

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-0973-AIR-E **TCEQ ID:** RN100218973 **CASE NO.:** 36025  
**RESPONDENT NAME:** Formosa Plastics Corporation, Texas

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Formosa Point Comfort Plant, 201 Formosa Drive, Point Comfort, Calhoun County</p> <p><b>TYPE OF OPERATION:</b> Inorganic chemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-1412-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 22, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 4, MC 140, 512/239-2134;  Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Randall P. Smith, Vice President/General Manager, Formosa Plastics Corporation, Texas, Post Office Box 700, Point Comfort, Texas 77978  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> April 9, 2008</p> <p><b>Date of NOE Relating to this Case:</b> April 30, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>1) Failure to notify the TCEQ prior to conducting a reportable maintenance activity. Specifically, the maintenance activity at the Poly Vinyl Chloride ("PVC") Plant with expected reportable unauthorized emissions was conducted on January 15, 2008, and was not reported until January 28, 2008 [30 TEX. ADMIN. CODE § 101.211(a), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent the unauthorized release of air contaminants into the atmosphere during a reportable maintenance activity. Specifically, the maintenance activity began on January 15, 2008 at 1:00 PM and ended on the same day at 9:00 PM, and 4.03 pounds of vinyl chloride were emitted from the waste water stripping column when it was opened. Since these emissions could have been foreseen and avoided by timely notification, reporting, and maintenance practices, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b) [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 7699 and PSD-TX-226M6, Special Condition No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$8,814</p> <p><b>Total Deferred:</b> \$1,762  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$3,526</p> <p><b>Total Paid to General Revenue:</b> \$3,526</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, develop and begin implementing procedural changes and/or training of employees regarding the timely submittal of notification forms to the TCEQ in advance of planned maintenance activities;</p> <p>b) Within 30 days after the effective date of this Agreed Order, develop and begin implementing improved procedures during maintenance, startup, and shutdown activities to demonstrate compliance with 30 TEX. ADMIN. CODE § 101.211; and</p> <p>c) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.</p>

Attachment A  
Docket Number: 2008-0973-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Formosa Plastics Corporation, Texas  
**Payable Penalty Amount:** Seven Thousand Fifty-Two Dollars (\$7,052)  
**SEP Amount:** Three Thousand Five Hundred Twenty-Six Dollars (\$3,526)  
**Type of SEP:** Pre-approved  
**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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to assist in the rehabilitation of the wastewater treatment system, including: replacement of the main sanitary sewer lift station to prevent sewage overflows or backups of sewage into residences; replacement of the final effluent outfall line at the wastewater treatment facility site; demolition of portions of the former site to alleviate storm water inflow into the chlorine contact chamber; and engineering design and oversight for the project.

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 helping to prevent the release of raw sewage or inadequately disinfected effluent into the environment, which will protect the ground, surface, and drinking water sources.

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.



Formosa Plastics Corporation, Texas  
Agreed Order – Attachment A

**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  
Attn: J.A. Cuellar  
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:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
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.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**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 identified in this Agreed Order has not been, and shall not be, included as an SEP 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 12, 2008

<b>DATES</b>	Assigned	10-May-2008	Screening	8-Jun-2008	EPA Due	25-Jun-2008
	PCW	21-Jul-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Formosa Plastics Corporation, Texas
Reg. Ent. Ref. No.	RN100218973
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36025	No. of Violations	2
Docket No.	2008-0973-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Suzanne Walrath
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	\$2,600
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	239.0% Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	\$6,214
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**Notes**  
The Respondent has received ten Notices of Violation ("NOV") for same or similar violations, 16 NOV's for not same or similar violations, has been issued three Agreed Orders containing a denial of liability, four Findings Orders, has submitted one letter notifying of an audit, and has disclosed violations once.

<b>Culpability</b>	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
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**Notes**  
The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<i>Subtotal 5</i>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts \$376  
Approx. Cost of Compliance \$7,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	\$8,814
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<i>Final Penalty Amount</i>	\$8,814
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	\$8,814
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<b>DEFERRAL</b>	20.0% Reduction	<i>Adjustment</i>	-\$1,762
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$7,052
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Screening Date 8-Jun-2008

Docket No. 2008-0973-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 2 (September 2002)

Case ID No. 36025

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100218973

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

### 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)	10	50%
	Other written NOVs	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	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	4	100%
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)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
<i>Please Enter Yes or No</i>			
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) 239%

>> 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

The Respondent has received ten Notices of Violation ("NOV") for same or similar violations, 16 NOVs for not same or similar violations, has been issued three Agreed Orders containing a denial of liability, four Findings Orders, has submitted one letter notifying of an audit, and has disclosed violations once.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 239%

<b>Screening Date</b> 8-Jun-2008	<b>Docket No.</b> 2008-0973-AIR-E	<b>PCW</b>			
<b>Respondent</b> Formosa Plastics Corporation, Texas	<small>Policy Revision 2 (September 2002)</small>				
<b>Case ID No.</b> 36025	<small>PCW Revision June 12, 2008</small>				
<b>Reg. Ent. Reference No.</b> RN100218973					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Suzanne Walrath					
<b>Violation Number</b> 1					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 101.211(a), and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	Failed to notify the TCEQ at least ten days prior to conducting a reportable maintenance activity. Specifically, the maintenance activity at the Poly Vinyl Chloride ("PVC") plant with expected reportable unauthorized emissions was conducted on January 15, 2008, and was not reported until January 28, 2008				
<b>Base Penalty</b>		\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<b>Percent</b>	0%		
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>Percent</b>	1%		
<b>Matrix Notes</b>	Less than 30% of the rule requirement was not met.				
<b>Adjustment</b>		\$9,900			
		<b>\$100</b>			
<b>Violation Events</b>					
<b>Number of Violation Events</b>		1		<b>Number of violation days</b>	
		23			
<small>mark only one with an x</small>	daily	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input checked="" type="checkbox"/>			
<b>Violation Base Penalty</b>		\$100			
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>		0.0% Reduction		\$0	
		Before NOV		NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>				
Ordinary	<input type="checkbox"/>				
N/A	x	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>		\$100			
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$188		<b>Violation Final Penalty Total</b>	
				\$339	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$339	

### Economic Benefit Worksheet

**Respondent** Formosa Plastics Corporation, Texas  
**Case ID No.** 36025  
**Reg. Ent. Reference No.** RN100218973  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,500	5-Jan-2008	31-Jan-2009	1.07	\$188	n/a	\$188

**Notes for DELAYED costs**  
 This are estimated costs to develop and begin implementing procedural changes and/or training of employees regarding the timely submittal of notification forms to the TCEQ in advance of planned maintenance activities, beginning on the date the notification was due, and ending on the projected date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$3,500	<b>TOTAL</b>	\$188
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<b>Screening Date</b> 8-Jun-2008	<b>Docket No.</b> 2008-0973-AIR-E	<b>PCW</b>	
<b>Respondent</b> Formosa Plastics Corporation, Texas	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 38025	<small>PCW Revision June 12, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN100218973			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Suzanne Walrath			
<b>Violation Number</b> 2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Air Permit No. 7699 and PSD-TX-226M6, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to prevent the unauthorized release of air contaminants into the atmosphere during a reportable maintenance activity. Specifically, the maintenance activity began on January 15, 2008 at 1:00 PM and ended on the same day at 9:00 PM, and 4.03 pounds of vinyl chloride were emitted from the waste water stripping column when it was opened. Since these emissions could have been foreseen and avoided by timely notification, reporting, and maintenance practices, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b).		
<b>Base Penalty</b>		\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<b>Percent</b> 25%
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<b>&gt;&gt; Programmatic Matrix</b>			
	<b>Falsification</b>	Major      Moderate      Minor	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> 0%
<b>Matrix Notes</b>	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.		
<b>Adjustment</b>		\$7,500	
		\$2,500	
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>
		1	
	<small>mark only one with an x</small>	daily	<input type="checkbox"/>
		monthly	<input type="checkbox"/>
		quarterly	<input checked="" type="checkbox"/>
		semiannual	<input type="checkbox"/>
		annual	<input type="checkbox"/>
		single event	<input type="checkbox"/>
<b>Violation Base Penalty</b>		\$2,500	
One quarterly event is recommended.			
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	\$0
		Before NOV      NOV to EDPRP/Settlement Offer	
	Extraordinary	<input type="checkbox"/> <input type="checkbox"/>	
	Ordinary	<input type="checkbox"/> <input type="checkbox"/>	
	N/A	<input checked="" type="checkbox"/> (mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>		\$2,500	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
	<b>Estimated EB Amount</b>	\$188	<b>Violation Final Penalty Total</b> \$8,475
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$8,475	

## Economic Benefit Worksheet

**Respondent:** Formosa Plastics Corporation, Texas  
**Case ID No.:** 36025  
**Reg. Ent. Reference No.:** RN100218973  
**Media:** Air  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,500	5-Jan-2008	31-Jan-2009	1.07	\$188	n/a	\$188

**Notes for DELAYED costs:** These are estimated costs to develop and begin implementing improved procedures during maintenance, startup, and shutdown activities, beginning on the date of the maintenance activity, and ending on the projected date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$3,500	TOTAL	\$188
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## Compliance History

Customer/Respondent/Owner-Operator:	CN600130017	Formosa Plastics Corporation, Texas	Classification: AVERAGE	Rating: 4.23
Regulated Entity:	RN100218973	FORMOSA POINT COMFORT PLANT	Classification: AVERAGE	Site Rating: 11.18
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
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TX0000888164
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		82613
	AIR NEW SOURCE PERMITS	AFS NUM		4805700015
	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	EPA ID		HAP10
	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	REGISTRATION		79826

AIR NEW SOURCE PERMITS	REGISTRATION	80198
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
AIR NEW SOURCE PERMITS	REGISTRATION	83608
AIR NEW SOURCE PERMITS	REGISTRATION	84730
AIR NEW SOURCE PERMITS	REGISTRATION	85081
AIR NEW SOURCE PERMITS	REGISTRATION	85100
AIR NEW SOURCE PERMITS	REGISTRATION	83763
AIR NEW SOURCE PERMITS	REGISTRATION	83326
AIR NEW SOURCE PERMITS	REGISTRATION	83308
AIR NEW SOURCE PERMITS	REGISTRATION	83990
AIR NEW SOURCE PERMITS	REGISTRATION	84589
AIR NEW SOURCE PERMITS	REGISTRATION	83489
AIR NEW SOURCE PERMITS	REGISTRATION	84788
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 DR, POINT COMFORT, TX, 77978 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: June 04, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 04, 2003 to June 04, 2008

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

Name: Suzanne Walrath Phone: 512/239-2134

### 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

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)

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

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)

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)  
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)  
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)  
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)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
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  
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

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. 25241 and 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 Condition 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 Condition 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.

Effective Date: 02/08/2008

ADMINORDER 2007-0771-AIR-E

Classification: Major

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

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

Rqmt Prov: TCEQ Air Permit Number 7699 PSD-TX-226M6 OP

Description: Failure to satisfy all demonstrations criteria as listed under 30 TAC §101.222 for the emissions released from the emissions event, Incident Number 81836, that occurred on or about September 26, 2006.

Effective Date: 02/25/2008

ADMINORDER 2007-0230-AIR-E

Classification: Major

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

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

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

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere. The event did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failed to submit a timely and accurate initial notification of an emissions event within 24 hours of discovery.

Effective Date: 03/08/2008

ADMINORDER 2007-1227-AIR-E

Classification: Major

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

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

Rqmt Prov: 19168 OP

Description: failed to comply with the MAERT for particulate matter

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	06/11/2003	(208214)
2	06/24/2003	(208218)
3	07/30/2003	(61118)
4	08/07/2003	(316662)
5	08/25/2003	(316664)
6	09/23/2003	(316666)
7	10/28/2003	(316668)
8	11/24/2003	(316669)
9	12/29/2003	(316670)
10	01/23/2004	(316671)
11	01/27/2004	(260399)
12	02/24/2004	(316653)
13	02/25/2004	(259754)
14	03/11/2004	(253895)
15	03/17/2004	(265434)
16	03/23/2004	(316655)
17	03/26/2004	(264531)
18	04/15/2004	(267931)
19	04/22/2004	(316656)
20	05/24/2004	(316658)
21	06/18/2004	(276036)
22	06/22/2004	(316660)
23	06/22/2004	(273805)
24	07/02/2004	(277618)
25	07/15/2004	(282138)
26	07/27/2004	(284340)
27	07/28/2004	(361023)
28	08/24/2004	(361024)
29	09/21/2004	(361025)
30	10/07/2004	(290237)
31	10/21/2004	(361026)
32	11/23/2004	(361027)
33	12/17/2004	(292882)
34	12/27/2004	(386885)
35	12/28/2004	(345075)
36	12/29/2004	(341344)
37	01/24/2005	(386886)
38	02/10/2005	(346929)
39	02/22/2005	(386883)
40	03/22/2005	(386884)
41	04/11/2005	(376939)
42	04/14/2005	(373413)
43	04/20/2005	(375911)
44	04/22/2005	(424698)
45	05/03/2005	(378050)
46	05/06/2005	(351122)
47	05/23/2005	(424699)
48	06/07/2005	(377227)
49	06/21/2005	(424700)
50	07/21/2005	(400202)
51	07/22/2005	(445391)
52	08/01/2005	(401922)
53	08/02/2005	(401840)
54	08/02/2005	(401946)
55	08/16/2005	(374480)
56	08/19/2005	(401926)
57	08/22/2005	(398698)
58	08/22/2005	(445392)
59	08/25/2005	(401908)
60	08/29/2005	(406996)
61	08/30/2005	(418480)

62	08/31/2005	(407352)
63	09/16/2005	(431883)
64	09/21/2005	(432632)
65	09/23/2005	(445393)
66	10/08/2005	(433294)
67	10/24/2005	(445394)
68	11/22/2005	(476821)
69	12/20/2005	(476822)
70	12/30/2005	(450540)
71	01/02/2006	(450795)
72	01/23/2006	(476823)
73	01/30/2006	(439909)
74	02/22/2006	(476819)
75	03/22/2006	(476820)
76	03/27/2006	(459161)
77	04/04/2006	(439904)
78	04/04/2006	(439905)
79	04/04/2006	(449815)
80	04/04/2006	(451199)
81	04/04/2006	(438249)
82	04/13/2006	(454110)
83	04/24/2006	(503676)
84	04/24/2006	(503679)
85	04/28/2006	(435129)
86	04/28/2006	(454108)
87	05/05/2006	(464365)
88	05/12/2006	(463945)
89	05/22/2006	(503677)
90	06/02/2006	(461335)
91	06/07/2006	(465772)
92	06/14/2006	(450942)
93	06/14/2006	(480076)
94	06/23/2006	(503678)
95	06/27/2006	(482129)
96	07/07/2006	(485310)
97	07/20/2006	(482883)
98	08/03/2006	(489597)
99	08/21/2006	(526033)
100	08/30/2006	(509837)
101	08/30/2006	(497562)
102	08/30/2006	(510729)
103	08/31/2006	(509975)
104	09/01/2006	(510775)
105	09/25/2006	(526034)
106	09/26/2006	(462238)
107	09/26/2006	(512144)
108	09/26/2006	(514141)
109	10/09/2006	(513839)
110	10/12/2006	(515322)
111	10/12/2006	(514515)
112	10/19/2006	(513945)
113	10/23/2006	(550418)
114	10/26/2006	(513991)
115	11/03/2006	(516618)
116	11/06/2006	(514634)
117	11/15/2006	(519298)
118	11/17/2006	(519684)
119	11/20/2006	(550419)
120	11/21/2006	(516781)
121	11/30/2006	(532252)
122	12/08/2006	(519141)
123	12/15/2006	(517230)
124	12/20/2006	(550420)
125	12/21/2006	(516229)
126	01/16/2007	(532907)
127	01/17/2007	(550421)
128	01/18/2007	(535414)
129	01/24/2007	(511068)

130	02/01/2007	(531203)
131	02/01/2007	(538682)
132	02/08/2007	(538669)
133	02/16/2007	(540711)
134	02/16/2007	(550417)
135	03/09/2007	(538214)
136	03/13/2007	(538231)
137	03/19/2007	(586494)
138	03/22/2007	(541488)
139	04/20/2007	(586495)
140	04/20/2007	(586499)
141	04/26/2007	(557916)
142	05/01/2007	(554893)
143	05/03/2007	(532954)
144	05/03/2007	(539088)
145	05/04/2007	(558947)
146	05/08/2007	(543566)
147	05/17/2007	(586496)
148	05/21/2007	(539094)
149	05/22/2007	(518012)
150	06/01/2007	(560753)
151	06/05/2007	(561710)
152	06/06/2007	(561326)
153	06/20/2007	(586497)
154	06/22/2007	(564553)
155	07/02/2007	(564474)
156	07/02/2007	(562183)
157	07/03/2007	(564356)
158	07/09/2007	(565028)
159	07/17/2007	(556894)
160	07/18/2007	(567987)
161	07/19/2007	(586498)
162	08/06/2007	(570182)
163	08/09/2007	(571103)
164	08/10/2007	(571081)
165	08/17/2007	(572727)
166	08/20/2007	(608547)
167	08/23/2007	(570607)
168	08/27/2007	(573658)
169	08/28/2007	(571044)
170	08/28/2007	(573161)
171	08/29/2007	(573863)
172	08/30/2007	(571235)
173	08/30/2007	(573910)
174	08/31/2007	(573913)
175	09/05/2007	(573493)
176	09/14/2007	(593716)
177	09/17/2007	(594445)
178	09/18/2007	(608548)
179	09/25/2007	(594531)
180	09/26/2007	(594361)
181	09/26/2007	(595204)
182	10/15/2007	(597270)
183	10/17/2007	(596207)
184	10/19/2007	(597799)
185	10/19/2007	(608549)
186	11/01/2007	(598892)
187	11/14/2007	(600715)
188	11/19/2007	(624434)
189	12/19/2007	(624435)
190	01/03/2008	(612135)
191	01/03/2008	(613118)
192	01/11/2008	(594104)
193	01/22/2008	(615309)
194	02/01/2008	(616854)
195	02/19/2008	(675333)
196	02/20/2008	(619101)
197	02/21/2008	(636162)

198 02/21/2008 (619178)  
 199 02/22/2008 (636366)  
 200 02/22/2008 (636289)  
 201 02/22/2008 (636326)  
 202 02/28/2008 (636411)  
 203 03/19/2008 (675334)  
 204 03/20/2008 (638519)  
 205 03/25/2008 (638608)  
 206 03/31/2008 (639844)  
 207 04/01/2008 (639933)  
 208 04/10/2008 (641485)  
 209 04/15/2008 (646242)  
 210 04/16/2008 (675335)  
 211 04/17/2008 (640632)  
 212 04/21/2008 (641076)  
 213 04/25/2008 (636833)  
 214 04/29/2008 (653424)  
 215 04/29/2008 (646542)  
 216 05/09/2008 (646274)  
 217 05/12/2008 (636795)  
 218 05/21/2008 (671435)  
 219 05/30/2008 (681375)

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

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)  
 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)  
 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)  
 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)  
 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)  
 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)  
 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 Ethylene Dichloride Incinerator B (EPN 6002B), conducted on June 21 and 22, 2004 indicated emissions 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 Ethylene Dichloride Incinerator (EPN 6002C), conducted on June 21 and 22, 2004 indicated emissions 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)  
 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)  
 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)  
 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)

Rqmt Prov: 30 TAC Chapter 122, SubChapter B 122.143(4)

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)  
 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)  
 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)

Rqmt Prov: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 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)

Rqmt Prov: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 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 Number 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)  
Description: Formosa failed to submit complete annual compliance certification for reporting period 07/27/2004 through 07/26/2005.

Date 08/31/2007 (571235)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
Rqmt Prov: PERMIT TCEQ Air Permit 7699/PSD-TX-226M6  
Description: Formosa failed to comply with the TCEQ Air Permit Numbers 7699 and PSD-TX-226M6, Special Conditions 1 and 2 and failed to prevent release of unauthorized emissions.

Date 08/31/2007 (573913)

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: PERMIT Permit No. 7699/PSD TX 226M, SC 8  
Description: Failure to demonstrate compliance for daily visible emissions inspections following method 22 for baghouses covered under TCEQ Air Permit No. 7699 and PSD TX 226M6.

Self Report? NO Classification: Moderate

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

Description: Failure to submit all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit for the reporting period of August 9, 2004 through February 9, 2005.

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: PERMIT Permit No. 7699/PSD-TX226, SC12  
Description: Failure to maintain scrubber solution pH and scrubber solution flow at or above levels established during the last stack test, 7.95 pH and 45 gallons per minute (gpm), respectively. Specifically, VH-801A, 006A and VH-801B, 006B did not maintain scrubber solution pH and scrubber solution flows at or above the established levels and no cause was identified for their failures.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)  
Rqmt Prov: PERMIT 7699/PSD-TX-226, SC 9  
Description: Failure to monitor components associated with the VR-401G System that had been added to the unit as a result of an upgrade in metallurgy, equipment and piping.

Date 03/31/2008 (675335)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 08/03/2008 (574209)

Disclosure Date: 03/14/2008

Viol. Classification: Major

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Description: Failure to monitor LDAR components for the EDC and VCM Units by Method 21.

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  
ENFORCEMENT ACTION  
CONCERNING  
FORMOSA PLASTICS  
CORPORATION, TEXAS  
RN100218973

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-0973-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 ("the Respondent") 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 the Respondent, appear before the Commission and together stipulate that:

1. The Respondent owns and operates an inorganic chemical plant at 201 Formosa Drive 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 5, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Eight Hundred Fourteen Dollars (\$8,814) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Five Hundred Twenty-Six Dollars (\$3,526) of the administrative penalty and One Thousand Seven Hundred Sixty-Two Dollars



(\$1,762) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Three Thousand Five Hundred Twenty-Six Dollars (\$3,526) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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, the Respondent is alleged to have:

1. Failed to notify the TCEQ prior to conducting a reportable maintenance activity, in violation of 30 TEX. ADMIN. CODE § 101.211(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 9, 2008. Specifically, the maintenance activity at the Poly Vinyl Chloride ("PVC") Plant with expected reportable unauthorized emissions was conducted on January 15, 2008, and was not reported until January 28, 2008.
2. Failed to prevent the unauthorized release of air contaminants into the atmosphere during a reportable maintenance activity, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 7699 and PSD-TX-226M6, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 9, 2008. Specifically, the maintenance activity began on January 15, 2008 at 1:00 PM and ended on the same day at 9:00 PM, and 4.03 pounds of vinyl chloride were emitted from the waste water stripping column when it was opened. Since these emissions could have been foreseen and avoided by timely notification, reporting, and maintenance practices, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b).



### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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. 2008-0973-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Jurisdiction and Stipulations above, Three Thousand Five Hundred Twenty-Six Dollars (\$3,526) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent'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. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, develop and begin implementing procedural changes and/or training of employees regarding the timely submittal of notification forms to the TCEQ in advance of planned maintenance activities;
  - b. Within 30 days after the effective date of this Agreed Order, develop and begin implementing improved procedures during maintenance, startup, and shutdown activities to demonstrate compliance with 30 TEX. ADMIN. CODE § 101.211; and
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

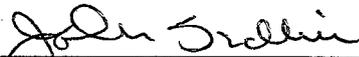
4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

  
\_\_\_\_\_  
For the Executive Director

12/15/2008  
Date

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.

  
\_\_\_\_\_  
Signature

9/26/08  
Date

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

V.P./GEN. 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: 2008-0973-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Formosa Plastics Corporation, Texas  
**Payable Penalty Amount:** Seven Thousand Fifty-Two Dollars (\$7,052)  
**SEP Amount:** Three Thousand Five Hundred Twenty-Six Dollars (\$3,526)  
**Type of SEP:** Pre-approved  
**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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to assist in the rehabilitation of the wastewater treatment system, including: replacement of the main sanitary sewer lift station to prevent sewage overflows or backups of sewage into residences; replacement of the final effluent outfall line at the wastewater treatment facility site; demolition of portions of the former site to alleviate storm water inflow into the chlorine contact chamber; and engineering design and oversight for the project.

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 helping to prevent the release of raw sewage or inadequately disinfected effluent into the environment, which will protect the ground, surface, and drinking water sources.

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  
Attn: J.A. Cuellar  
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:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
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.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**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 identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

