



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

E. I. du Pont de Nemours & Company
Clean Air Act Settlement Fact Sheet
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Overview: E. I. du Pont de Nemours & Co (DuPont) owns and operates, among other things, the following four contact process sulfuric acid production plants: Fort Hill in North Bend, Ohio, James River in Richmond, Virginia, Burnside in Darrow, Louisiana; and Wurtland in Wurtland, Kentucky. Each of these plants manufactures sulfuric acid. The sulfuric acid produced by DuPont at these plants is utilized to make surfactants, gasoline, pigments, and many other applications. Today's settlement resolves DuPont's Clean Air Act violations associated with excess emissions for sulfur dioxide (SO₂) and sulfuric acid mist from each of its four sulfuric acid plants.

Violations: DuPont's violations involved modifications that triggered New Source Performance Standard (NSPS) and Prevention of Significant Deterioration (PSD) obligations under the federal statute and regulatory requirements for SO₂ and sulfuric acid mist. Each sulfuric acid plant should have complied with PSD requirements by applying for and receiving a PSD permit under the applicable State Implementation Plan (SIP), the NSPS for Sulfuric Acid Production Plants, 40 C.F.R. Part 60, Subpart H and incorporated these requirements into its Title V permit.

State Involvement: EPA has collaborated with several states to achieve this settlement. Signatories to the Consent Decree are: the State of Louisiana, the State of Ohio, and the Commonwealth of Virginia. EPA approached the Commonwealth of Kentucky concerning this settlement, but it declined the invitation to become a signatory.

Injunctive Relief: This Decree is the third settlement in EPA's National NSR/PSD Acid Plant Priority and the second global settlement involving a producer of sulfuric acid. The settlement requires state-of-the-art SO₂ control equipment and generates SO₂ emission reductions of over 13,000 tons per year, resulting in an estimated \$260 million in health benefits. The proposed Consent Decree requires the following relief:

Plant Name	SO₂ Mass Tonnage Cap (12-month rolling sum)	SO₂ Emission Limit (3hr rolling average)	Date for meeting limit
Burnside	1007	2.4 lbs/ton	Sept. 1, 2009
James River	123	1.5 lbs/ton	March 1, 2010

Fort Hill	281	2.2 lbs/ton	March 1, 2011 or March 1, 2012
Wurtland	248	1.7 lbs/ton	March 1, 2012 or March 1, 2011

The Consent Decree allows DuPont to elect to switch the order of controls for Fort Hill and Wurtland. To switch the dates of compliance, DuPont must notify the United States of its decision by no later than March 1, 2010. In addition, prior to the final emission limitations becoming effective, DuPont must meet interim SO₂ emission limitations at both Fort Hill (20.0 lbs/ton) and Wurtland, (21.0 lbs/ton). The Decree allows DuPont to exclude emissions resulting from startup and malfunction events from the short term 3-hour average. However, the 12-month rolling sum emission rate¹ does include emissions from startup and malfunction events, thereby ensuring that excess emissions are in fact constrained. Emissions attributed to shutdowns are not excluded from either the 3-hour average or 12-month sum. These limitations are among the lowest permitted emission rates of any sulfuric acid plant and will result in the reduction of approximately 13,000 tons of SO₂ annually from these four plants.

The Consent Decree also requires DuPont to submit two types of plans for EPA review and approval. Dupont must submit operation and maintenance plans (O&M plans) for each of its plants. The O&M plans must describe DuPont's procedures to minimize the frequency of shutdowns and the quantity of emissions at all times, including startups and malfunctions. In addition, DuPont will submit continuous emission monitoring system plans (CEMs plans) for each plant. These plans will describe how DuPont proposes to implement the emission monitoring requirements of the Decree to measure compliance with the SO₂ lbs/ton emission limitations.

Civil Penalty: DuPont will pay a civil penalty of \$4,125,000.

Health Effects: SO₂ in the environment causes severe respiratory problems and contributes to childhood asthma. SO₂ is a significant contributor to acid rain, visibility impairment, fine particulate matter formation and smog. Sulfuric acid mist can cause respiratory damage, and damage to the mouth, throat, lungs and eyes. [More information on SO₂](#).

¹The total mass emissions at the end of each month will be added to the emissions for the previous eleven months to determine compliance with the Consent Decree's 12-month mass emission limit.