



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

May 25, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7010 2780 0002 4357 7443

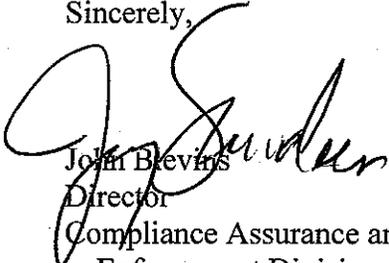
John R. Laughlin, Plant Manager
E.I. du Pont de Nemours and Company
Sabine River Works
3055 FM 1006, P.O. Box 1089
Orange, TX 77631-1089

Dear Mr. Laughlin:

Enclosed is an Information Request (Request) issued to E.I. du Pont de Nemours and Company (DuPont) under the authority of Section 114 of the Clean Air Act (CAA). The purpose of this Request is to obtain information necessary to determine DuPont's compliance with the CAA at its facility in Orange, Texas.

Please provide the information requested within thirty (30) days of your receipt of this letter to the persons identified in Enclosure A. If you have any questions, please contact Craig Lutz at (214) 665-2190, or Robert Parrish at (202) 564-6946.

Sincerely,


John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

ENCLOSURE A

INFORMATION REQUEST

The Environmental Protection Agency (EPA) is investigating E.I. du Pont de Nemours and Company's (DuPont) compliance with the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.* at its facility in Orange, Texas. Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, you are hereby required to follow the instructions and provide responses to the questions in this Information Request (Request). You are required to submit this information to EPA within thirty (30) calendar days of receipt of this Request. Also, EPA specifically retains the right to obtain additional information beyond what is listed in this Request.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of DuPont. An affidavit making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). Failure to fully comply with this Request may subject DuPont to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413. This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.* because it seeks the collection of information from specific individuals or entities as part of an administrative investigation.

In accordance with Section 114(c) of the CAA, 42 U.S.C. § 7414(c), the records, reports, and/or information requested in this Request must be submitted whether or not you regard part or all of it as a trade secret or confidential. You may, if you desire, assert a business confidentiality for all or part of the information submitted (with the exception of emissions data) in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential material will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. If you do assert a business confidentiality claim, you must follow the procedures set forth in Section I - Instructions.

All information responsive to this Request should be sent to the following:

Craig Lutz
Air Toxics Section (6EN-AT)
Air/ Toxics Inspection and Coordination Branch
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
lutz.craig@epa.gov
(214) 665-2190

Robert Parrish
Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
MC 2242A
Washington, DC 20460
parrish.robert@epa.gov
(202) 564-6946

I. INSTRUCTIONS

1. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.
2. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
3. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. Please submit all information for each question in a logically sequenced, bound format.
4. Please provide a separate response to each question and subpart of a question set forth in this Request, and precede each answer with the number of the question to which it corresponds.
5. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret", "proprietary", or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document in which you assert a claim of business confidentiality, please answer the following questions:
 - a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
 - b. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate

the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.

- c. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
- d. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- e. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- g. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

6. Please provide all information, where possible, in editable electronic format, on compact disc or other electronic storage media, all data tables from the facility's flaring records management database. Provide the data in a format such that all information can be readily viewed in Microsoft Access (Microsoft Excel is not an acceptable format for data tables containing greater than 65,000 records).

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, flash drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, flash drive, CD, DVD, or other type of memory and together with printouts of such hard drive, flash drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
2. The term "E.I. DuPont de Nemours and Company" (DuPont) includes any officer, director, agent, employee, representative, attorney, consultant, or accountant of DuPont, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
3. The term "you" or "yours" refers to DuPont.
4. The term "facility" means your Sabine River Works facility located in Orange County, Texas 77631.
5. The terms "identify" or "identification" means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Information Request.
6. The term "Flare" is broadly defined as any open combustion unit (i.e., lacking an enclosed combustion chamber) whose combustion air is provided by uncontrolled ambient air around the flame, and that is used as a control or safety device. A flare may be equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a flame air control damping system to control the air/fuel mixture.

In addition, a flare may also use auxiliary fuel. The combustion flame may be elevated or at ground level.

7. The term "Pilot Gas" means gas injected at a flare tip to maintain a flame.
8. The terms "Purge Gas" or "Sweep Gas" means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.
9. The term "Supplemental Gas" means all gas introduced to raise the heating value of Waste Gas.
10. The term "Vent Gas" means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.
11. The term "Waste Gas" means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.
12. Unless otherwise defined in this Request, all terms used in the Request will have their ordinary meaning unless such terms are defined in the CAA and its implementing regulations, in which case such statutory or regulatory definitions apply.
13. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.
14. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

III. QUESTIONS

1. Identify each person(s) answering each Question or subpart of each Question.
2. For each and every Question or subpart of each Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents, if not provided in response to another specific question. Indicate on each document produced in response to this Request the number of the Question to which it corresponds.

4. For each day beginning on September 22, 2009, until the date of your receipt of this request, list the periods of time (date, start time, and end time) that Waste Gas, Purge Gas, and/or Supplemental Gas was routed to each flare at the Orange, Texas facility (i.e., "venting periods"). This request and all requests below seek information regarding all facility devices meeting the definition of flare.
5. For each venting period listed in response to Question 4 above, provide the average heating value, in BTU/scf, of the stream that was vented to each facility flare. The averaging time shall not be greater than one hour. If the heating value is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
6. For each venting period listed in response to Question 4 above, provide the average mass flow rate of the Vent Gas, in lb/hr, that was vented to each facility flare. The averaging time shall be no more than one hour. If the mass flow rate is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
7. For each venting period listed in response to Question 4 above, provide the average rate at which steam and/or air was being added to each facility flare, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. The averaging time shall not be greater than one hour. If the steam and/or air flow is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
8. For each venting period listed in response to Question 4 above, provide the average steam-to-Vent Gas or air-to-Vent Gas ratio (lb steam/lb Vent Gas or scf of air/lb of Vent Gas) during any release to each facility flare. The averaging time shall be no more than one hour. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
9. Provide a one-hour average of the concentration of each constituent in the Vent Gas during venting periods for the dates beginning one month prior to your receipt of this request, until the date of receipt of your request.
10. Provide a list of the primary constituents in the Vent Gas for all periods listed in Question 4. If DuPont does not have the instrumentation available to provide the exact concentrations, it may provide a list of the primary constituents and an estimated range of each constituent's concentration. In the event that the concentrations are known for some compounds but not others, provide the most specific information available for that compound.

11. For each facility flare, provide the minimum steam or air addition rate, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (seal, upper and lower). To the extent that the minimum steam or air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.
12. For each facility flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.
13. For each facility flare, state whether the flare and its associated closed vent system is used as the method of compliance with any federal regulation, including without limitation, the Standards of Performance for New Stationary Sources found at 40 C.F.R. Part 60, the National Emission Standards for Hazardous Air Pollutants found at 40 C.F.R. Part 61, and the National Emission Standards for Hazardous Air Pollutants for Source Categories found at 40 C.F.R. Part 63, (specifically including without limitation any leak detection and repair (LDAR) provisions promulgated under these Parts such as 40 C.F.R. § 60.482-4(c), or 40 C.F.R. § 63.165(c)). In each such case, identify the process unit or equipment that is/are the "affected facility" under the applicable Part and the specific Subpart that applies to the "affected facility."

ENCLOSURE B

AFFIDAVIT TO INFORMATION REQUEST

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

STATE OF

SS.

COUNTY OF

I, the undersigned affiant, first being duly sworn, upon oath, depose and say:

1. I certify under penalty of law that the answers to the Questions in the Request, and all attachments included in our response were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

2. Attached hereto are _____ pages of photocopies of documents or records.

The attached pages are true and correct copies of records which I presently have in my custody and/or control as an owner and/or employee of _____

the address of which is _____

3. I am one of the custodians of the records of which the attached pages are true and correct copies. Those records have been requested by EPA and are being produced along with this affidavit in response to that Request.

4. The records, of which the attached pages are true copies, were and/or are received and/or kept in the usual course of the regularly conducted business and activity of the entity listed in paragraph 2 above. The records are relied upon by me and others for the purpose of conducting every-day affairs.

5. I have made a diligent search and inquiry for all records which are reasonably described in the Request to which this affidavit responds. I have not found or located, and I have not been told about, and I have no knowledge of, any records coming within the descriptions set forth in the said Request which have not been copied and submitted along with this affidavit.

6. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of EPA, and that any material false statement or act herein may be a crime under 18 U.S.C. § 1001, and 42 U.S.C. § 7413(c).

SIGNED: _____ DATE: _____

PRINTED NAME: _____

OFFICE OR TITLE: _____

SWORN AND SUBSCRIBED TO before me, the undersigned Notary Public on this _____ day of _____, _____.

NOTARY PUBLIC in and for the State of

_____ residing at _____

SEAL

My commission expires _____.