOURCE PERMITS REGISTRATION 80736
AIR NEW SOURCE PERMITS REGISTRATION 80930
AIR NEW SOURCE PERMITS REGISTRATION 80705
AIR NEW SOURCE PERMITS REGISTRATION 80707
AIR NEW SOURCE PERMITS REGISTRATION 80743
AIR NEW SOURCE PERMITS REGISTRATION 81411
AIR NEW SOURCE PERMITS REGISTRATION 81430
AIR NEW SOURCE PERMITS REGISTRATION 81828
AIR NEW SOURCE PERMITS REGISTRATION 82031
AIR NEW SOURCE PERMITS REGISTRATION 84794
AIR NEW SOURCE PERMITS REGISTRATION 90758
AIR NEW SOURCE PERMITS REGISTRATION 84928
AIR NEW SOURCE PERMITS REGISTRATION 90117
AIR NEW SOURCE PERMITS REGISTRATION 91404
AIR NEW SOURCE PERMITS REGISTRATION 91433
AIR NEW SOURCE PERMITS REGISTRATION 93700
AIR NEW SOURCE PERMITS REGISTRATION 95774
AIR NEW SOURCE PERMITS REGISTRATION 98962
AIR NEW SOURCE PERMITS REGISTRATION 100489
AIR NEW SOURCE PERMITS REGISTRATION 100124
AIR NEW SOURCE PERMITS REGISTRATION 101051
AIR NEW SOURCE PERMITS REGISTRATION 99542
AIR NEW SOURCE PERMITS REGISTRATION 101075
AIR NEW SOURCE PERMITS REGISTRATION 101065
AIR NEW SOURCE PERMITS REGISTRATION 97864
AIR NEW SOURCE PERMITS REGISTRATION 98907
AIR NEW SOURCE PERMITS REGISTRATION 98665
AIR NEW SOURCE PERMITS REGISTRATION 98937
AIR NEW SOURCE PERMITS REGISTRATION 104095
AIR NEW SOURCE PERMITS REGISTRATION 104083
AIR NEW SOURCE PERMITS REGISTRATION 101938
AIR NEW SOURCE PERMITS REGISTRATION 104054
AIR NEW SOURCE PERMITS REGISTRATION 104059
AIR NEW SOURCE PERMITS REGISTRATION 102344
AIR NEW SOURCE PERMITS REGISTRATION 102561
AIR NEW SOURCE PERMITS REGISTRATION 104052
AIR NEW SOURCE PERMITS REGISTRATION 104723
AIR NEW SOURCE PERMITS REGISTRATION 104057
AIR NEW SOURCE PERMITS REGISTRATION 110513
AIR NEW SOURCE PERMITS REGISTRATION 113437
AIR NEW SOURCE PERMITS REGISTRATION 108759
AIR NEW SOURCE PERMITS REGISTRATION 107032
AIR NEW SOURCE PERMITS REGISTRATION 107487
AIR NEW SOURCE PERMITS REGISTRATION 107832
AIR NEW SOURCE PERMITS REGISTRATION 107933
AIR NEW SOURCE PERMITS REGISTRATION 106268
AIR NEW SOURCE PERMITS REGISTRATION 114763
AIR NEW SOURCE PERMITS REGISTRATION 108569
AIR NEW SOURCE PERMITS REGISTRATION 106740
AIR NEW SOURCE PERMITS REGISTRATION 115226
AIR NEW SOURCE PERMITS REGISTRATION 107580
AIR NEW SOURCE PERMITS REGISTRATION 111631
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1810114

STORMWATER PERMIT TXR05L392
WASTEWATER PERMIT WQ0000475000
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30019

WATER RIGHTS ID NUMBER 4664
WASTEWATER EPA ID TX0006327
AIR EMISSIONS INVENTORY ACCOUNT NUMBER OC0007J

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: June 13, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 13, 2009 to June 13, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jessica Schildwachter

Phone: (512) 239-2617

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/15/2009 ADMINORDER 2008-1817-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 2F OP
Description: Failure to submit an initial report within 24 hours for TCEQ Incident No. 110539.

- 2 Effective Date: 07/09/2009 ADMINORDER 2008-1167-AIR-E (1660 Order-Agreed Order With Denial)
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)
Rqmt Prov:NSR Permit No. 9629, SC 12 PERMIT
O-02331 General Terms and Conditions OP
O-02331 Special Condition 6 OP
Description: Failed to operate the Cogeneration Train, emission point number ("EPN") PG-14, at or below the nitrogen oxide ("NOx") concentration limit of 96 parts per million ("ppm") four times between September 25 and November 11, 2006.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.140(c)(1)
30 TAC Chapter 117, SubChapter B 117.140(e)
30 TAC Chapter 117, SubChapter B 117.340(c)(1)
30 TAC Chapter 117, SubChapter B 117.340(f)(1)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(i)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(f)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:9629 Special Condition 3 PERMIT

O-02331 General Terms and Conditions OP
O-02331 Special Condition 1A OP
O-02331 Special Condition 1D OP
O-02331 Special Condition 4B OP
O-02331 Special Condition 4F OP
O-02331 Special Condition 6 OP

Description: Failed to conduct a Relative Accuracy Test ("RAT") and a 7-day Calibration Drift ("CD") test on a NOx analyzer in the Cogeneration Unit, which resulted in the inability to certify that the continuous emissions monitoring system ("CEMS") was operating properly.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.140(d)
30 TAC Chapter 117, SubChapter B 117.140(e)
30 TAC Chapter 117, SubChapter B 117.340(e)
30 TAC Chapter 117, SubChapter B 117.340(f)(1)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(iii)
30 TAC Chapter 117, SubChapter G 117.8120(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(f)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:9629 Special Condition 3 PERMIT

O-02331 General Terms and Conditions OP
O-02331 Special Condition 1A OP
O-02331 Special Condition 1D OP
O-02331 Special Condition 4B OP
O-02331 Special Condition 4F OP
O-02331 Special Condition 6 OP

Description: Failed to conduct a RAT and a 7-day CD test on a carbon monoxide ("CO") analyzer in the Cogeneration Unit, which resulted in the inability to certify that the CEMS was operating properly.

Classification: Moderate

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

Rqmt Prov:9176, Special Condition 1 PERMIT

O-02001, General Terms and Conditions OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-02001 General Terms and Conditions OP

O-02001 Special Condition 2G OP

Description: Failed to submit a final record for an emissions event (Incident No. 105482) within two weeks after the end of the event. The initial report was submitted timely, but the emissions amounts and duration subsequently changed, and a final record with the corrected information was not submitted by April 17, 2008 (two weeks after the event that ended on April 3, 2008). On June 1, 2008, the correct amount and duration of emissions was submitted via electronic mail.

3

Effective Date: 10/04/2009 ADMINORDER 2009-0285-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 15 OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 8 OP

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

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-02001 Special Condition 2F OP

Description: Failure to submit an initial report within 24 hours for T CEQ Incident No. 116375.

4

Effective Date: 10/31/2009 ADMINORDER 2009-0600-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:20204, Special Condition 1 PERMIT

O-02055, General Terms and Conditions OP

O-02055, Special Condition 8 OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:20204 Special Condition 1 PERMIT

FOP O-02055 General Terms and Conditions OP

FOP O-02055 Special Condition 8 OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:914, Special Condition 1 PERMIT

O-02074, General Terms and Conditions OP

O-02074, Special Condition 15 OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:914, Special Condition 1 PERMIT

O-02074, General Terms and Conditions OP

O-02074, Special Condition 15 OP

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

- 5 Effective Date: 02/07/2010 ADMINORDER 2009-1011-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits (Incident 121831). Specifically, the emissions event was caused by the Suction Separator, Purge Compressor 1st, 2nd, 3rd, and 4th Stage Blowdowns, and Wax Tank Vent being left open to atmosphere during a maintenance activity on the C Unit Flare Header Guard Valve.
- 6 Effective Date: 07/11/2010 ADMINORDER 2009-1958-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 15 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 15 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:GENERAL CONDITIONS OP
SC 1 PERMIT
SC 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
- 7 Effective Date: 03/19/2011 ADMINORDER 2010-0839-MLM-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:GENERAL CONDITIONS OP
SC 1 PERMIT
SC 8 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 335, SubChapter H 335.221(a)(15)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Condition X(B)(1)(j) PERMIT

SC 17 OP

SC 1A OP

Description: Failure to comply with the carbon monoxide emission limit of 14.6 lb/hr at the Incinerator as reported in the deviation reports for September 1, 2008, until February 28, 2009, and March 1, 2009, until August 31, 2009.

Classification: Moderate

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

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP

SC 1 PERMIT

SC 8 OP

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

8 Effective Date: 08/13/2011 ADMINORDER 2011-0208-AIR-E (1660 Order-Agreed Order With Denial)

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)

Rqmt Prov:SC 1 PERMIT

SC 1A OP

Description: Failure to maintain an emission rate below the allowable emission limits for Incident 146789.

Classification: Minor

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

Description: Failure to satisfy the final reporting requirements for a reportable emissions event for Incident 145301.

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)

Rqmt Prov:SC 1 PERMIT

SC 1A OP

Description: Failure to maintain an emission rate below the allowable emission limit for Incident 145301.

9 Effective Date: 05/25/2012 ADMINORDER 2011-1732-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

Description: Failed to timely submit the final record for a maintenance activity (Incident No. 155487). Specifically, the maintenance activity began on June 10, 2011 and ended on June 11, 2011, and the final record was submitted on July 19, 2011, more than two weeks after the end of the maintenance activity

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)

Rqmt Prov:SC 1 PERMIT

SC 1A OP

Description: Failed to prevent unauthorized emissions during a maintenance activity (Incident No. 155487). Specifically, during a scheduled maintenance activity that began on June 10, 2011, and lasted approximately 16 hours and 20 minutes, the Respondent released approximately 4,024.75 pounds ("lbs") of volatile organic compounds and 4,958.96 lbs of particulate matter from the Regenerative Thermal Oxidizer's Baghouse Vent [Emission Point No. PL-10] located in the D

Unit.

- 10 Effective Date: 04/07/2013 ADMINORDER 2012-1198-IWD-E (Findings Order-Agreed Order Without Denial)
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.
- 11 Effective Date: 04/27/2013 ADMINORDER 2012-0624-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP
Description: Failed to prevent unauthorized emissions.
- 12 Effective Date: 06/03/2013 ADMINORDER 2012-2344-AIR-E (1660 Order-Agreed Order With Denial)
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)
Rqmt Prov: SC 1 PERMIT
SC 11 OP
Description: Failure to maintain an emission rate below the allowable emission limits for Incident 169473.
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)
Rqmt Prov: SC 1 PERMIT
SC 11 OP
Description: Failure to maintain an emission rate below the allowable emission limits for Incident 172088.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 14, 2009	(768404)
Item 2	July 23, 2009	(762808)
Item 3	July 28, 2009	(804796)
Item 4	August 24, 2009	(804795)
Item 5	September 10, 2009	(762825)
Item 6	September 11, 2009	(767515)
Item 7	September 15, 2009	(775525)
Item 8	September 24, 2009	(764051)
Item 9	October 01, 2009	(764835)
Item 10	October 05, 2009	(764127)
Item 11	October 14, 2009	(767507)
Item 12	October 23, 2009	(804797)
Item 13	November 03, 2009	(780849)
Item 14	November 23, 2009	(804798)
Item 15	November 24, 2009	(781552)
Item 16	December 09, 2009	(784937)
Item 17	January 11, 2010	(804799)
Item 18	January 22, 2010	(804800)
Item 19	January 28, 2010	(785297)
Item 20	February 01, 2010	(788600)
Item 21	February 16, 2010	(791368)
Item 22	February 25, 2010	(804793)
Item 23	March 22, 2010	(793111)
Item 24	April 20, 2010	(830933)
Item 25	May 20, 2010	(830934)
Item 26	May 26, 2010	(802185)
Item 27	June 03, 2010	(802860)
Item 28	June 10, 2010	(802838)
Item 29	June 21, 2010	(846284)
Item 30	July 21, 2010	(860879)
Item 31	July 31, 2010	(826906)
Item 32	August 20, 2010	(866847)
Item 33	September 16, 2010	(864081)
Item 34	September 22, 2010	(873917)
Item 35	October 04, 2010	(865152)
Item 36	October 20, 2010	(881518)
Item 37	November 18, 2010	(888044)
Item 38	November 29, 2010	(877136)
Item 39	December 15, 2010	(896259)
Item 40	January 19, 2011	(891097)
Item 41	January 20, 2011	(902320)
Item 42	January 21, 2011	(887844)
Item 43	February 03, 2011	(893116)
Item 44	February 15, 2011	(909102)
Item 45	February 23, 2011	(899236)
Item 46	March 16, 2011	(916357)
Item 47	April 11, 2011	(924832)
Item 48	April 18, 2011	(912901)
Item 49	May 11, 2011	(912705)
Item 50	May 18, 2011	(938043)
Item 51	May 31, 2011	(915887)
Item 52	June 14, 2011	(945411)
Item 53	July 13, 2011	(952639)
Item 54	July 19, 2011	(922140)
Item 55	August 16, 2011	(959321)
Item 56	September 16, 2011	(965354)
Item 57	September 22, 2011	(956748)

Item 58	October 17, 2011	(971394)
Item 59	October 26, 2011	(962475)
Item 60	November 17, 2011	(977553)
Item 61	November 29, 2011	(958427)
Item 62	December 13, 2011	(984321)
Item 63	January 31, 2012	(981940)
Item 64	February 19, 2012	(987680)
Item 65	May 25, 2012	(1006347)
Item 66	June 15, 2012	(1013697)
Item 67	June 23, 2012	(1024186)
Item 68	July 06, 2012	(1014731)
Item 69	August 22, 2012	(1037956)
Item 70	October 16, 2012	(1060922)
Item 71	November 16, 2012	(1060923)
Item 72	December 13, 2012	(1060924)
Item 73	January 17, 2013	(1078996)
Item 74	January 24, 2013	(1053366)
Item 75	February 18, 2013	(1078995)
Item 76	March 14, 2013	(1089322)
Item 77	April 17, 2013	(1095716)
Item 78	May 16, 2013	(1106641)
Item 79	May 21, 2013	(1087756)
Item 80	May 24, 2013	(1093717)
Item 81	June 11, 2013	(1110317)
Item 82	June 27, 2013	(1100301)
Item 83	July 23, 2013	(1117201)
Item 84	August 19, 2013	(1124957)
Item 85	September 19, 2013	(1129557)
Item 86	October 22, 2013	(1135287)
Item 87	November 17, 2013	(1140686)
Item 88	November 27, 2013	(1133673)
Item 89	December 03, 2013	(1124249)
Item 90	December 11, 2013	(1147145)
Item 91	January 15, 2014	(1153214)
Item 92	February 12, 2014	(1160549)
Item 93	March 13, 2014	(1152683)
Item 94	March 18, 2014	(1167194)
Item 95	April 02, 2014	(1157377)
Item 96	April 04, 2014	(1158529)
Item 97	May 05, 2014	(1164241)
Item 98	May 15, 2014	(1165657)
Item 99	June 06, 2014	(1171289)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	08/13/2013 (1101129)	CN600128284
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1) Special Condition 4E PERMIT Special Term & Condition 11 OP Special Term & Condition 1A OP	
	Description:	Failure to prevent open-ended lines.	
		(C10)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.116(b)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP	

Description: Failure to maintain the representations of NSR Permit 9176.

(Category B19(g)(1))

2

Date: 08/30/2013 (1072932) 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 Conditions, 16 PERMIT
Special Terms and Conditions, 11A OP
Description: Failure to demonstrate seal intergity of the floating roof for the Number 1 Vinly Acetate (VA) tank.
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(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition, 6A PERMIT
Special Term & Condition 11A OP
Special Term & Condition 1A OP
Description: Failure to maintain the CDG Flare one-hour average BTU value at or above 300 Btu/scf.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 4 PERMIT
Special Term & Condition 1A OP
Special Term and Condition, 11A OP
Special Terms and Conditions, 3E PERMIT
Description: Failure to prevent open-ended lines.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition, 1A OP
Description: Failure to monitor pressure relief valve #3 within 24 hours of release.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 106, SubChapter A 106.6(a)
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.110(a)
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 60.482-1(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(a)
5C THSC Chapter 382 382.085(b)
Special Condition, 3C PERMIT
Special Condition, 3E PERMIT
Special Condition, 3F PERMIT
Special Condition, 3G PERMIT
Special Condition, 4 PERMIT
Special Term & Condition 1A OP
Special Term and Condition, 11 OP
Description: Failure to monitor Leak Detection and Repair (LDAR) components.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 1 PERMIT
Special Term and Condition, 11 OP
Description: Failure to maintain representation of NSR Permit 20204.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
General Condition 7 PERMIT

Special Terms and Conditions, 11A OP

Description: Failure to provide records of emission rates.

3

Date: 11/22/2013 (1123054) 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 C 264.15(d)
P.P.II.C.1.k. PERMIT
P.P.II.C.2.a. PERMIT

Description: Failure to properly complete the permitted daily tank inspection with the inspector's full name.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter E 335.112
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)

Description: Failure to properly complete the less than 90 days daily tank inspections with the inspector's full name.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(2)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.35
P.P.II.C.1.k. PERMIT
P.P.II.C.2.b PERMIT

Description: Failure to provide adequate aisle space between two hazardous waste tractor trailers.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 327 327.5
40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.51(b)

Description: Failure to immediately respond to a release of hazardous waste located at G-Unit Central Hazardous Waste Tank (NOR 205).

4

Date: 01/24/2014 (1128705) 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 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
Special Terms and Conditions, 15 OP
Special Terms and Conditions, 15, H PERMIT
Special Terms and Conditions, 1A OP

Description: Failure to monitor carbon beds

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 EEE 63.1206(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(b)(5)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 15 OP
Special Terms and Conditions 15K PERMIT
Special Terms and Conditions 1A OP

Description: Failure to maintain the incinerator's kiln above 1255 degrees fahrenheit as established during comprehensive performance testing (CPT) and listed in the Notification of Compliance (NOC).

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)
Special Terms and Conditions, 15 OP

Description: Failure to adhere to permit representations

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 EEE 63.1203(a)(5)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(d)(2)
5C THSC Chapter 382 382.085(b)
Special Terms 21(B)(1) PERMIT
Special Terms and Condition 1A OP
Special Terms and Conditions 15 OP

Description: Failure to follow proper Continuous Emission Monitoring (CEMS) equipment calibration procedures

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 Terms and Conditions, 1A OP

Special Terms and Conditions, 20D PERMIT

Description: Failure to maintain proper scrubber pH as required by Hazardous Waste Permit No. 50230, TableV.H.2.

5

Date: 02/04/2014 (1144948) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

General Condition 1 PERMIT

Special term & Condition 11 OP

Description: Failure to maintain production rates. (Category B19g1)

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 a deviation on the previous Semi-Annual Deviation Report. (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)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)

Special Condition 6A PERMIT

Special Term & Condition 11 OP

Description: Failure to ensure the CDG Flare British Thermal Units (BTUs) value was maintained. (Category B19g1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)

5C THSC Chapter 382 382.085(b)

Special Condition 3(E) PERMIT

Special Condition 4 PERMIT

Special Term & Condition 11 OP

Special Term & Condition 1A OP

Description: Failure to maintain a sealing device on an open-ended line. (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

General Condition 1 PERMIT

Special Term & Condition 11 OP

Description: Failure to maintain yearly production rates in the Isobutyl Acrylate (IBA) unit. (Category B19g1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Special Term & Condition 1A OP

Description: Failure to monitor the relief valve within 24 hours of release. (Category C7)

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 13 PERMIT

Special Term & Condition 11 OP

Description: Failure to maintain the Regenerative Thermal Oxidizer (RTO) temperature. (Category B19g1)

6

Date: 04/04/2014 (1151955)

CN600128284

Self Report? NO

Classification: Moderate

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

Special Condition 1A OP

Description: Failure to maintain compliant oxygen to fuel ratio.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 9E PERMIT

Description: Failure to maintain a cap, blind flange, plug or second valve in VOC service.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ DATES	Assigned	17-Nov-2014	Screening	18-Nov-2014	EPA Due	
	PCW	20-Nov-2014				

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

CASE INFORMATION	
Enf./Case ID No.	48849
Docket No.	2014-0868-AIR-E
Media Program(s)	Air
Multi-Media	
No. of Violations	1
Order Type	Findings
Government/Non-Profit	No
Enf. Coordinator	Jessica Schildwachter
EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0
Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$7,500
---------------------------	--------------------	--------------------------------	---------

Notes: Enhancement for three NOVs with same/similar violations, two NOVs with dissimilar violations, seven orders with denial of liability, and one order without denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts: \$165
Estimated Cost of Compliance: \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,000
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$15,000
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,000
-----------------------------------	-------------------------------	----------

DEFERRAL	0.0%	Adjustment	\$0
-----------------	------	-------------------	-----

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	\$15,000
------------------------	----------

Screening Date 18-Nov-2014

Docket No. 2014-0868-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48849

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 184%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations, two NOVs with dissimilar violations, seven orders with denial of liability, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 184%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 18-Nov-2014

Docket No. 2014-0868-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48849

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O2001, Special Terms and Conditions No. 11, and New Source Review Permit No. 9176, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,239 pounds ("lbs") of ethylene and 101 lbs of methanol from the #7 Hyper Compressor Discharge Rupture Disk, during an avoidable emissions event (Incident No. 202990) that began on September 1, 2014 and lasted four minutes. The event occurred when the rupture disk was blown while pressuring up the C7 Hyper Compressor. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$165

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48849
Req. Ent. Reference No. RN100542711
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	1-Sep-2014	30-Apr-2015	0.66	\$165	\$0	\$165

Notes for DELAYED costs

Estimated cost to implement procedures to prevent recurrence of emissions events due to similar causes as Incident No. 202990. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$165

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600128284, RN100542711, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN600128284, E. I. du Pont de Nemours and Company	Classification: SATISFACTORY	Rating: 5.25
Regulated Entity:	RN100542711, DUPONT SABINE RIVER WORKS	Classification: SATISFACTORY	Rating: 10.21
Complexity Points:	49	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	3055 FM 1006 ORANGE, TX 77630-8045, ORANGE COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER OC0007J
AIR OPERATING PERMITS PERMIT 1896
AIR OPERATING PERMITS PERMIT 1898
AIR OPERATING PERMITS PERMIT 1900
AIR OPERATING PERMITS PERMIT 1996
AIR OPERATING PERMITS PERMIT 2055
AIR OPERATING PERMITS PERMIT 2331

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008079642
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50230
AIR NEW SOURCE PERMITS PERMIT 9629
AIR NEW SOURCE PERMITS PERMIT 914A
AIR NEW SOURCE PERMITS PERMIT 1423A
AIR NEW SOURCE PERMITS PERMIT 1423C
AIR NEW SOURCE PERMITS PERMIT 2116
AIR NEW SOURCE PERMITS PERMIT 5745
AIR NEW SOURCE PERMITS PERMIT 9176
AIR NEW SOURCE PERMITS REGISTRATION 11434
AIR NEW SOURCE PERMITS REGISTRATION 16327
AIR NEW SOURCE PERMITS PERMIT 20204
AIR NEW SOURCE PERMITS REGISTRATION 22977
AIR NEW SOURCE PERMITS REGISTRATION 24252
AIR NEW SOURCE PERMITS REGISTRATION 26158
AIR NEW SOURCE PERMITS REGISTRATION 26410
AIR NEW SOURCE PERMITS REGISTRATION 32733
AIR NEW SOURCE PERMITS REGISTRATION 37488
AIR NEW SOURCE PERMITS REGISTRATION 42054
AIR NEW SOURCE PERMITS REGISTRATION 46790
AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0007J
AIR NEW SOURCE PERMITS REGISTRATION 75999
AIR NEW SOURCE PERMITS AFS NUM 4836100002
AIR NEW SOURCE PERMITS REGISTRATION 70650
AIR NEW SOURCE PERMITS REGISTRATION 71338
AIR NEW SOURCE PERMITS REGISTRATION 53324
AIR NEW SOURCE PERMITS REGISTRATION 71829
AIR NEW SOURCE PERMITS REGISTRATION 53572
AIR NEW SOURCE PERMITS REGISTRATION 73921
AIR NEW SOURCE PERMITS REGISTRATION 73779
AIR NEW SOURCE PERMITS REGISTRATION 76955

AIR OPERATING PERMITS PERMIT 1895
AIR OPERATING PERMITS PERMIT 1897
AIR OPERATING PERMITS PERMIT 1899
AIR OPERATING PERMITS PERMIT 1901
AIR OPERATING PERMITS PERMIT 2001
AIR OPERATING PERMITS PERMIT 2074
POLLUTION PREVENTION PLANNING ID NUMBER P00193
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30019
AIR NEW SOURCE PERMITS REGISTRATION 72030
AIR NEW SOURCE PERMITS PERMIT 914
AIR NEW SOURCE PERMITS REGISTRATION 1423
AIR NEW SOURCE PERMITS PERMIT 1423B
AIR NEW SOURCE PERMITS PERMIT 2004
AIR NEW SOURCE PERMITS PERMIT 2490
AIR NEW SOURCE PERMITS PERMIT 7021
AIR NEW SOURCE PERMITS REGISTRATION 10447
AIR NEW SOURCE PERMITS REGISTRATION 12967
AIR NEW SOURCE PERMITS PERMIT 17157
AIR NEW SOURCE PERMITS PERMIT 21236
AIR NEW SOURCE PERMITS REGISTRATION 23646
AIR NEW SOURCE PERMITS REGISTRATION 25167
AIR NEW SOURCE PERMITS REGISTRATION 26325
AIR NEW SOURCE PERMITS REGISTRATION 28148
AIR NEW SOURCE PERMITS REGISTRATION 36046
AIR NEW SOURCE PERMITS REGISTRATION 41263
AIR NEW SOURCE PERMITS REGISTRATION 44528
AIR NEW SOURCE PERMITS REGISTRATION 47671
AIR NEW SOURCE PERMITS REGISTRATION 71863
AIR NEW SOURCE PERMITS PERMIT 49076
AIR NEW SOURCE PERMITS REGISTRATION 70647
AIR NEW SOURCE PERMITS REGISTRATION 71054
AIR NEW SOURCE PERMITS REGISTRATION 56781
AIR NEW SOURCE PERMITS REGISTRATION 55710
AIR NEW SOURCE PERMITS REGISTRATION 72443
AIR NEW SOURCE PERMITS REGISTRATION 56055
AIR NEW SOURCE PERMITS REGISTRATION 109695
AIR NEW SOURCE PERMITS REGISTRATION 76581
AIR NEW SOURCE PERMITS REGISTRATION 76580

AIR NEW SOURCE PERMITS REGISTRATION 115609
AIR NEW SOURCE PERMITS REGISTRATION 108092

STORMWATER PERMIT TXR05L392
WASTEWATER PERMIT WQ0000475000
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30019

AIR NEW SOURCE PERMITS REGISTRATION 111631
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1810114
WATER RIGHTS ID NUMBER 4664
WASTEWATER EPA ID TX0006327
AIR EMISSIONS INVENTORY ACCOUNT NUMBER OC0007J

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: November 20, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 20, 2009 to November 20, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jessica Schildwachter

Phone: (512) 239-2617

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 02/07/2010 ADMINORDER 2009-1011-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits (Incident 121831). Specifically, the emissions event was caused by the Suction Separator, Purge Compressor 1st, 2nd, 3rd, and 4th Stage Blowdowns, and Wax Tank Vent being left open to atmosphere during a maintenance activity on the C Unit Flare Header Guard Valve.

2 Effective Date: 07/11/2010 ADMINORDER 2009-1958-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 15 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 15 OP
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation:

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

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 8 OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL CONDITIONS OP

SC 1 PERMIT

SC 8 OP

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

3 Effective Date: 03/19/2011 ADMINORDER 2010-0839-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL CONDITIONS OP

SC 1 PERMIT

SC 8 OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 335, SubChapter H 335.221(a)(15)

40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Condition X(B)(1)(j) PERMIT

SC 17 OP

SC 1A OP

Description: Failure to comply with the carbon monoxide emission limit of 14.6 lb/hr at the Incinerator as reported in the deviation reports for September 1, 2008, until February 28, 2009, and March 1, 2009, until August 31, 2009.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP

SC 1 PERMIT

SC 8 OP

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

4 Effective Date: 08/13/2011 ADMINORDER 2011-0208-AIR-E (1660 Order-Agreed Order With Denial)

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)

Rqmt Prov:SC 1 PERMIT

SC 1A OP

Description: Failure to maintain an emission rate below the allowable emission limits for Incident 146789.

Classification: Minor

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

Description: Failure to satisfy the final reporting requirements for a reportable emissions event for Incident 145301.

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)

Rqmt Prov: SC 1 PERMIT
SC 1A OP

Description: Failure to maintain an emission rate below the allowable emission limit for Incident 145301.

5 Effective Date: 05/25/2012 ADMINORDER 2011-1732-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

Description: Failed to timely submit the final record for a maintenance activity (Incident No. 155487). Specifically, the maintenance activity began on June 10, 2011 and ended on June 11, 2011, and the final record was submitted on July 19, 2011, more than two weeks after the end of the maintenance activity

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)

Rqmt Prov: SC 1 PERMIT
SC 1A OP

Description: Failed to prevent unauthorized emissions during a maintenance activity (Incident No. 155487). Specifically, during a scheduled maintenance activity that began on June 10, 2011, and lasted approximately 16 hours and 20 minutes, the Respondent released approximately 4,024.75 pounds ("lbs") of volatile organic compounds and 4,958.96 lbs of particulate matter from the Regenerative Thermal Oxidizer's Baghouse Vent [Emission Point No. PL-10] located in the D Unit.

6 Effective Date: 04/07/2013 ADMINORDER 2012-1198-IWD-E (Findings Order-Agreed Order Without Denial)

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.

7 Effective Date: 04/27/2013 ADMINORDER 2012-0624-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP

SC 1 PERMIT

SC 8 OP

Description: Failed to prevent unauthorized emissions.

8 Effective Date: 06/03/2013 ADMINORDER 2012-2344-AIR-E (1660 Order-Agreed Order With Denial)

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)

Rqmt Prov:SC 1 PERMIT

SC 11 OP

Description: Failure to maintain an emission rate below the allowable emission limits for Incident 169473.

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)

Rqmt Prov:SC 1 PERMIT

SC 11 OP

Description: Failure to maintain an emission rate below the allowable emission limits for Incident 172088.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 23, 2009	(804798)
Item 2	November 24, 2009	(781552)
Item 3	December 09, 2009	(784937)
Item 4	January 11, 2010	(804799)
Item 5	January 22, 2010	(804800)
Item 6	January 28, 2010	(785297)
Item 7	February 01, 2010	(788600)
Item 8	February 16, 2010	(791368)
Item 9	February 25, 2010	(804793)
Item 10	March 22, 2010	(793111)
Item 11	April 20, 2010	(830933)
Item 12	May 20, 2010	(830934)
Item 13	May 26, 2010	(802185)
Item 14	June 03, 2010	(802860)
Item 15	June 10, 2010	(802838)
Item 16	June 21, 2010	(846284)
Item 17	July 21, 2010	(860879)
Item 18	July 31, 2010	(826906)
Item 19	August 20, 2010	(866847)
Item 20	September 16, 2010	(864081)
Item 21	September 22, 2010	(873917)
Item 22	October 04, 2010	(865152)
Item 23	October 20, 2010	(881518)
Item 24	November 18, 2010	(888044)
Item 25	November 29, 2010	(877136)
Item 26	December 15, 2010	(896259)
Item 27	January 19, 2011	(891097)
Item 28	January 20, 2011	(902320)
Item 29	January 21, 2011	(887844)
Item 30	February 03, 2011	(893116)
Item 31	February 15, 2011	(909102)
Item 32	February 23, 2011	(899236)

Item 33	March 16, 2011	(916357)
Item 34	April 11, 2011	(924832)
Item 35	April 18, 2011	(912901)
Item 36	May 11, 2011	(912705)
Item 37	May 18, 2011	(938043)
Item 38	May 31, 2011	(915887)
Item 39	June 14, 2011	(945411)
Item 40	July 13, 2011	(952639)
Item 41	July 19, 2011	(922140)
Item 42	August 16, 2011	(959321)
Item 43	September 16, 2011	(965354)
Item 44	September 22, 2011	(956748)
Item 45	October 17, 2011	(971394)
Item 46	October 26, 2011	(962475)
Item 47	November 17, 2011	(977553)
Item 48	November 29, 2011	(958427)
Item 49	December 13, 2011	(984321)
Item 50	January 31, 2012	(981940)
Item 51	February 19, 2012	(987680)
Item 52	May 25, 2012	(1006347)
Item 53	June 15, 2012	(1013697)
Item 54	June 23, 2012	(1024186)
Item 55	July 06, 2012	(1014731)
Item 56	August 22, 2012	(1037956)
Item 57	October 16, 2012	(1060922)
Item 58	November 16, 2012	(1060923)
Item 59	December 13, 2012	(1060924)
Item 60	January 17, 2013	(1078996)
Item 61	January 24, 2013	(1053366)
Item 62	February 18, 2013	(1078995)
Item 63	March 14, 2013	(1089322)
Item 64	April 17, 2013	(1095716)
Item 65	May 16, 2013	(1106641)
Item 66	May 21, 2013	(1087756)
Item 67	May 24, 2013	(1093717)
Item 68	June 11, 2013	(1110317)
Item 69	June 27, 2013	(1100301)
Item 70	July 23, 2013	(1117201)
Item 71	August 19, 2013	(1124957)
Item 72	September 19, 2013	(1129557)
Item 73	October 22, 2013	(1135287)
Item 74	November 17, 2013	(1140686)
Item 75	November 27, 2013	(1133673)
Item 76	December 03, 2013	(1124249)
Item 77	December 11, 2013	(1147145)
Item 78	January 15, 2014	(1153214)
Item 79	February 12, 2014	(1160549)
Item 80	March 13, 2014	(1152683)
Item 81	March 18, 2014	(1167194)
Item 82	April 02, 2014	(1157377)
Item 83	April 04, 2014	(1158529)
Item 84	April 20, 2014	(1174327)
Item 85	May 05, 2014	(1164241)
Item 86	May 14, 2014	(1180515)
Item 87	May 15, 2014	(1165657)
Item 88	June 06, 2014	(1171289)
Item 89	June 20, 2014	(1187413)
Item 90	July 21, 2014	(1198575)
Item 91	July 23, 2014	(1173822)
Item 92	August 17, 2014	(1198576)
Item 93	September 05, 2014	(1185738)

Item 94 September 15, 2014 (1205818)
Item 95 September 29, 2014 (1193474)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 11/22/2013 (1123054) 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 C 264.15(d)
P.P.II.C.1.k. PERMIT
P.P.II.C.2.a. PERMIT
- Description: Failure to properly complete the permitted daily tank inspection with the inspector's full name.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 335, SubChapter E 335.112
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
- Description: Failure to properly complete the less than 90 days daily tank inspections with the inspector's full name.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(2)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.35
P.P.II.C.1.k. PERMIT
P.P.II.C.2.b PERMIT
- Description: Failure to provide adequate aisle space between two hazardous waste tractor trailers.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 327 327.5
40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.51(b)
- Description: Failure to immediately respond to a release of hazardous waste located at G-Unit Central Hazardous Waste Tank (NOR 205).
- 2 Date: 01/24/2014 (1128705) 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 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
Special Terms and Conditions, 15 OP
Special Terms and Conditions, 15, H PERMIT
Special Terms and Conditions, 1A OP
- Description: Failure to monitor carbon beds
- 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 EEE 63.1206(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(b)(5)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 15 OP
Special Terms and Conditions 15K PERMIT
Special Terms and Conditions 1A OP
- Description: Failure to maintain the incinerator's kiln above 1255 degrees fahrenheit as established during comprehensive performance testing (CPT) and listed in the Notification of Compliance (NOC).
- 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)
Special Terms and Conditions, 15 OP
- Description: Failure to adhere to permit representations
- 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 EEE 63.1203(a)(5)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(d)(2)
5C THSC Chapter 382 382.085(b)
Special Terms 21(B)(1) PERMIT
Special Terms and Condition 1A OP
Special Terms and Conditions 15 OP
- Description: Failure to follow proper Continous Emission Montoring (CEMS) equipment

calibration procedures
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 Terms and Conditions, 1A OP
Special Terms and Conditions, 20D PERMIT
Description: Failure to maintain proper scrubber pH as required by Hazardous Waste Permit
No. 50230, TableV.H.2.

3

Date: 02/04/2014 (1144948) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 1 PERMIT
Special term & Condition 11 OP
Description: Failure to maintain production rates. (Category B19g1)
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 a deviation on the previous Semi-Annual Deviation Report.
(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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 6A PERMIT
Special Term & Condition 11 OP
Description: Failure to ensure the CDG Flare British Thermal Units (BTUs) value was
maintained. (Category B19g1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 3(E) PERMIT
Special Condition 4 PERMIT
Special Term & Condition 11 OP
Special Term & Condition 1A OP
Description: Failure to maintain a sealing device on an open-ended line. (Category C10)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 1 PERMIT
Special Term & Condition 11 OP
Description: Failure to maintain yearly production rates in the Isobutyl Acrylate (IBA) unit.
(Category B19g1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to monitor the relief valve within 24 hours of release. (Category C7)
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 13 PERMIT
Special Term & Condition 11 OP
Description: Failure to maintain the Regenerative Thermal Oxidizer (RTO) temperature.
(Category B19g1)

4

Date: 04/04/2014 (1151955) CN600128284

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

Description: Failure to maintain compliant oxygen to fuel ratio.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 9E PERMIT

Description: Failure to maintain a cap, blind flange, plug or second valve in VOC service.

5 Date: 10/09/2014 (1197113) CN600128284

Self Report? NO Classification: Moderate
Citation: PC 4(a) PERMIT

Description: Failure by E. I. du Pont de Nemours and Company to give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility.

Self Report? NO Classification: Moderate
Citation: ELMR 1 PERMIT

Description: Failure by E. I. du Pont de Nemours and Company to collect the total suspended solids and total organic carbon effluent samples for Outfall 201 at the required frequency specified in the water quality discharge permit.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
E. I. DU PONT DE NEMOURS AND	§	TEXAS COMMISSION ON
COMPANY	§	
RN100542711	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-0868-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 ("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 petrochemical plant located at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on April 10, 2014, TCEQ staff documented that the Respondent released 493 pounds ("lbs") of vinyl acetate, 1,944 lbs of ethylene, 306 lbs of methyl acrylate, 3 lbs of glycidyl methacrylate, 228 lbs of mineral spirit, 245 lbs of acetone, 245 lbs of cyclopentane, 228 lbs of iso-butyl acrylate, 245 lbs of isopropanol, 205 lbs of methacrylic acid, 228 lbs of methanol, 267 lbs of n-butyl acrylate, 228 lbs of propane, and 252 lbs of propylene from the CDG Flare, Emission Point Number ("EPN") PL-22, during an avoidable emissions event (Incident No. 190082) that began on November 7, 2013 and lasted 47 hours and 34 minutes. The event occurred when process operation continued while repairs were made on the flare tip. The TCEQ determined that the emissions event could have been avoided through better operational practices.
4. During a record review conducted on April 10, 2014, TCEQ staff documented that the Respondent released 169.46 lbs of acetone, 1.42 lbs of carbon monoxide, 1,240.08 lbs of ethylene, 327.57 lbs of methacrylic acid, 10,750.19 lbs of vinyl acetate, 621.12 lbs of n-butyl acrylate, and 413 lbs of particulate matter ("PM") from the Baghouse Vent, EPN PLUM-D, during an avoidable emissions event (Incident No. 191783) that began on December 9, 2013 and lasted 55 hours and 34 minutes. The event occurred due to the breakdown of the Baghouse screw conveyor causing a buildup of fines. The TCEQ determined that the emissions event could have been avoided through better operational practices.
5. During a record review conducted on April 10, 2014, TCEQ staff documented that the Respondent released 440 lbs of ethylene, 146 lbs of methacrylic acid, 4,010 lbs of vinyl acetate, and 134 lbs of PM from the Baghouse Vent, EPN PLUM-D, during an avoidable emissions event (Incident No. 191940) that began on December 13, 2013 and lasted 18 hours. The event occurred when repairs on the Baghouse screw conveyor were unsuccessful causing a release of emissions. The TCEQ determined that the emissions event could have been avoided through better operational practices.
6. During a record review conducted on October 14, 2014, TCEQ staff documented that the Respondent released 6,239 lbs of ethylene and 101 lbs of methanol from the #7 Hyper Compressor Discharge Rupture Disk, during an avoidable emissions event (Incident No. 202990) that began on September 1, 2014 and lasted four minutes. The event occurred when the rupture disk was blown while pressuring up the C7 Hyper Compressor. The TCEQ determined that the emissions event could have been avoided through better operational practices.
7. The Respondent received notices of the violations on May 5, 2014 and November 19, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2055, Special Terms and Conditions ("STC") No. 12, and New Source Review ("NSR") Permit No. 20204, Special Conditions ("SC") No. 1. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2055, STC No. 12, and NSR Permit No. 20204, SC No. 1. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2055, STC No. 12, and NSR Permit No. 20204, SC No. 1. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. As evidenced by Findings of Fact No. 6, Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2001, STC No. 11, and NSR Permit No. 9176, SC No. 1. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
6. 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.
7. An administrative penalty in the amount of Eighty-Seven Thousand Five Hundred Dollars (\$87,500) 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 Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750) of the administrative penalty. Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750) 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 Eighty-Seven Thousand Five Hundred Dollars (\$87,500) as set forth in Section II, Paragraph 7 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. 2014-0868-AIR-E" to:

Financial Administration Division, Revenue Operations 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 7 above, Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750) 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 Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement procedures to prevent recurrence of emissions events due to similar causes as Incident Nos. 190082, 191783, 191940, and 202990; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on

my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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

5/4/15

Date

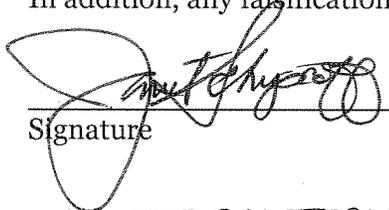
I, the undersigned, have read and understand the attached Agreed Order in the matter of E. I. du Pont de Nemours and Company. I am authorized to agree to the attached Agreed Order on behalf of E. I. du Pont de Nemours and Company, and do agree to the specified terms and conditions. I further acknowledge 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

2-5-15

Date

JANET SCHEROFF

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, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2014-0868-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	Eighty-Seven Thousand Five Hundred Dollars (\$87,500)
SEP Offset Amount:	Forty-Three Thousand Seven Hundred Fifty Dollars (\$43,750)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Meteorological and Air Monitoring Network</i>
Location of SEP:	Jefferson County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640

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

- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The 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 the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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