

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2009-0216-AIR-E **TCEQ ID:** RN100218973 **CASE NO.:** 37165**RESPONDENT NAME:** Formosa Plastics Corporation, Texas

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: Formosa Point Comfort Plant, 201 Formosa Drive, Point Comfort, Calhoun County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 24, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Randall P. Smith, Vice President and General Manager, Formosa Plastics Corporation, Texas, P.O. Box 700, Point Comfort, Texas 77978 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 12, 2008, January 9, 2009, and March 17, 2009</p> <p>Date of NOV/NOE Relating to this Case: January 27, 2009, April 7, 2009, and May 7, 2009 (NOE)</p> <p>Background Facts: These were record reviews.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during Incident No. 109611. Specifically, during the June 17, 2008 emissions event, 30.31 pounds ("lbs") of unauthorized ethylene dichloride emissions were released from the containment storage area of Storage Tank VT-722 over a period of 12 hours and 30 minutes. The emissions event occurred when a manway was inadvertently opened during a maintenance activity that was not conducted in accordance with the established procedure. Since the emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 7699 and PSD-TX-226M6, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to comply with the 0.98 lbs per hour particulate matter emissions limit for PVC Dryer I. Specifically, during an initial performance test conducted on December 20, 2006, the particulate matter emissions from PVC Dryer I were 2.30 lbs per hour [Air Permit No. 7699 and PSD-TX-226M6, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$62,555</p> <p>Total Deferred: \$12,511 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$25,022</p> <p>Total Paid to General Revenue: \$25,022</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Conducted an initial performance test of PVC Dryer I on December 20, 2006; and</p> <p>b. Completed a compliant re-test of PVC Dryer I on September 25, 2007.</p> <p>Ordering Provisions:</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 also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident Nos. 109611, 117332, and 117340; and</p> <p>b. 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 No. 2.a.</p>

3) Failure to conduct an initial performance test of PVC Dryer I within 90 days after start-up. Specifically, PVC Dryer I was initially put into service on April 25, 2003, however the initial performance test was not conducted until December 20, 2006 [40 CODE OF FEDERAL REGULATIONS § 61.67(a), 30 TEX. ADMIN. CODE § 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to prevent unauthorized emissions during Incident No. 117332. Specifically, during the December 3, 2008 emissions event the following unauthorized emissions were released from Flare 1067 over a period of 34 minutes when the electrical system shorted while instrumentation personnel were working on related equipment: 118.07 lbs of volatile organic compounds, 83.63 lbs of carbon monoxide, and 11.56 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 19168, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failure to prevent unauthorized emissions during Incident No. 117340. Specifically, during the December 4, 2008 emissions event the following unauthorized emissions were released from Flare 1067 over a period of 40 minutes when the electrical system failed due to an incorrect fuse installation: 333.54 lbs of volatile organic compounds, 113.05 lbs of carbon monoxide, and 15.65 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 19168, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s): CB0038Q

Attachment A
Docket Number: 2009-0216-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Formosa Plastics Corporation, Texas
Payable Penalty Amount: Fifty Thousand Forty-Four Dollars (\$50,044)
SEP Amount: Twenty-Five Thousand Twenty-Two Dollars (\$25,022)
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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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 amount 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 October 30, 2008

DATES	Assigned	2-Feb-2009			
	PCW	6-May-2009	Screening	13-Feb-2009	EPA Due

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.	37165	No. of Violations	5
Docket No.	2009-0216-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,500
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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.

Compliance History	253.0% Enhancement	Subtotals 2, 3, & 7	\$46,805
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Notes: Penalty enhancement due to 6 NOVs issued for same or similar violations, 21 NOVs issued for unrelated violations, three agreed orders with a denial of liability, and five agreed orders without a denial of liability. Penalty reduction due to two Notices of Intended Audits and one Disclosure of Violations submitted.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$2,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,550	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$21,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$62,555
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$62,555**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$62,555
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DEFERRAL	20.0% Reduction	Adjustment	-\$12,511
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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.

PAYABLE PENALTY	\$50,044
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Screening Date 13-Feb-2009	Docket No. 2009-0216-AIR-E	PCW
Respondent Formosa Plastics Corporation, Texas	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37165	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN100218973		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		

Compliance History Worksheet

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

Component	Number of...	<i>Enter Number Here</i>	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	6	30%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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	5	125%
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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	1	-2%

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) 253%

>> **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

Penalty enhancement due to 6 NOVs issued for same or similar violations, 21 NOVs issued for unrelated violations, three agreed orders with a denial of liability, and five agreed orders without a denial of liability. Penalty reduction due to two Notices of Intended Audits and one Disclosure of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 253%

Screening Date 13-Feb-2009	Docket No. 2009-0216-AIR-E	PCW												
Respondent Formosa Plastics Corporation, Texas	<i>Policy Revision 2 (September 2002)</i>													
Case ID No. 37165	<i>PCW Revision October 30, 2008</i>													
Reg. Ent. Reference No. RN100218973														
Media [Statute] Air														
Enf. Coordinator Rebecca Johnson														
Violation Number 1														
Rule Cite(s)	Air Permit No. 7699 and PSD-TX-226M6, Special Condition No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 101.20(3), and Tex. Health & Safety Code § 382.085(b)													
Violation Description	Failure to prevent unauthorized emissions during Incident No. 109611. Specifically, during the June 17, 2008 emissions event, 30.31 pounds ("lbs") of unauthorized ethylene dichloride emissions were released from the containment storage area of Storage Tank VT-722 over a period of 12 hours and 30 minutes. The emissions event occurred when a manway was inadvertently opened during a maintenance activity that was not conducted in accordance with the established procedure. Since the emissions event could have been avoided through better operational practices, the demonstration criteria in 30 Tex. Admin. Code § 101.222 were not met.													
Base Penalty		\$10,000												
>> Environmental, Property and Human Health Matrix														
OR	Release	Harm												
		Major Moderate Minor												
	Actual	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">x</td> </tr> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>			x									
		x												
	Potential	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>												
		Percent 25%												
>> Programmatic Matrix														
	Falsification	Major Moderate Minor												
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>							<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>						
		Percent 0%												
Matrix Notes	Human health or the environment has been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.													
Adjustment		\$7,500												
		\$2,500												
Violation Events														
	Number of Violation Events	1												
		1												
		Number of violation days												
mark only one with an x	daily	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>												
	weekly	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>												
	monthly	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>												
	quarterly	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%; text-align: center;">x</td></tr> </table>	x											
x														
semiannual	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>													
annual	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>													
single event	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>													
		Violation Base Penalty \$2,500												
One quarterly event is recommended based on the June 17, 2008 emissions event.														
Good Faith Efforts to Comply														
0.0% Reduction		\$0												
	Before NOV	NOV to EDRP/Settlement Offer												
Extraordinary	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>											
Ordinary	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:100%;"></td></tr> </table>											
N/A	x	(mark with x)												
Notes	The Respondent does not meet the good faith criteria for this violation.													
Violation Subtotal		\$2,500												
Economic Benefit (EB) for this violation														
Statutory Limit Test														
Estimated EB Amount	\$338	Violation Final Penalty Total \$8,825												
This violation Final Assessed Penalty (adjusted for limits)		\$8,825												

Economic Benefit Worksheet

Respondent: Formosa Plastics Corporation, Texas
Case ID No.: 37165
Reg. Ent. Reference No.: RN100218973
Media: Air
Violation No.: 1

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)	\$5,000	17-Jun-2008	24-Oct-2009	1.35	\$338	n/a	\$338

Notes for DELAYED costs
 Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by not following established maintenance procedures during maintenance activities. The date required is the date of the emissions event. The final date is the projected date corrective actions will be completed.

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	\$5,000	TOTAL	\$338
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Screening Date 13-Feb-2009	Docket No. 2009-0216-AIR-E	PCW
Respondent Formosa Plastics Corporation, Texas	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37165	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN100218973		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	Air Permit No. 7699 and PSD-TX-226M6, Special Condition No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 101.20(3), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to comply with the 0.98 lbs per hour particulate matter emissions limit for PVC Dryer I. Specifically, during an initial performance test conducted on December 20, 2006 the particulate matter emissions from PVC Dryer I were 2.30 lbs per hour.	
Base Penalty	<input type="text" value="\$10,000"/>	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="25%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

Four quarterly events are recommended based on the non-compliant performance test date of December 20, 2006 to the compliant re-test date of September 25, 2007.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes The Respondent demonstrated compliance on September 25, 2007, which was prior to the NOE issuance on April 7, 2009.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Formosa Plastics Corporation, Texas
Case ID No. 37165
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
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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)	\$2,000	20-Dec-2006	25-Sep-2007	0.76	\$76	n/a	\$76

Notes for DELAYED costs

Estimated cost to make adjustments to the process and equipment to ensure compliance with the particulate matter emissions limit. The date required is the date of non-compliant performance test. The final date is the date of the compliant re-test.

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

\$2,000

TOTAL

\$76

Screening Date 13-Feb-2009	Docket No. 2009-0216-AIR-E	PCW
Respondent Formosa Plastics Corporation, Texas		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 37165		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN100218973		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		
Violation Number	3	
Rule Cite(s)	40 Code of Federal Regulations § 61.67(a), 30 Tex. Admin. Code § 101.20(3), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to conduct an initial performance test of PVC Dryer 1 within 90 days after start-up. Specifically, PVC Dryer 1 was initially put into service on April 25, 2003, however the initial performance test was not conducted until December 20, 2006.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual				
	Potential				x
				Percent 10%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes Human health or the environment will or could has been exposed to an insignificant amount of pollutants which would not exceed levels protective of human health and environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 **Number of violation days** 1246

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$1,000

One single event is recommended based on the one late initial performance test.

Good Faith Efforts to Comply 25.0% Reduction \$250

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

Notes The Respondent completed the initial performance test on December 20, 2006, which was prior to the NOE issued on April 7, 2009.

Violation Subtotal \$750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$2,047 **Violation Final Penalty Total** \$3,280

This violation Final Assessed Penalty (adjusted for limits) \$3,280

Economic Benefit Worksheet

Respondent: Formosa Plastics Corporation, Texas
Case ID No.: 37165
Reg. Ent. Reference No.: RN100218973
Media: Air
Violation No.: 3

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$12,000	24-Jul-2003	20-Dec-2006	3.41	\$2,047	n/a	\$2,047

Notes for DELAYED costs: Estimated cost to conduct an initial performance test. The date required is the date the initial performance test was due to be conducted. Final date is the date the initial performance test was conducted.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$12,000	TOTAL	\$2,047
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Screening Date 13-Feb-2009 **Docket No.** 2009-0216-AIR-E **PCW**
Respondent Formosa Plastics Corporation, Texas *Policy Revision 2 (September 2002)*
Case ID No. 37165 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100218973
Media [Statute] Air
Enf. Coordinator Rebecca Johnson

Violation Number 4
Rule Cite(s) Air Permit No. 19168, Special Condition No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 101.20(3), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failure to prevent unauthorized emissions during Incident No. 117332. Specifically, during the December 3, 2008 emissions event the following unauthorized emissions were released from Flare 1067 over a period of 34 minutes when the electrical system shorted while instrumentation personnel were working on related equipment: 118.07 lbs of volatile organic compounds, 83.63 lbs of carbon monoxide, and 11.56 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstration criteria in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the December 3, 2008 emissions event.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$45 Violation Final Penalty Total \$8,825

This violation Final Assessed Penalty (adjusted for limits) \$8,825

Economic Benefit Worksheet

Respondent: Formosa Plastics Corporation, Texas
Case ID No.: 37165
Reg. Ent. Reference No.: RN100218973
Media: Air
Violation No.: 4

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)	\$1,000	3-Dec-2008	24-Oct-2009	0.89	\$45	n/a	\$45

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by electrical system shorts resulting from maintenance activities. The date required is the date of the emissions event. The final date is the projected date corrective actions will be completed.

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

\$1,000

TOTAL

\$45

Screening Date 13-Feb-2009 **Docket No.** 2009-0216-AIR-E **PCW**
Respondent Formosa Plastics Corporation, Texas *Policy Revision 2 (September 2002)*
Case ID No. 37165 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100218973
Media [Statute] Air
Enf. Coordinator Rebecca Johnson

Violation Number 5
Rule Cite(s) Air Permit No. 19168, Special Condition No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 101.20(3), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions during Incident No. 117340. Specifically, during the December 4, 2008 emissions event the following unauthorized emissions were released from Flare 1067 over a period of 40 minutes when the electrical system failed due to an incorrect fuse installation: 333.54 lbs of volatile organic compounds, 113.05 lbs of carbon monoxide, and 15.65 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstration criteria in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	25%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the December 4, 2008 emissions event.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$44

Violation Final Penalty Total \$8,825

This violation Final Assessed Penalty (adjusted for limits) \$8,825

Economic Benefit Worksheet

Respondent: Formosa Plastics Corporation, Texas
Case ID No.: 37165
Reg. Ent. Reference No.: RN100218973
Media: Air
Violation No.: 5

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)	\$1,000	4-Dec-2008	24-Oct-2009	0.89	\$44	n/a	\$44

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by incorrect fuse installation. The date required is the date of the emissions event. The final date is the projected date corrective actions will be completed.

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

\$1,000

TOTAL

\$44

Compliance History Report

Customer/Respondent/Owner-Operator: CN600130017 Formosa Plastics Corporation, Texas Classification: AVERAGE Rating: 3.56
 Regulated Entity: RN100218973 FORMOSA POINT COMFORT PLANT Classification: AVERAGE Site Rating: 8.24

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	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	PERMIT	87363
AIR NEW SOURCE PERMITS	REGISTRATION	86396
AIR NEW SOURCE PERMITS	REGISTRATION	84730
AIR NEW SOURCE PERMITS	REGISTRATION	86403
AIR NEW SOURCE PERMITS	REGISTRATION	85081
AIR NEW SOURCE PERMITS	REGISTRATION	85100
AIR NEW SOURCE PERMITS	REGISTRATION	83763
AIR NEW SOURCE PERMITS	REGISTRATION	86398
AIR NEW SOURCE PERMITS	REGISTRATION	83308

AIR NEW SOURCE PERMITS	REGISTRATION	86288
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

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: February 27, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 27, 2004 to February 27, 2009

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

Name: Rebecca Johnson Phone: (361) 825-3420

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
6. Rating Date: 9/1/2008 Repeat Violator: NO

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: Moderate

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: 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(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: 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 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: Moderate

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: 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 D 382.085(b)

Rqmt Prov: 19168 OP

Description: failed to comply with the MAERT for particulate matter

Effective Date: 11/17/2008

ADMINORDER 2006-0429-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: MAERT PERMIT

Description: Formosa has failed to demonstrate compliance with applicable permit limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: SC 1 PA

Description: Formosa has failed to prevent unauthorized emissions during emissions events that occurred on September 26, 2005, September 28, 2005, November 2, 2005, November 11, 2005, and April 24, 2006. This violation includes violation tracking Nos 228481, 228556, and 231755.

Classification: Moderate

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

Description: Formosa has failed to submit an accurate final record of an emissions event no later than two weeks after the end of the event.

Classification: Moderate

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

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

Rqmt Prov: Permit No. 19168, SC 1 PERMIT
PSD-TX-760M7 PERMIT

Description: Formosa has failed to prevent the unauthorized release of air contaminants into the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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 D 382.085(b)

Rqmt Prov: Permit No. 7699, SC No. 1 PERMIT

Description: Formosa has failed to maintain and operate the Vinyl Plant in a manner consistent with good air pollution control practices for minimizing emissions.

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	03/11/2004	(253895)
2	03/17/2004	(265434)
3	03/23/2004	(316655)
4	03/26/2004	(264531)
5	04/15/2004	(267931)
6	04/22/2004	(316656)
7	05/24/2004	(316658)
8	06/18/2004	(276036)
9	06/22/2004	(273805)
10	06/22/2004	(316660)
11	07/02/2004	(277618)
12	07/15/2004	(282138)
13	07/27/2004	(284340)
14	07/28/2004	(361023)
15	08/24/2004	(361024)
16	09/21/2004	(361025)
17	10/07/2004	(290237)
18	10/21/2004	(361026)
19	11/23/2004	(361027)
20	12/17/2004	(292882)
21	12/27/2004	(386885)

22	12/28/2004	(345075)
23	12/29/2004	(341344)
24	01/24/2005	(386886)
25	02/10/2005	(346929)
26	02/22/2005	(386883)
27	03/22/2005	(386884)
28	04/11/2005	(376939)
29	04/14/2005	(373413)
30	04/20/2005	(375911)
31	04/22/2005	(424698)
32	05/03/2005	(378050)
33	05/06/2005	(351122)
34	05/23/2005	(424699)
35	06/07/2005	(377227)
36	06/21/2005	(424700)
37	07/21/2005	(400202)
38	07/22/2005	(445391)
39	08/01/2005	(401922)
40	08/02/2005	(401840)
41	08/02/2005	(401946)
42	08/16/2005	(374480)
43	08/19/2005	(401926)
44	08/22/2005	(398698)
45	08/22/2005	(445392)
46	08/25/2005	(401908)
47	08/29/2005	(406996)
48	08/30/2005	(418480)
49	08/31/2005	(407352)
50	09/16/2005	(431883)
51	09/21/2005	(432632)
52	09/23/2005	(445393)
53	10/08/2005	(433294)
54	10/24/2005	(445394)
55	11/22/2005	(476821)
56	12/20/2005	(476822)
57	12/30/2005	(450540)
58	01/02/2006	(450795)
59	01/23/2006	(476823)
60	01/30/2006	(439909)
61	02/22/2006	(476819)
62	03/22/2006	(476820)
63	03/27/2006	(459161)
64	04/04/2006	(438249)
65	04/04/2006	(439904)
66	04/04/2006	(439905)
67	04/04/2006	(449815)
68	04/04/2006	(451199)
69	04/13/2006	(454110)
70	04/24/2006	(503676)
71	04/24/2006	(503679)
72	04/28/2006	(435129)
73	04/28/2006	(454108)
74	05/05/2006	(464365)
75	05/12/2006	(463945)
76	05/22/2006	(503677)
77	06/02/2006	(461335)
78	06/07/2006	(465772)
79	06/14/2006	(450942)
80	06/14/2006	(480076)

81	06/23/2006	(503678)
82	06/27/2006	(482129)
83	07/07/2006	(485310)
84	07/20/2006	(482883)
85	08/03/2006	(489597)
86	08/21/2006	(526033)
87	08/30/2006	(497562)
88	08/30/2006	(509837)
89	08/30/2006	(510729)
90	08/31/2006	(509975)
91	09/01/2006	(510775)
92	09/25/2006	(526034)
93	09/26/2006	(462238)
94	09/26/2006	(512144)
95	09/26/2006	(514141)
96	10/09/2006	(513839)
97	10/12/2006	(514515)
98	10/12/2006	(515322)
99	10/19/2006	(513945)
100	10/23/2006	(550418)
101	10/26/2006	(513991)
102	11/03/2006	(516618)
103	11/06/2006	(514634)
104	11/15/2006	(519298)
105	11/17/2006	(519684)
106	11/20/2006	(550419)
107	11/21/2006	(516781)
108	11/30/2006	(532252)
109	12/08/2006	(519141)
110	12/15/2006	(517230)
111	12/20/2006	(550420)
112	12/21/2006	(516229)
113	01/16/2007	(532907)
114	01/17/2007	(550421)
115	01/18/2007	(535414)
116	01/24/2007	(511068)
117	02/01/2007	(531203)
118	02/01/2007	(538682)
119	02/08/2007	(538669)
120	02/16/2007	(540711)
121	02/16/2007	(550417)
122	03/09/2007	(538214)
123	03/13/2007	(538231)
124	03/19/2007	(586494)
125	03/22/2007	(541488)
126	04/20/2007	(586495)
127	04/20/2007	(586499)
128	04/26/2007	(557916)
129	05/01/2007	(554893)
130	05/03/2007	(532954)
131	05/03/2007	(539088)
132	05/04/2007	(558947)
133	05/08/2007	(543566)
134	05/17/2007	(586496)
135	05/21/2007	(539094)
136	05/22/2007	(518012)
137	06/01/2007	(560753)
138	06/05/2007	(561710)
139	06/06/2007	(561326)

140	06/20/2007	(586497)
141	06/22/2007	(564553)
142	07/02/2007	(562183)
143	07/02/2007	(564474)
144	07/03/2007	(564356)
145	07/09/2007	(565028)
146	07/17/2007	(556894)
147	07/18/2007	(567987)
148	07/19/2007	(586498)
149	08/06/2007	(570182)
150	08/09/2007	(571103)
151	08/10/2007	(571081)
152	08/17/2007	(572727)
153	08/20/2007	(608547)
154	08/23/2007	(570607)
155	08/27/2007	(573658)
156	08/28/2007	(571044)
157	08/28/2007	(573161)
158	08/29/2007	(573863)
159	08/30/2007	(571235)
160	08/30/2007	(573910)
161	08/31/2007	(573913)
162	09/05/2007	(573493)
163	09/14/2007	(593716)
164	09/17/2007	(594445)
165	09/18/2007	(608548)
166	09/25/2007	(594531)
167	09/26/2007	(594361)
168	09/26/2007	(595204)
169	10/15/2007	(597270)
170	10/17/2007	(596207)
171	10/19/2007	(597799)
172	10/19/2007	(608549)
173	11/01/2007	(598892)
174	11/14/2007	(600715)
175	11/19/2007	(624434)
176	12/19/2007	(624435)
177	01/03/2008	(612135)
178	01/03/2008	(613118)
179	01/11/2008	(594104)
180	01/22/2008	(615309)
181	02/01/2008	(616854)
182	02/19/2008	(675333)
183	02/20/2008	(619101)
184	02/21/2008	(619178)
185	02/21/2008	(636162)
186	02/22/2008	(636289)
187	02/22/2008	(636326)
188	02/22/2008	(636366)
189	02/28/2008	(636411)
190	03/19/2008	(675334)
191	03/20/2008	(638519)
192	03/25/2008	(638608)
193	03/31/2008	(639844)
194	04/01/2008	(639933)
195	04/10/2008	(641485)
196	04/15/2008	(646242)
197	04/16/2008	(675335)
198	04/17/2008	(640632)

199	04/21/2008	(641076)
200	04/25/2008	(636833)
201	04/29/2008	(646542)
202	04/29/2008	(653424)
203	05/09/2008	(646274)
204	05/12/2008	(636795)
205	05/20/2008	(693652)
206	05/21/2008	(671435)
207	05/30/2008	(681375)
208	06/17/2008	(682859)
209	06/17/2008	(683115)
210	06/20/2008	(693653)
211	06/24/2008	(683946)
212	06/24/2008	(683966)
213	06/24/2008	(683984)
214	07/10/2008	(685472)
215	07/16/2008	(684475)
216	07/18/2008	(693654)
217	07/22/2008	(685001)
218	07/29/2008	(686965)
219	07/30/2008	(543170)
220	07/30/2008	(687334)
221	08/01/2008	(688047)
222	08/07/2008	(685243)
223	08/19/2008	(714957)
224	08/22/2008	(684138)
225	08/26/2008	(700762)
226	08/27/2008	(700078)
227	08/28/2008	(688501)
228	08/28/2008	(688578)
229	08/28/2008	(688643)
230	09/05/2008	(701546)
231	09/08/2008	(701955)
232	09/19/2008	(714958)
233	09/24/2008	(703543)
234	09/30/2008	(703642)
235	10/20/2008	(714959)
236	10/28/2008	(705449)
237	10/29/2008	(704638)
238	10/29/2008	(705606)
239	10/30/2008	(706772)
240	10/30/2008	(706782)
241	10/30/2008	(706864)
242	10/31/2008	(706883)
243	10/31/2008	(706893)
244	11/17/2008	(730834)
245	11/20/2008	(708310)
246	12/03/2008	(707686)
247	12/03/2008	(708416)
248	12/03/2008	(709267)
249	12/15/2008	(721035)
250	12/18/2008	(721349)
251	12/18/2008	(721584)
252	01/15/2009	(723397)
253	01/19/2009	(730835)
254	01/27/2009	(722151)
255	01/28/2009	(723514)
256	02/02/2009	(722062)
257	02/02/2009	(725695)

258 02/18/2009 (725700)
259 02/18/2009 (735947)
260 02/26/2009 (736946)

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

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)
WQ0002436-000 PERMIT
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)
7699 / PSD-TX-226M6 PA
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)
TPDES Permit No. WQ0002436-000 PERMIT
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)
7699/Special Condition No. 13E PERMIT

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: 19200, Special Condition 9A PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-01956, Special Condition No. 13 OP
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)
SC 20 PA
Spec. Terms & Conditions (STC) No. 13 OP
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)
SC 7 PA
STC No. 13 OP
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)
STC No. 1 OP
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: Moderate
Citation: Special Condition No. 1 PERMIT
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: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
Special Condition No. 1 PERMIT
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: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
Special Condition No. 1 PERMIT
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: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
Special Condition No. 1 PERMIT
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: TPDES Permit No. WQ0002436-008 PERMIT
TWC Chapter 26 26.121(a)(1)

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)
TPDES Permit No. WQ0002436-008 PERMIT

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)
TPDES Permit No. WQ0002436-001 PERMIT

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)
TPDES Permit No. WQ0002436-010 PERMIT

Description: Failure to meet effluent limitation for pH maximum at outfall 010.

Date: 05/22/2007 (518012)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Federal Operating Permit Number O-01957 OP
TCEQ Air Permit Number 19201/PSD-TX-760M OP

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)
TCEQ Air Permit No. 190201/PSD-TX-76M6 OP

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)
TCEQ Air Permit Number 20203/PSD-TX-76M6 OP

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: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
TCEQ Air Permit Number 20203/PSD-TX-760M OP

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)

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

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)
 Federal Operating Permit Number O-01957 OP

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)
 Federal Operating Permit Number O-01957 OP
 TCEQ Air Permit Number 40157/PSD-TX-760M OP

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)
 TCEQ Air Permit 7699/PSD-TX-226M6 PERMIT

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)
 Permit No. 7699/PSD TX 226M, SC 8 PERMIT

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)
 Permit No. 7699/PSD-TX226, SC12 PERMIT

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)
7699/PSD-TX-226, SC 9 PERMIT

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

Date: 05/31/2008 (693653)

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

Date: 08/28/2008 (700078)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to include all instances of deviations for Federal Operating Permit (FOP) No. O-01956 in two semi-annual deviation reports dated May 18, 2007 and November 16, 2007. The regulated entity failed to include in the following deviation reports a total of three deviations from October 19, 2006 through October 18, 2007. This timeframe encompassed 2 six-month periods which included (1) October 19, 2006 through April 18, 2007, and (2) April 19, 2007 through October 18, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)

Description: Failure to include or reference in the Federal Operating Permit (FOP) No. O-01956 Permit Compliance Certification the identification of all other terms and conditions of the permit for which compliance was not achieved. Specifically, by failing to report all instances of deviations in the Permit Compliance Certification for certification period April 19, 2006 through April 18, 2007, the regulated entity failed to certify an accurate report for the period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to certify the first date of the reporting period represented in the semiannual deviation report dated February 23, 2007. Specifically, the regulated entity failed to certify the first day, July 27, 2006, of the reporting period, July 27, 2006 through January 25, 2007, by incorrectly using the date, July 28, 2006, as the first day of the reporting period.

Date: 08/31/2008 (714958)

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

Date: 09/05/2008 (701546)

Self Report? NO Classification: Minor
Citation: 01954 / Special Condition No. 18 OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

7699 / Special Condition No. 8 PA

Description: Failure to conduct daily visible emission checks of silo bag house vents. Specifically, between August 14, 2006 through March 21, 2007, Formosa Point Comfort Plant personnel failed to conduct EPA Method 22 observations of various baghouse vents in the PVC Unit on 14 separate dates.

Self Report? NO Classification: Minor

Citation: 01954 / Special Condition No. 18 OP
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 7699 / Special Condition No. 9 PA

Description: Failure to conduct weekly inspections of bag houses. Specifically, between June 26, 2006 through March 4, 2007, Formosa Point Comfort Plant personnel failed to conduct weekly inspections of various bag houses in the PVC Unit.

Self Report? NO Classification: Minor

Citation: 01954 / Special Condition No. 18 OP
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 7699 / Special Condition No. 9 PA

Description: Failure to conduct semi-annual detailed inspections of bag houses. Specifically, between August 9, 2006 through February 8, 2007, Formosa Point Comfort Plant personnel failed to conduct semi-annual detailed inspections of various bag houses in the PVC Unit.

Self Report? NO Classification: Moderate

Citation: 01954 / Special Condition No. 18 OP
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 7699 / Special Condition No. 16(E) PA

Description: Failure to equip each open-ended line with a cap, blind flange, plug, or a second valve. Specifically, on January 22, 2007, Formosa Point Comfort Plant personnel discovered an open-ended valve in the pipe rack behind PV 701D.

Self Report? NO Classification: Minor

Citation: 01954 / Special Condition No. 3(A)(iii) OP
 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to conduct quarterly visible emissions observations of bag houses. Specifically, between May 9, 2007 through August 8, 2007, Formosa Point Comfort Plant personnel failed to conduct quarterly visible emissions observations of two bag houses in the VCM Unit in accordance with EPA Method 9.

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.

Notice of Intent Date: 09/29/2008 (705355)

No DOV Associated

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

§
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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0216-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 a chemical manufacturing 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 notices of the violations alleged in Section II ("Allegations") on or about February 1, 2009, April 12, 2009, and May 12, 2009.
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 Sixty-Two Thousand Five Hundred Fifty-Five Dollars (\$62,555) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Five Thousand Twenty-Two Dollars (\$25,022)

of the administrative penalty and Twelve Thousand Five Hundred Eleven Dollars (\$12,511) 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. Twenty-Five Thousand Twenty-Two Dollars (\$25,022) 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 recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Conducted an initial performance test of PVC Dryer I on December 20, 2006; and
 - b. Completed a compliant re-test of PVC Dryer I on September 25, 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 the Respondent 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, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions during Incident No. 109611, in violation of Air Permit No. 7699 and PSD-TX-226M6, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 12, 2008. Specifically, during the June 17, 2008 emissions event, 30.31 pounds ("lbs") of unauthorized ethylene dichloride emissions were released from the containment storage area of Storage Tank VT-722 over a period of 12 hours and 30 minutes. The emissions event occurred when a manway was inadvertently opened during a maintenance activity that was not conducted in accordance with the established procedure. Since the emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 were not met.

2. Failed to comply with the 0.98 lbs per hour particulate matter emissions limit for PVC Dryer I, in violation of Air Permit No. 7699 and PSD-TX-226M6, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 17, 2009. Specifically, during an initial performance test conducted on December 20, 2006, the particulate matter emissions from PVC Dryer I were 2.30 lbs per hour.
3. Failed to conduct an initial performance test of PVC Dryer I within 90 days after start-up, in violation of 40 CODE OF FEDERAL REGULATIONS § 61.67(a), 30 TEX. ADMIN. CODE § 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 17, 2009. Specifically, PVC Dryer I was initially put into service on April 25, 2003, however the initial performance test was not conducted until December 20, 2006.
4. Failed to prevent unauthorized emissions during Incident No. 117332, in violation of Air Permit No. 19168, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 9, 2009. Specifically, during the December 3, 2008 emissions event the following unauthorized emissions were released from Flare 1067 over a period of 34 minutes when the electrical system shorted while instrumentation personnel were working on related equipment: 118.07 lbs of volatile organic compounds, 83.63 lbs of carbon monoxide, and 11.56 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 were not met.
5. Failed to prevent unauthorized emissions during Incident No. 117340, in violation of Air Permit No. 19168, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 9, 2009. Specifically, during the December 4, 2008 emissions event the following unauthorized emissions were released from Flare 1067 over a period of 40 minutes when the electrical system failed due to an incorrect fuse installation: 333.54 lbs of volatile organic compounds, 113.05 lbs of carbon monoxide, and 15.65 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 were not met.

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. 2009-0216-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 above, Twenty-Five Thousand Twenty-Two Dollars (\$25,022) 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, implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident Nos. 109611, 117332, and 117340; and
 - b. 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. 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
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

Date 8/6/2009

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

Date 6/10/09

RANDALL P. SMITH

Name (Printed or typed)
Authorized Representative of
Formosa Plastics Corporation, Texas

VP / 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: 2009-0216-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Formosa Plastics Corporation, Texas
Payable Penalty Amount: Fifty Thousand Forty-Four Dollars (\$50,044)
SEP Amount: Twenty-Five Thousand Twenty-Two Dollars (\$25,022)
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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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 amount 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.

