

AGREED BOARD ORDER NO. 12-02

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident No. 06098

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes Chapter 77 (Air Pollution Control). This Agreement is made by and between the Board and E.I. DuPont de Nemours & Company (Company), a Delaware company, and is effective on the date of its adoption by the Board.

COMPANY: E.I. DuPont de Nemours & Company
4200 Campground Road
Louisville, Kentucky 40216

REGULATIONS INVOLVED:

District Regulation 1.07: Excess Emissions During Startups, Shutdowns, and Upset Conditions
District Regulation 5.01: General Provisions

NOTICE OF VIOLATION LETTER: No. 02325, dated December 19, 2011

BACKGROUND AND DISCUSSION:

Company is a specialty chemical manufacturer and is subject to the requirements of Louisville Metro Air Pollution Control District (District) Title V Permit No. 160-97-TV. On June 30, 2011, Company discovered a tank containing 35% hydrogen chloride had ruptured at the juncture of the tank floor and sidewall. Company personnel responded to the malfunction and the process was shut down within 10 minutes. Company contacted the District on July 1, 2011 to report the malfunction, and submitted a follow-up report on July 27, 2011. Company estimated that 734 pounds of hydrogen chloride evaporated into the air within 70 minutes.

During this time, Company failed to comply with District regulations regarding the proper reporting of malfunctions. Company failed to notify the District within two hours of the beginning of the malfunction, and did not notify the District within two hours of the end of the malfunction. Rather, company reported the incident approximately 25 hours after it began. Additionally, Company did not submit a written report within 15 calendar days of the malfunction. Instead, Company submitted the report 12 days late, and did not include a root cause analysis, or steps taken to prevent or minimize similar events.

On January 27, 2012, Company submitted a report of its root cause analysis and steps taken to minimize the possibility of future occurrences, including changes to equipment inspection protocols, modifications to plant Standard Operating Procedures, and modifications to the tank to prevent a similar incident from occurring.

To fully address the violations of District Regulations 1.07 and 5.01 alleged above, the parties agree to this Order assessing against the Company an administrative settlement of \$6,750. On June 20, 2012, a public hearing was held before the Board on this proposed Order. Based upon the information presented at that hearing, the Board determines that the proposed resolution and requirements contained in this Order are reasonable under the circumstances.

NOW, THEREFORE BE IT ORDERED THAT:

1. Company shall pay \$6,750 to the Louisville Metro Air Pollution Control District by June 20, 2012.

2. Company has reviewed this Order and consents to all its requirements and terms. Company agrees to pay the cost of publishing legal notice of the public hearing.

3. In the event that it is necessary for the District to seek a court order to enforce this Order, Company agrees to pay filing fees and costs of such action.

4. This Order fully resolves the violations alleged in District Incident No. 06098, and as alleged above in this Order.

5. Neither this Order nor the actions taken hereunder shall constitute an admission by Company of any wrongdoing regarding any of the matters referenced in this Order.

Louisville Metro Air Pollution Control Board

E.I. DuPont de Nemours & Company

By: Robert W. Powell, M.D.
Robert W. Powell, M.D.
Chairman

By: William R. Fisher, Jr.
William R. Fisher, Jr.
Plant Manager

Date: June 20, 2012

Date: 6/14/12

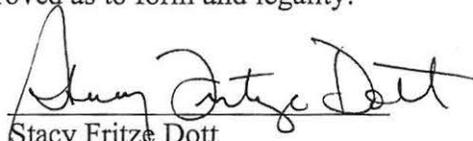
Louisville Metro Air Pollution Control District

By: Paul Aud, P.E.
Paul Aud, P.E.
Air Pollution Control Officer

Date: 6-18-12

Approved as to form and legality:

By:



Stacy Fritze Dott

Assistant County Attorney