EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1227-AIR-E **TCEQ ID:** RN100218973 **CASE NO.:** 34337

RESPONDENT NAME: Formosa Plastics Corporation, Texas

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Formosa Point Comfort Plant, 201 Formosa Drive, Gate 3, Point Comfort, Calhoun County

TYPE OF OPERATION: Synthetic chemical manufacturing

SMALL BUSINESS: ____ **Yes** __X__ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2006-1840-AIR-E, 2006-0429-AIR-E, 2007-0230-AIR-E, and 2007-0771-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 22, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Randall P. Smith, Vice President and General Manager, Formosa Plastics Corporation, Texas, 201 Formosa Drive, Point Comfort 77978
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** May 17, 2007 **Date of NOV/NOE Relating to this Case:** July 17, 2007 (NOE) **Background Facts:** This was a routine record review. One violation was documented. **AIR** Failed to comply with the maximum allowable emission rate table ("MAERT") for particulate matter ("PM"). Specifically, a stack test conducted on Furnace 11 (EPN No. N1011) from February 28 through March 1, 2007 showed PM emissions to be 8.92 pounds per hour ("lb/hr") with a permitted limit of 3.96 lb/hr [30 TEX. ADMIN CODE §§ 101.20(3) and 116.115(c), Air Permit No. 19168, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $12,350 **Total Deferred:** $2,470 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $4,940 **Total Paid to General Revenue:** $4,940 **Site Compliance History Classification** ___ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive director recognizes that the Respondent submitted the retest report demonstrating compliance with the MAERT for Furnace 11 (EPN No. N1011) to the TCEQ on August 6, 2007. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a supplemental Environmental Project (SEP). (See SEP Attachment A)

Additional ID No(s).: CB0038Q

Attachment A
Docket Number: 2007-1227-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Formosa Plastics Corporation, Texas
Penalty Amount:	Nine Thousand Eight Hundred Eighty Dollars ($9,880)
SEP Amount:	Four Thousand Nine Hundred Forty Dollars ($4,940)
Type of SEP:	Contribution to Third-Party Administrator (pre-approved concept)
Third-Party Recipient:	City of Point Comfort ***Wastewater Treatment Plant Repair Assistance***
Location of SEP:	Calhoun 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 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 Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the City of Point Comfort, Texas for its ***Wastewater Treatment Plant Repair Assistance*** project. The Third Party Recipient shall use SEP funds to assist in rehabilitation of its wastewater treatment system as described below:

- Rehabilitation of the main sanitary sewer lift station (excluding the cost of installation of new high level alarms) to prevent sewage overflows or backups of sewage into residences;
- Replacement of the final effluent outfall line at the wastewater treatment facility site;
- Simultaneous deconstruction of portions of the former site, which will alleviate storm water inflow into the chlorine contact chamber at the treatment facility.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by by helping to prevent the release of raw sewage into the environment, which will protect ground, surface, and drinking water sources, the general public and wildlife from contamination from sewage.

Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as lawns, in streets, or in waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The outfall line and plant deconstruction portions of this SEP will provide a discernible environmental benefit by reducing storm water inflow into the chlorine contact chamber of the treatment facility, which will reduce the likelihood of discharge of improperly disinfected wastewater effluent.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

City of Point Comfort
Attention: Honorable Pam Lambden, Mayor
P.O. Box 497
Point Comfort, Texas 77978

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087

Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the Respondent shall submit a check for any amount due with a notation that the payment is for a "SEP Refund", and the docket number of the case. The Respondent shall make the check out to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP 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 amount identified in this Agreed Order has not been, and shall not be, included as a SEP amount 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)

Policy Revision 2 (September 2002) — *PCW Revision June 26, 2007*

TCEQ

DATES					
Assigned	23-Jul-2007				
PCW	31-Jul-2007	Screening	28-Jul-2007	EPA Due	11-Feb-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Formosa Plastics Corporation, Texas		
Reg. Ent. Ref. No.	RN100218973		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34337	No. of Violations	1
Docket No.	2007-1227-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Samuel Short
Multi-Media		EC's Team	EnforcementTeam 3
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 157% Enhancement — *Subtotals 2, 3, & 7* $7,850

Notes: A 157% enhancement is recommended for having five NOVs for the same or similar violations, 21 NOVs for non-similar violations, two Agreed Orders with denial, and two Agreed Orders without denial within the last five years.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 10% Reduction — *Subtotal 5* $500

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

Notes: The Respondent returned to compliance on August 6, 2007.

Total EB Amounts	$54
Approx. Cost of Compliance	$2,500

0% Enhancement* — **Capped at the Total EB $ Amount* — *Subtotal 6* $0

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $12,350

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $12,350

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $12,350

DEFERRAL — 20% Reduction — *Adjustment* -$2,470

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $9,880

Screening Date 28-Jul-2007 **Docket No.** 2007-1227-AIR-E **PCW**

Respondent Formosa Plastics Corporation, Texas *Policy Revision 2 (September 2002)*

Case ID No. 34337 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN100218973

Media [Statute] Air

Enf. Coordinator Samuel Short

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	5	25%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	2	40%
	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	2	50%
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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 157%

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

No ***Adjustment Percentage (Subtotal 3)*** 0%

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

Average Performer ***Adjustment Percentage (Subtotal 7)*** 0%

>> **Compliance History Summary**

Compliance History Notes A 157% enhancement is recommended for having five NOVs for the same or similar violations, 21 NOVs for non-similar violations, two Agreed Orders with denial, and two Agreed Orders without denial within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 157%

Screening Date 28-Jul-2007 **Docket No.** 2007-1227-AIR-E **PCW**

Respondent Formosa Plastics Corporation, Texas *Policy Revision 2 (September 2002)*

Case ID No. 34337 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN100218973

Media [Statute] Air

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) 30 Tex. Admin Code §§ 101.20(3) and 116.115(c), Air Permit No. 19168, Special Condition No. 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum allowable emission rate table ("MAERT") for particulate matter ("PM"). Specifically, a stack test conducted on Furnace 11 (EPN No. N1011) from February 28 through March 1, 2007 showed PM emissions to be 8.92 pounds per hour ("lb/hr") with a permitted limit of 3.96 lb/hr.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			x
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2 | 150 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events are recommended from the end of the testing date until the date of screening.

Economic Benefit (EB) for this violation

Estimated EB Amount $54

Statutory Limit Test

Violation Final Penalty Total $12,350

This violation Final Assessed Penalty (adjusted for limits) $12,350

Economic Benefit Worksheet

Respondent Formosa Plastics Corporation, Texas
Case ID No. 34337
Reg. Ent. Reference No. RN100218973
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,500	28-Feb-2007	6-Aug-2007	0.4	$54	n/a	$54

Notes for DELAYED costs: Estimated cost to maintain compliance with the MAERT. Date required is the date of testing and Final date is when the retest report was submitted showing compliance with the MAERT.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $2,500

TOTAL: $54

Compliance History

Customer/Respondent/Owner-Operator:	CN600130017	Formosa Plastics Corporation, Texas	Classification: AVERAGE	Rating: 3.53
Regulated Entity:	RN100218973	FORMOSA POINT COMFORT PLANT	Classification: AVERAGE	Site Rating: 11.63

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	CB0038Q
AIR OPERATING PERMITS	PERMIT	1484
AIR OPERATING PERMITS	PERMIT	1951
AIR OPERATING PERMITS	PERMIT	1953
AIR OPERATING PERMITS	PERMIT	1954
AIR OPERATING PERMITS	PERMIT	1955
AIR OPERATING PERMITS	PERMIT	1956
AIR OPERATING PERMITS	PERMIT	1957
AIR OPERATING PERMITS	PERMIT	1958
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXT490011293
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31945
AIR NEW SOURCE PERMITS	PERMIT	7699
AIR NEW SOURCE PERMITS	PERMIT	17030
AIR NEW SOURCE PERMITS	PERMIT	17158
AIR NEW SOURCE PERMITS	PERMIT	19166
AIR NEW SOURCE PERMITS	PERMIT	19167
AIR NEW SOURCE PERMITS	PERMIT	19168
AIR NEW SOURCE PERMITS	PERMIT	19198
AIR NEW SOURCE PERMITS	PERMIT	19199
AIR NEW SOURCE PERMITS	PERMIT	19200
AIR NEW SOURCE PERMITS	PERMIT	19201
AIR NEW SOURCE PERMITS	PERMIT	19871
AIR NEW SOURCE PERMITS	PERMIT	20203
AIR NEW SOURCE PERMITS	PERMIT	24947
AIR NEW SOURCE PERMITS	PERMIT	29765
AIR NEW SOURCE PERMITS	PERMIT	31130
AIR NEW SOURCE PERMITS	PERMIT	26267
AIR NEW SOURCE PERMITS	PERMIT	26270
AIR NEW SOURCE PERMITS	PERMIT	26351
AIR NEW SOURCE PERMITS	PERMIT	26523
AIR NEW SOURCE PERMITS	PERMIT	26266
AIR NEW SOURCE PERMITS	PERMIT	35292
AIR NEW SOURCE PERMITS	PERMIT	37070
AIR NEW SOURCE PERMITS	PERMIT	40157
AIR NEW SOURCE PERMITS	PERMIT	40293
AIR NEW SOURCE PERMITS	PERMIT	41145
AIR NEW SOURCE PERMITS	PERMIT	43265
AIR NEW SOURCE PERMITS	PERMIT	44847
AIR NEW SOURCE PERMITS	PERMIT	44933
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CB0038Q
AIR NEW SOURCE PERMITS	PERMIT	52859
AIR NEW SOURCE PERMITS	PERMIT	52259
AIR NEW SOURCE PERMITS	REGISTRATION	75974
AIR NEW SOURCE PERMITS	PERMIT	76305
AIR NEW SOURCE PERMITS	PERMIT	76044
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1053
AIR NEW SOURCE PERMITS	EPA ID	PSDTX699
AIR NEW SOURCE PERMITS	EPA ID	PSDTX760M3
AIR NEW SOURCE PERMITS	EPA ID	PSDTX760M4
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1058
AIR NEW SOURCE PERMITS	EPA ID	PSDTX760M6
AIR NEW SOURCE PERMITS	REGISTRATION	78769
AIR NEW SOURCE PERMITS	AFS NUM	4805700015
AIR NEW SOURCE PERMITS	REGISTRATION	79826
AIR NEW SOURCE PERMITS	REGISTRATION	80198
AIR NEW SOURCE PERMITS	REGISTRATION	81027
AIR NEW SOURCE PERMITS	REGISTRATION	81109
AIR NEW SOURCE PERMITS	EPA ID	HAP2
AIR NEW SOURCE PERMITS	EPA ID	HAP7
AIR NEW SOURCE PERMITS	REGISTRATION	PSDTX760M8
USED OIL	REGISTRATION	C86337
WASTEWATER	PERMIT	WQ0002436000
WASTEWATER	EPA ID	TX0085570
UNDERGROUND INJECTION CONTROL	PERMIT	WDW402
UNDERGROUND INJECTION CONTROL	PERMIT	WDW403
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31945

Location:	201 FORMOSA DRIVE GATE 3, POINT COMFORT, TX, 77978	Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 14 - CORPUS CHRISTI		
Date Compliance History Prepared:	July 24, 2007		

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 24, 2002 to July 24, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Samuel Short Phone: (512) 239-5363

Site Compliance History Components

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 of the site during the compliance period?	No
3. If Yes, who is the current owner?	N/A
4. If Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/11/2004 ADMINORDER 2000-1144-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Part 61, Subpart F 61.65(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent a nonemergency relief valve discharge of VCL to the atmosphere on July 24, 2000

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Emitted approximately 2,870 lbs of heptane into the atmosphere from a spill which occurred on July 11, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Part 61, Subpart F 61.65(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent a nonemergency relief valve discharge of VCL and HCL to the atmosphere on April 20, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Part 61, Subpart F 61.64(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exceeded the maximum allowable VCL concentration of 10 ppm in a reactor exhaust gas stream on July 9, 2000 and September 29, 2000

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.100[G]

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
40 CFR Part 61, Subpart A 61.12(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain the Plant in a manner consistent with good air pollution control practices for minimizing emissions

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition PERMIT

Description: Exceeded the MAER at the olefins elevated flare for VOCs, NOx, CO, and opacity on July 15-16, 2000, and October 12, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 9F PERMIT

Description: Formosa failed to conduct performance testing as required for EPNs 313G and 313H

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition PERMIT
Description: Exceeded the permitted PM emission rate from EPN 313H during a performance test conducted on October 11-12, 2001

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.7(a)

30 TAC Chapter 113, SubChapter C 113.100[G]
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
40 CFR Part 61, Subpart K 61.122(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain and operate the vinyl plant in a manner consistent with good air pollution control practice for minimizing emissions, by allowing continuous leaks from Chill Water Tank B
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Part 61, Subpart F 61.63(a)

40 CFR Part 61, Subpart F 61.64(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to limit the concentration of vinyl chloride to 10 parts per million averaged over a three hour period.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(b)[G]

40 CFR Part 61, Subpart F 61.63(a)
40 CFR Part 61, Subpart F 61.64(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Exceeded the MAER for VCL at plant incinerator VH-801C

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit complete and timely notification for one reportable upset which occurred on July 19-23, 2001
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to supply all required information in the upset notification which occurred on June 23, 2001, and by failing to clearly identify either the cause of the upset or the actions taken to correct the upset in the final reports submitted for releases which occurred on October 12 and 19, November 17, 27, and 30, and De

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Exceeded the MAER for VOCs, CO, and NOX, on eight occasions between July 24, 2000 and June 6, 2001

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(b)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
Description: Allowed the olefins flare to have visible emissions for more than five minutes in a two-hour period on December 19, 2000 and May 23 ,2001, and by exceeding the hourly MAER for NOX, CO, and benzene on December 19, 2000

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Part 61, Subpart F 61.63(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: exceeded the maximum allowable concentration of VCL of 10 ppm in an exhaust gas stream from equipment used in the VCL formation and/or purification on October 18, 2000
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii)

40 CFR Part 60, Subpart A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 10 PERMIT
Description: Failed to operate the flare in accordance with 40 C.F.R. ? 60.18; specifically, by failing to demonstrate, through the prescribed testing, that the low pressure tank flare met the minimum BTU content and that the minimum heating value of the waste gas was met

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Part 61, Subpart F 61.64(a)(1)

Description: Exceeded the maximum allowable VCL concentration of 10 ppm in a reactor gas stream on March 4, 2001
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Part 61, Subpart A 61.12(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain and operate the vinyl plant in a manner consistent with good air pollution control practice for minimizing emissions on February 4, 2002,
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.12(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain and operate the vinyl plant consistent with good air pollution control practice for minimizing emissions on February 5, 2002

Effective Date: 02/10/2005 ADMINORDER 2004-0781-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.100[G]

30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.12(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain and operate the Vinyl Plant in a manner consistent with good air pollution practice for minimizing emissions by allowing extended storage/installation of the vinyl chloride monomer (VCM) process area overhead condensers.
Classification: Major

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

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Cond. F & Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the allowable emission limit for VCM of 1.6 pounds per hour (lbs/hr) from the VCM process area cooling tower (EPN VW-C11) overhead condensers (FIN VE-504D and E).

Effective Date: 12/30/2005 ADMINORDER 2005-0125-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT
Special Condition No. 12 PERMIT

Description: Failure prevent unauthorized emissions from EPNs 1018 and 1067. Formosa failed to satisfy all demonstrations criteria as listed under 30 TAC 101.222(b) and gain regulatory authority for the emissions released from two emissions events, Incident Nos. 25241and 25275, that occurred on July 15, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condtion 12 PERMIT

Description: Failure to prevent unauthorized emissions from EPN 1018. Formosa failed to satisfy all demonstration criteria in 30 TAC ?101.222(b) and gain an affirmative defense for unauthorized emissions that were released from the Olefins 1 facility during an emissions event which occurred on or about June 30, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7699 / PSD-TX-226M6 PA

Description: Failure to prevent unauthorized emissions from EPN 999. Formosa failed to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.222 for vinyl chloride emissions involving Cooling Tower VW-CO1 during an emissions event which began on August 14, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to electronically provide rule required information in the rule required format. Specifically, the reportable emissions event was not reported via STEERS within 24 hours of discovery.

Effective Date: 06/26/2006 ADMINORDER 2005-0938-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditin 1 PERMIT
Description: Failure to maintain hydrogen chloride (HCl) emissions at or below the 0.14 lb/hr permitted limits. Specifically, emission test results of the Ethylene Dichloride Incinerator C (EPN 6002C), conducted on December 16, 2004, reported HCl emissions of 2.183 lb/hr.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to meet the demonstration requirements of 30 Texas Admin. Code ?101.222(b), specifically (b)(1), and gain an affirmative defense for emissions released during two emissions events, TCEQ Incidents 52272 and 54851, which were discovered on December 3, 2004, and December 6, 2005, respectively.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ Corpus Christi Region Office within 24 hours after the discovery of an emissions event. Specifically, two planned start-up activities, TCEQ Incidents 49733 and 49731, which both occurred on November 20, 2004, became emissions events on December 3, 2004, and December 6, 2005, respectively.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/05/2002	(5526)
2	08/22/2002	(208224)
3	09/23/2002	(208227)
4	10/04/2002	(13352)
5	10/04/2002	(13306)
6	10/21/2002	(208230)
7	10/25/2002	(14015)
8	10/25/2002	(13552)
9	10/25/2002	(14020)
10	10/25/2002	(14123)
11	10/25/2002	(13538)
12	10/25/2002	(14010)
13	10/25/2002	(13508)
14	10/25/2002	(14834)
15	10/25/2002	(13558)
16	11/22/2002	(208234)
17	11/25/2002	(17197)
18	11/25/2002	(17582)
19	11/25/2002	(17362)
20	11/25/2002	(17710)
21	11/25/2002	(17367)
22	11/25/2002	(17115)
23	11/25/2002	(17252)
24	11/26/2002	(17697)
25	11/26/2002	(17655)
26	12/23/2002	(208238)
27	12/23/2002	(18198)
28	01/23/2003	(208242)
29	01/31/2003	(23597)
30	02/28/2003	(208202)
31	03/10/2003	(23786)
32	03/25/2003	(208205)

33	04/21/2003	(208210)
34	05/02/2003	(25912)
35	06/11/2003	(208214)
36	06/24/2003	(208218)
37	07/30/2003	(61118)
38	08/07/2003	(316662)
39	08/25/2003	(316664)
40	09/23/2003	(316666)
41	10/28/2003	(316668)
42	11/24/2003	(316669)
43	12/29/2003	(316670)
44	01/23/2004	(316671)
45	01/27/2004	(260399)
46	02/24/2004	(316653)
47	02/25/2004	(259754)
48	03/11/2004	(253895)
49	03/17/2004	(265434)
50	03/23/2004	(316655)
51	03/26/2004	(264531)
52	04/15/2004	(267931)
53	04/22/2004	(316656)
54	05/24/2004	(316658)
55	06/18/2004	(276036)
56	06/22/2004	(316660)
57	06/22/2004	(273805)
58	07/15/2004	(282138)
59	07/27/2004	(284340)
60	07/28/2004	(361023)
61	08/24/2004	(361024)
62	09/21/2004	(361025)
63	10/07/2004	(290237)
64	10/21/2004	(361026)
65	11/23/2004	(361027)
66	12/17/2004	(292882)
67	12/27/2004	(386885)
68	12/28/2004	(345075)
69	12/29/2004	(341344)
70	01/24/2005	(386886)
71	02/10/2005	(346929)
72	02/22/2005	(386883)
73	03/22/2005	(386884)
74	04/11/2005	(376939)
75	04/14/2005	(373413)
76	04/20/2005	(375911)
77	04/22/2005	(424698)
78	05/03/2005	(378050)
79	05/06/2005	(351122)
80	05/23/2005	(424699)
81	06/07/2005	(377227)
82	06/21/2005	(424700)
83	07/21/2005	(400202)
84	07/22/2005	(445391)
85	08/01/2005	(401922)
86	08/02/2005	(401840)
87	08/02/2005	(401946)
88	08/16/2005	(374480)
89	08/19/2005	(401926)
90	08/22/2005	(398698)
91	08/22/2005	(445392)
92	08/25/2005	(401908)
93	08/29/2005	(406996)
94	08/31/2005	(407352)
95	09/16/2005	(431883)
96	09/21/2005	(432632)
97	09/23/2005	(445393)
98	10/08/2005	(433294)
99	10/24/2005	(445394)
100	11/22/2005	(476821)
101	12/20/2005	(476822)
102	12/30/2005	(450540)
103	01/02/2006	(450795)
104	01/23/2006	(476823)
105	01/30/2006	(439909)
106	02/22/2006	(476819)
107	03/22/2006	(476820)
108	03/27/2006	(459161)

109	04/04/2006	(439904)
110	04/04/2006	(439905)
111	04/04/2006	(449815)
112	04/04/2006	(451199)
113	04/04/2006	(438249)
114	04/13/2006	(454110)
115	04/24/2006	(503676)
116	04/24/2006	(503679)
117	04/28/2006	(435129)
118	04/28/2006	(454108)
119	05/05/2006	(464365)
120	05/12/2006	(463945)
121	05/22/2006	(503677)
122	06/02/2006	(461335)
123	06/07/2006	(465772)
124	06/14/2006	(450942)
125	06/14/2006	(480076)
126	06/23/2006	(503678)
127	06/27/2006	(482129)
128	07/07/2006	(485310)
129	07/20/2006	(482883)
130	08/03/2006	(489597)
131	08/21/2006	(526033)
132	08/30/2006	(509837)
133	08/30/2006	(497562)
134	08/30/2006	(510729)
135	08/31/2006	(509975)
136	09/01/2006	(510775)
137	09/25/2006	(526034)
138	09/26/2006	(462238)
139	09/26/2006	(512144)
140	09/26/2006	(514141)
141	10/09/2006	(513839)
142	10/12/2006	(515322)
143	10/12/2006	(514515)
144	10/19/2006	(513945)
145	10/23/2006	(550418)
146	10/26/2006	(513991)
147	11/06/2006	(514634)
148	11/15/2006	(519298)
149	11/17/2006	(519684)
150	11/20/2006	(550419)
151	11/21/2006	(516781)
152	11/30/2006	(532252)
153	12/08/2006	(519141)
154	12/15/2006	(517230)
155	12/20/2006	(550420)
156	12/21/2006	(516229)
157	01/16/2007	(532907)
158	01/17/2007	(550421)
159	01/18/2007	(535414)
160	01/24/2007	(511068)
161	02/01/2007	(531203)
162	02/01/2007	(538682)
163	02/08/2007	(538669)
164	02/16/2007	(540711)
165	02/16/2007	(550417)
166	03/09/2007	(538214)
167	03/13/2007	(538231)
168	03/22/2007	(541488)
169	04/26/2007	(557916)
170	05/01/2007	(554893)
171	05/03/2007	(532954)
172	05/03/2007	(539088)
173	05/04/2007	(558947)
174	05/08/2007	(543566)
175	05/21/2007	(539094)
176	05/22/2007	(518012)
177	06/01/2007	(560753)
178	06/05/2007	(561710)
179	06/06/2007	(561326)
180	06/22/2007	(564553)
181	07/02/2007	(564474)
182	07/02/2007	(562183)
183	07/03/2007	(564356)
184	07/09/2007	(565028)

185 07/17/2007 (556894)
186 07/18/2007 (567987)

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

Date: 08/31/2002 (208227)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2002 (208238)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (208202)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2003 (316662)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/30/2003 (61118)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT TPDES Permit No. 02436
Description: Failure to comply with self- monitored effluent limitations for the months of 01/2003, 11/2002, and 08/2002.

Date: 07/31/2003 (316664)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (316660)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/21/2004 (276036)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0002436-000
Description: Failure to comply with the permitted effluent limits.

Date: 06/30/2004 (361023)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/15/2004 (282138)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA 7699 / PSD-TX-226M6
Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.222 for emissions involving the VCM Vent Valve during an emissions event which began on March 3, 2004.

Date: 12/31/2004 (386886)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (424698)
Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/14/2005 (373413)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failed to demonstrate compliance with emission limits for Hydrogen Chloride (HCl). Specifically, testing of Etheyene Dichloride Incinerator B (EPN 6002B), conducted on June 21 and 22, 2004 indicated emssions of HCl of 4.956 lb/hr, exceeding the permitted allowable of 0.14 lb/hr.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failed to demonstrate compliance with emission limits for Hydrogen Chloride (HCl). Specifically, testing of Etheyene Dichloride Incinerator (EPN 6002C), conducted on June 21 and 22, 2004 indicated emssions of HCl of 3.813 lb/hr, exceeding the permitted allowable of 0.14 lb/hr.

Date: 07/21/2005 (400202)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-000

Description: Failure to maintain the effluent quality within the permitted limits.

Date: 07/31/2005 (445392)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/19/2005 (401926)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to include all instances of deviations in the two Deviation Reports (DR) submitted in the April 19, 2004 through April 18, 2005 time period.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(D)

Description: Failure to include or reference in the annual permit compliance certification (PCC) the identification of all other terms and conditions of the permit for which compliance was not achieved.

Date: 10/31/2005 (476821)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (503678)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/07/2006 (450942)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to submit all instances of deviations as required by rule.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PERMIT 7699/Special Condition No. 13E

Description: Failure to equip each open ended valve or line with a cap, blind flange, plug, or a second valve, as required by 40 Code of Federal Regulations (CFR) ?60.482-6(a)(1).

Date: 07/20/2006 (482883)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to comply with the Federal Operating Permit Compliance Certification Terms and Conditions. Formosa failed to report all instances of deviations in the Semi-Annual Compliance Certification for the certification period which began on October 22, 2004 through April 20, 2005.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(D)

Description: Failure to comply with the Federal Operating Permit Compliance Certification Terms and Conditions. Formosa failed to report all instances of deviations in the Annual Compliance Certification for the certification period which began on April 21, 2004 through April 20, 2005.

Date: 08/30/2006 (509837)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 19200, Special Condition 9A
OP FOP O-01956, Special Condition No. 13

Description: Failure to maintain required records of monitoring data.

Date: 08/30/2006 (497562)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA SC 20
OP Spec. Terms & Conditions (STC) No. 13

Description: Failure to operate two incinerators according to the excess oxygen (O2) and carbon monoxide (CO) limits defined by the HDPE I Plant air permit special condition.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PA SC 7
OP STC No. 13
Description: Failure to demonstrate that monthly monitoring for VOC associated with cooling tower water had been conducted in January and February 2005.
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP STC No. 1
Description: Failure to equip two open-ended lines (OELs) with a cap, blind flange, plug or a second valve.
Date: 11/06/2006 (514634)
Self Report? NO Classification Major

Rqmt Prov: PERMIT Special Condition No. 1
Description: Failure to meet the demonstration requirements of 30 TAC ?101.222 and gain an affirmative defense for emissions released during an emissions event (Incident No. 47973) which was discovered on October 17, 2004.
Self Report? NO Classification Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Condition No. 1
Description: Failure to meet the demonstration requirements of 30 TAC ?101.222 and gain an affirmative defense for thirty-one (31) non-reportable emissions events at the PVC Unit and at the VCM Unit.
Self Report? NO Classification Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Condition No. 1
Description: Failure to meet the demonstration requirements of 30 TAC ?101.222 and gain an affirmative defense for thirty-eight (38) reportable quantity (RQ) releases of vinyl chloride from the VCM Unit, and eleven (11) RQ releases of vinyl chloride from the PVC Unit.
Self Report? NO Classification Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Condition No. 1
Description: Failure to meet the demonstration requirements of 30 TAC ?101.222 and gain an affirmative defense for seven (7) non-reportable emissions events released between January 1 and December 31, 2004 at the EDC Unit.
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)[G]
Description: Complete failure to submit notification of reportable emissions events for the VCM and PVC Units.
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failure to maintain complete non-reportable emissions event final records for the EDC, PVC, and VCM Units.
Date: 11/30/2006 (550420)
Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/18/2006 (517230)
Self Report? NO Classification Moderate

Citation: TWC Chapter 26 26.121(a)(1)
Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-008
Description: Failure to prevent an unpermitted discharge of cooling tower blow down water via outfall 008.
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-008
Description: Failure to meet daily maximum discharge loading limit for total zinc at outfall 001.
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-001
Description: Failure to meet effluent limitation for pH maximum and duration at outfall 001.
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-010
Description: Failure to meet effluent limitation for pH maximum at outfall 010.
Date: 05/22/2007 (518012)
Self Report? NO Classification Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP Federal Operating Permit Number O-01957
OP TCEQ Air Permit Number 19201/PSD-TX-760M
Description: Failure to operate H923A and/or H923B Incinerators at not less than 2.0 percent oxygen and not more than 45 ppmvd carbon monoxide as required by Permit Number 19201, Special Condition 20.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP TCEQ Air Permit No. 190201/PSD-TX-76M6

Description: Failure to comply with 19201/PSD-TX-760M6, Special Condition 15 which states that Dryer Vents (D-301, 2D-301, and 3D-301) shall only be vented directly to the atmosphere when the VOC concentration of the vent streams reaches 25 percent of the lower explosive level.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP TCEQ Air Permit Number 20203/PSD-TX-76M6

Description: Formosa failed to comply with Permit 20203/PSD-TX-760M6, Special Condition 8 which states that the LLDPE incinerator firebox exit temperature will be maintained at no less than 1500 degrees Fahrenheit.

Self Report? NO Classification Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP TCEQ Air Permit Number 20203/PSD-TX-760M

Description: Formosa failed to comply with Permit 20203/PSD-TX-760M6, Maximum Allowable Emission Rates (MAER) which indicates that the carbon monoxide pounds per hour emission rate of the emission point number LI-01 Incinerator shall be maintained at no greater than 8.98 pounds per hour.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP TCEQ Air Permit Number 20203/PSD-TX-760M

Description: Formosa failed to comply with Permit 20203/PSD-TX-760M6, Operational Standards Special Condition 5, which states that the facility covered by this permit shall not operate unless all associated air pollution abatement equipment is maintained in good working order and operating during normal facility operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Federal Operating Permit Number O-01957

Description: Formosa failed to comply with the periodic monitoring requirements included in the permit for the purpose of annual compliance certification under 30 TAC ?122.146 by failing to conduct quarterly monitoring as required.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Federal Operating Permit Numbe O-01957
OP TCEQ Air Permit Number 40157/PSD-TX-760M

Description: Formosa failed to monitor accessible valves by leak-checking for fugitive emissions at least quarterly using an approved gas analyzer with a directed maintenance program.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Formosa failed to submit accurate and complete Semi-Annual Deviation Reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Failure to comply with permit reporting requirements as specified in terms and conditions of the permit regarding deviation reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)[G]

Description: Formosa failed to submit complete annual compliance certification for reporting period 07/27/2004 through 07/26/2005.

F. Environmental audits.

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	§	**TEXAS COMMISSION ON**
FORMOSA PLASTICS	§	
CORPORATION, TEXAS	§	
RN100218973	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1227-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Formosa Plastics Corporation, Texas ("Formosa") 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 Formosa appear before the Commission and together stipulate that:

1. Formosa owns and operates a synthetic chemical manufacturing plant at 201 Formosa Drive, Gate 3 in Point Comfort, Calhoun County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and Formosa agree that the Commission has jurisdiction to enter this Agreed Order, and that Formosa is subject to the Commission's jurisdiction.

4. Formosa received notice of the violations alleged in Section II ("Allegations") on or about July 22, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Formosa of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twelve Thousand Three Hundred Fifty Dollars ($12,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Formosa has paid Four Thousand Nine Hundred Forty Dollars ($4,940) of the

administrative penalty and Two Thousand Four Hundred Seventy Dollars ($2,470) is deferred contingent upon Formosa's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Formosa fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Formosa to pay all or part of the deferred penalty. Four Thousand Nine Hundred Forty Dollars ($4,940) shall be conditionally offset by Formosa's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Formosa have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that Formosa submitted the retest report demonstrating compliance with the maximum allowable emission rate table ("MAERT") for Furnace 11 (EPN No. N1011) to the TCEQ on August 6, 2007.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Formosa has not complied with one or more of the terms or conditions in this Agreed Order.

11. 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.

12. 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.

II. ALLEGATIONS

As owner and operator of the Plant, Formosa is alleged to have failed to comply with the MAERT for particulate matter ("PM"), in violation of 30 TEX. ADMIN CODE §§ 101.20(3) and 116.115(c), Air Permit No. 19168, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 17, 2007. Specifically, a stack test conducted on Furnace 11 (EPN No. N1011) from February 28 through March 1, 2007 showed PM emissions to be 8.92 pounds per hour ("lb/hr") with a permitted limit of 3.96 lb/hr.

III. DENIALS

Formosa generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Formosa pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Formosa's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Formosa Plastics Corporation, Texas, Docket No. 2007-1227-AIR-E" to:

   Financial Administration Division, Revenues Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. Formosa shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Nine Hundred Forty Dollars ($4,940) of the assessed administrative penalty shall be offset with the condition that Formosa implement the SEP defined in Attachment A, incorporated herein by reference. Formosa'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 provisions of this Agreed Order shall apply to and be binding upon Formosa. Formosa 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.

4. If Formosa 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, Formosa's failure to comply is not a violation of this Agreed Order. Formosa shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Formosa shall notify the Executive Director within seven days after Formosa becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. 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 Formosa shall be made in writing to the Executive Director. Extensions are not effective until Formosa receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Formosa 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.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Formosa, or three days after the date on which the Commission mails notice of the Order to Formosa, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ Date 1/21/2008
For the Executive Director

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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.

_____ Date 11/1/07
Signature

Randall P. Smith
Name (Printed or typed)
Authorized Representative of
Formosa Plastics Corporation, Texas

VP/General Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order

Attachment A
Docket Number: 2007-1227-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Formosa Plastics Corporation, Texas
Penalty Amount:	Nine Thousand Eight Hundred Eighty Dollars ($9,880)
SEP Amount:	Four Thousand Nine Hundred Forty Dollars ($4,940)
Type of SEP:	Contribution to Third-Party Administrator (pre-approved concept)
Third-Party Recipient:	City of Point Comfort ***Wastewater Treatment Plant Repair Assistance***
Location of SEP:	Calhoun 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 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 Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the City of Point Comfort, Texas for its ***Wastewater Treatment Plant Repair Assistance*** project. The Third Party Recipient shall use SEP funds to assist in rehabilitation of its wastewater treatment system as described below:

- Rehabilitation of the main sanitary sewer lift station (excluding the cost of installation of new high level alarms) to prevent sewage overflows or backups of sewage into residences;
- Replacement of the final effluent outfall line at the wastewater treatment facility site;
- Simultaneous deconstruction of portions of the former site, which will alleviate storm water inflow into the chlorine contact chamber at the treatment facility.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by by helping to prevent the release of raw sewage into the environment, which will protect ground, surface, and drinking water sources, the general public and wildlife from contamination from sewage.

Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as lawns, in streets, or in waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The outfall line and plant deconstruction portions of this SEP will provide a discernible environmental benefit by reducing storm water inflow into the chlorine contact chamber of the treatment facility, which will reduce the likelihood of discharge of improperly disinfected wastewater effluent.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

City of Point Comfort
Attention: Honorable Pam Lambden, Mayor
P.O. Box 497
Point Comfort, Texas 77978

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087

Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the Respondent shall submit a check for any amount due with a notation that the payment is for a "SEP Refund", and the docket number of the case. The Respondent shall make the check out to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP 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 amount identified in this Agreed Order has not been, and shall not be, included as a SEP amount for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.