



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

**1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270**

March 8, 2023

Corey Blanchard, Environmental Coordinator
DuPont Specialty Products USA, LLC.
586 Highway 44
Laplace, Louisiana 70068

Sent via email to: corey.w.blanchard@dupont.com

Re: Clean Air Act Notice of Violation and Opportunity to Confer

Dear Mr. Blanchard,

The U.S. Environmental Protection Agency, Region 6 ("EPA") has identified DuPont Specialty Products USA, LLC. ("DuPont" or "you") as having violated the Clean Air Act ("CAA"). This Notice of Violation and Opportunity to Confer ("NOVOC") is issued to DuPont pursuant to Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). EPA alleges violations of the following requirements at DuPont's Laplace, Louisiana facility: the National Emission Standard for Benzene Emissions from Benzene Storage Vessels, codified at 40 C.F.R. Part 61, Subpart Y, the National Emission Standard for Organic Hazardous Air Pollutants for Equipment Leaks, codified at 40 C.F.R. Part 63 Subpart H, and DuPont's Title V operating permit.

This NOVOC provides you with the opportunity to confer with EPA. We request that DuPont contact Christian Rosnell, Assistant Regional Counsel, at rosnell.christian@epa.gov or 214-665-6761 within ten (10) business days to discuss this pending matter.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

cc: Eura DeHart, LDEQ (aura.dehart@la.gov)

IN THE MATTER OF:

NOTICE OF VIOLATION

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 *et seq.*

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency, Region 6 (“EPA”) alleges that DuPont Specialty Products USA, LLC. (“DuPont”) has violated Section 112 of the Clean Air Act (“CAA”), 42 U.S.C. § 7412, and regulations promulgated under those sections. Specifically, EPA alleges that DuPont has violated the National Emission Standard for Benzene Emissions from Benzene Storage Vessels (“Benzene Storage NESHAP”), codified at 40 C.F.R. Part 61, Subpart Y (“Subpart Y”), the National Emission Standard for Organic Hazardous Air Pollutants for Equipment Leaks, codified at 40 C.F.R. Part 63 Subpart H (“Subpart H”), and its Title V operating permit for its Laplace, LA facility (“Pontchartrain Facility”).

Statutory and Regulatory Authority

1. Section 112(q) of the CAA, 42 U.S.C. § 7412(q), provides, in pertinent part, that any standard under this section in effect before the date of enactment of the CAA Amendments of 1990 (November 15, 1990) shall remain in force and effect after such date.

NESHAP General Provisions

2. 40 C.F.R. § 61.05(c) requires that ninety days after the effective date of any standard, no owner or operator shall operate any existing source subject to that standard in violation of the standard, except under a waiver granted by the Administrator under this part or under an exemption granted by the President under section 112(c)(2) of the CAA.
3. 40 C.F.R. § 61.12(a) provides that compliance with numerical emission limits shall be determined in accordance with emission tests established in 40 C.F.R. § 61.13 or as otherwise specified in an individual subpart.
4. 40 C.F.R. § 61.12(b) provides that compliance with design, equipment, work practice or operational standards shall be determined as specified in an individual subpart.
5. 40 C.F.R. § 61.12(c) requires that the owner or operator of each stationary source shall maintain and operate the source, including associated equipment for air pollution control,

in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the source.

Benzene Storage Vessel NESHAP

6. On September 14, 1989, EPA promulgated the Benzene Storage NESHAP, now codified at 40 C.F.R. Part 61, Subpart Y. 54 Fed. Reg. 38077.
7. 40 C.F.R. § 61.270(a) states that the source to which this subpart applies is each storage vessel that is storing benzene having a specific gravity within the range of specific gravities specified in ASTM D836-84 for Industrial Grade Benzene, ASTM D835-85 for Refined Benzene-485, ASTM D2359-85a or 93 for Refined Benzene-535, and ASTM D4734-87 or 96 for Refined Benzene-545. These specifications are incorporated by reference as specified in 40 C.F.R. § 61.18.
8. 40 C.F.R. § 61.271(c)(1) states that the storage vessel shall be equipped with a closed vent system and a control device. The closed vent system shall be designed to collect all benzene vapors and gases discharged from the storage vessel and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in 40 C.F.R. § 61.242-11.

Equipment Leaks

9. On April 22, 1994, EPA promulgated the following National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks, now codified at 40 C.F.R. Part 63, Subpart H. 59 Fed. Reg. 19568.
10. 40 C.F.R. § 63.167(a)(1) states that each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in 40 C.F.R. § 63.162(b) of this subpart and paragraphs (d) and (e) of this section.

Title V

11. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V operating permit after the effective date of any permit program approved or promulgated under Title V of the CAA. EPA first promulgated regulations governing state operating permit programs on July 21, 1992. 57 Fed. Reg. 32295; 40 C.F.R. Part 70. EPA promulgated regulations governing the federal operating permit program on July 1, 1996. 61 Fed. Reg. 34202; 40 C.F.R. Part 70.
12. The Louisiana Title V operating permit program became effective on October 12, 1995. 40 C.F.R. Part 70, Appendix A. The Title V permits that Louisiana issues under its program are also known as Part 70 Operating Permits.

13. On May 7, 2003, the State of Louisiana approved DuPont's application for a Title V Permit for the Diamines Unit at its Pontchartrain Facility.
14. On June 4, 2020, the State of Louisiana approved DuPont's permit renewal and modification for the Title V Permit for the Diamines Unit at its Pontchartrain Facility, which was in effect at the time of the April, 2022 EPA inspection at the Facility.
15. Table X ("Applicable Louisiana and Federal Air Quality Requirements"), of DuPont's Title V operating permit, states that DuPont shall comply with the applicable provisions of Benzene Storage NESHAP for its benzene storage vessels (Permit Description # 1500-34C) and flare associated with the vessel (FVH Flare #2, 1500-66).
16. Table X ("Applicable Louisiana and Federal Air Quality Requirements"), of DuPont's Title V operating permit, states that DuPont shall comply with the applicable provisions of the Subpart H for its Diamines Fugitive Emissions (Permit Description # 1500-58).

Factual Background

17. Dupont owns and operates a chemical plant at 586 Highway 44, Laplace, Louisiana 70068.
18. DuPont operates a benzene storage vessel that has a capacity greater than 38 cubic meters (10,000 gallons) at the Pontchartrain Facility, which is subject to the requirements of Subpart Y.
19. DuPont operates a chemical manufacturing facility subject to the Subpart H.
20. EPA conducted an on-site inspection on April 13 and 22, 2022 (April 2022 Inspection) at the Pontchartrain Facility.
21. During the April 2022 Inspection, EPA identified the following detectable emissions from the benzene storage vessel using EPA Test Method 21:
 - a. Emergency vent (Tag# 7254) – 20,100 parts per million (ppm)
 - b. Pressure/Vacuum relief valve – 1,933 ppm
22. Additionally, during the April 2022 Inspection, EPA identified an open-ended line (OEL) with no closure device in the Diamines process unit associated with a valve (Tag# 6613) subject to Subpart H.

Violations

23. Based on the detectable emissions identified by EPA during EPA's April 2022 Inspection, DuPont failed to operate the closed-vent systems of its benzene storage vessel with no detectable emissions, as required by 40 C.F.R. § 61.271(c)(1) and its Title V operating permit.

24. Based on the April 2022 Inspection walkthrough of the Diamines process unit, DuPont failed to maintain a closure device on one OEL, as required by 40 C.F.R. § 63.167(a)(1) and its Title V operating permit.