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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0795-AIR-E **TCEQ ID:** RN100218973 **CASE NO.:** 39698
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: Synthetic organic chemical 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 one additional pending enforcement action regarding this facility location, Docket No. 2010-1112-IHW-E.</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 October 18, 2010. 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: Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Randall P. Smith, Vice President/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: January 14 through March 5, 2010</p> <p>Date of NOV/NOE Relating to this Case: May 7, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,764.01 pounds ("lbs") of volatile organic compounds, 671.62 lbs of carbon monoxide and 134.3 lbs of nitrogen oxide from the Ethylene Glycol Plant, Olefins I Plant and Olefins II Plant during an avoidable emissions event that began on December 4, 2009 and lasted for 48 hours. An equipment specialist failed to close a valve on the sulfur hexafluoride gas header prior to pulling a vacuum on the system, resulting in the release of these emissions. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 19198/PSD-TX-760M7, Special Condition No. 1].</p>	<p>Total Assessed: \$17,950</p> <p>Total Deferred: \$3,590 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$7,180</p> <p>Total Paid to General Revenue: \$7,180</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>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 and procedures designed to ensure the proper operation of valves during unit maintenance; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): Air Account No. CBoo38Q

Attachment A
Docket Number: 2010-0795-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Formosa Plastics Corporation, Texas

Payable Penalty Amount: Fourteen Thousand Three Hundred Sixty Dollars
(\$14,360)

SEP Amount: Seven Thousand One Hundred Eighty Dollars
(\$7,180)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and
Development Areas, Inc. ("RC&D")- Clean School
Buses

Location of SEP: Texas Air Quality Control Region 214 – Corpus
Christi – Victoria (Calhoun County preferred)

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 aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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 reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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.

Formosa Plastics Corporation, Texas
Agreed Order - Attachment A

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

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	10-May-2010	Screening	17-May-2010	EPA Due	3-Nov-2010
	PCW	17-May-2010				

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.	39698	No. of Violations	1
Docket No.	2010-0796-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		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** **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **259.0%** Enhancement **Subtotals 2, 3, & 7** **\$12,950**

Notes
 Enhancement due to five NOVs with same or similar violations, 19 NOVs with dissimilar violations, five 1660 Agreed Orders and four Findings Orders. Reduction due to two Notice of Audit Letters submitted and one Disclosure of Violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes
 The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement **Subtotal 6** **\$0**

Total EB Amounts **\$45**
 Approx. Cost of Compliance **\$1,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$17,950**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$17,950**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$17,950**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$3,590**

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 **\$14,360**

Screening Date 17-May-2010

Docket No. 2010-0795-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 2 (September 2002)

Case ID No. 39698

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218973

Media [Statute] Air

Enf. Coordinator John Muennink

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
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) 259%

>> 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

Enhancement due to five NOVs with same or similar violations, 19 NOVs with dissimilar violations, five 1860 Agreed Orders and four Findings Orders. Reduction due to two Notice of Audit Letters submitted and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 259%

Screening Date 17-May-2010

Docket No. 2010-0795-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 2 (September 2002)

Case ID No. 39698

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218973

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Tex. Health & Safety Code § 382.085(b) and Permit No. 19198/PSD-TX-760M7, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,764.01 pounds ("lbs") of volatile organic compounds, 671.62 lbs of carbon monoxide and 134.3 lbs of nitrogen oxide from the Ethylene Glycol Plant, Olefins I Plant and Olefins II Plant during an avoidable emissions event that began on December 4, 2009 and lasted for 48 hours. An equipment specialist failed to close a valve on the sulfur hexafluoride gas header prior to pulling a vacuum on the system, resulting in the release of these emissions. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release Actual 12/4/2009	Harm		
		Major	Moderate	Minor
			x	

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to a significant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

2 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$17,950

This violation Final Assessed Penalty (adjusted for limits) \$17,950

Economic Benefit Worksheet

Respondent Formosa Plastics Corporation, Texas
Case ID No. 39698
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
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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	\$1,000	4-Dec-2009	31-Oct-2010	0.91	\$45	n/a	\$45
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to implement measures designed to ensure the proper operation of valves during plant maintenance. The Date Required is the date the emissions event began. The Final Date is the date that corrective measures are estimated to 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

Compliance History Report

Customer/Respondent/Owner-Operator: CN600130017 Formosa Plastics Corporation, Texas Classification: AVERAGE Rating: 3.53
 Regulated Entity: RN100218973 FORMOSA POINT COMFORT PLANT Classification: AVERAGE Site Rating: 8.64

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	91780
	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	REGISTRATION	24947
	AIR NEW SOURCE PERMITS	REGISTRATION	29765
	AIR NEW SOURCE PERMITS	REGISTRATION	31130
	AIR NEW SOURCE PERMITS	REGISTRATION	26267
	AIR NEW SOURCE PERMITS	REGISTRATION	26270
	AIR NEW SOURCE PERMITS	REGISTRATION	26351
	AIR NEW SOURCE PERMITS	REGISTRATION	26523
	AIR NEW SOURCE PERMITS	REGISTRATION	26266
	AIR NEW SOURCE PERMITS	REGISTRATION	35292
	AIR NEW SOURCE PERMITS	REGISTRATION	37070
	AIR NEW SOURCE PERMITS	PERMIT	40157
	AIR NEW SOURCE PERMITS	REGISTRATION	40293
	AIR NEW SOURCE PERMITS	REGISTRATION	41145
	AIR NEW SOURCE PERMITS	REGISTRATION	43265
	AIR NEW SOURCE PERMITS	REGISTRATION	44847
	AIR NEW SOURCE PERMITS	REGISTRATION	44933
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CB0038Q
	AIR NEW SOURCE PERMITS	REGISTRATION	52859
	AIR NEW SOURCE PERMITS	REGISTRATION	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	84730
	AIR NEW SOURCE PERMITS	REGISTRATION	85081
	AIR NEW SOURCE PERMITS	REGISTRATION	91047
	AIR NEW SOURCE PERMITS	REGISTRATION	85100
	AIR NEW SOURCE PERMITS	REGISTRATION	88447
	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 #	31945
	(SWR)	
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CB0038Q

Location: 201 FORMOSA DR, POINT COMFORT, TX, 77978

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: May 13, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 13, 2005 to May 13, 2010

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

Name: jmuenn Phone: (361) 825-3100

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

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 demonstration 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.

Effective Date: 02/22/2009 ADMINORDER 2008-0973-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the TCEQ prior to conducting a reportable maintenance activity.

Classification: Moderate

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

Rqmt Prov: NSR 7699 - SC 1 PA

Description: Failure to gain an affirmative defense against penalties for unauthorized reportable emissions that were released from the PVC Plant during a reportable maintenance activity which was conducted on January 15, 2008. By failing to notify the commission office according to rule requirements Formosa Plastics Corporation - Texas did not satisfy the applicable criteria in 30 TAC § 101.222 (c)(1).

Effective Date: 03/23/2009

ADMINORDER 2008-1412-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PA
Special Condition No. 7 PA

Description: Failure to route displaced vapors from marine loading of ethylene dichloride (EDC) to the Dock Incinerator/Scrubber [EPN: 8F-D02] as required by Special Condition No. 7 of TCEQ Air Permit No. 19871.

Effective Date: 10/04/2009

ADMINORDER 2009-0216-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to maintain PM emission rate at permitted limit of 0.98 lb/hr.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.67(a)
5C THSC Chapter 382 382.085(b)

Description: Failed 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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 109611.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 19168 / Special Condition No. 1 PA

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event which occurred on December 3, 2008, TCEQ Incident No. 117332. Specifically, on December 3, 2008, the Company released 118.07 lbs. volatile organic compounds (VOC), 83.63 lbs. carbon monoxide (CO), and 11.56 lbs. nitrogen oxides (NOx).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 19168 / Special Condition No. 1 PA

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event which occurred on December 4, 2008, TCEQ Incident No. 117340. Specifically, the Company released 333.54 lbs. volatile organic compounds (VOC), 113.05 lbs. carbon monoxide (CO), and 15.65 lbs. nitrogen oxides (NOx).

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	05/23/2005	(424699)
2	06/07/2005	(377227)
3	06/21/2005	(424700)
4	07/21/2005	(400202)
5	07/22/2005	(445391)
6	08/01/2005	(401922)
7	08/02/2005	(401840)
8	08/02/2005	(401946)
9	08/16/2005	(374480)
10	08/19/2005	(401926)
11	08/22/2005	(398698)
12	08/22/2005	(445392)
13	08/25/2005	(401908)
14	08/29/2005	(406996)
15	08/30/2005	(418480)
16	08/31/2005	(407352)
17	09/16/2005	(431883)
18	09/21/2005	(432632)
19	09/23/2005	(445393)
20	10/08/2005	(433294)
21	10/24/2005	(445394)
22	11/22/2005	(476821)
23	12/20/2005	(476822)
24	12/30/2005	(450540)
25	01/02/2006	(450795)
26	01/23/2006	(476823)
27	01/30/2006	(439909)
28	02/22/2006	(476819)
29	03/22/2006	(476820)
30	03/27/2006	(459161)
31	04/04/2006	(438249)
32	04/04/2006	(439904)
33	04/04/2006	(439905)
34	04/04/2006	(449815)
35	04/04/2006	(451199)
36	04/13/2006	(454110)
37	04/24/2006	(503676)
38	04/24/2006	(503679)
39	04/28/2006	(435129)
40	04/28/2006	(454108)
41	05/05/2006	(464365)
42	05/12/2006	(463945)
43	05/22/2006	(503677)
44	06/02/2006	(461335)
45	06/07/2006	(465772)
46	06/14/2006	(450942)
47	06/14/2006	(480076)
48	06/23/2006	(503678)
49	06/27/2006	(482129)
50	07/07/2006	(485310)
51	07/20/2006	(482883)
52	08/03/2006	(489597)
53	08/21/2006	(526033)
54	08/30/2006	(497562)
55	08/30/2006	(509837)
56	08/30/2006	(510729)
57	08/31/2006	(509975)
58	09/01/2006	(510775)

59	09/25/2006	(526034)
60	09/26/2006	(462238)
61	09/26/2006	(512144)
62	09/26/2006	(514141)
63	10/09/2006	(513839)
64	10/12/2006	(514515)
65	10/12/2006	(515322)
66	10/19/2006	(513945)
67	10/23/2006	(550418)
68	10/26/2006	(513991)
69	11/03/2006	(516618)
70	11/06/2006	(514634)
71	11/15/2006	(519298)
72	11/17/2006	(519684)
73	11/20/2006	(550419)
74	11/21/2006	(516781)
75	11/30/2006	(532252)
76	12/08/2006	(519141)
77	12/15/2006	(517230)
78	12/20/2006	(550420)
79	12/21/2006	(516229)
80	01/16/2007	(532907)
81	01/17/2007	(550421)
82	01/18/2007	(535414)
83	01/24/2007	(511068)
84	02/01/2007	(531203)
85	02/01/2007	(538682)
86	02/08/2007	(538669)
87	02/16/2007	(540711)
88	02/16/2007	(550417)
89	03/09/2007	(538214)
90	03/13/2007	(538231)
91	03/19/2007	(586494)
92	03/22/2007	(541488)
93	04/20/2007	(586495)
94	04/20/2007	(586499)
95	04/26/2007	(557916)
96	05/01/2007	(554893)
97	05/03/2007	(532954)
98	05/03/2007	(539088)
99	05/04/2007	(558947)
100	05/08/2007	(543566)
101	05/17/2007	(586496)
102	05/21/2007	(539094)
103	05/22/2007	(518012)
104	06/01/2007	(560753)
105	06/05/2007	(561710)
106	06/06/2007	(561326)
107	06/20/2007	(586497)
108	06/22/2007	(564553)
109	07/02/2007	(562183)
110	07/02/2007	(564474)
111	07/03/2007	(564356)
112	07/09/2007	(565028)
113	07/17/2007	(556894)
114	07/18/2007	(567987)
115	07/19/2007	(586498)
116	08/06/2007	(570182)
117	08/09/2007	(571103)

118	08/10/2007	(571081)
119	08/17/2007	(572727)
120	08/20/2007	(608547)
121	08/23/2007	(570607)
122	08/27/2007	(573658)
123	08/28/2007	(571044)
124	08/28/2007	(573161)
125	08/29/2007	(573863)
126	08/30/2007	(571235)
127	08/30/2007	(573910)
128	08/31/2007	(573913)
129	09/05/2007	(573493)
130	09/14/2007	(593716)
131	09/17/2007	(594445)
132	09/18/2007	(608548)
133	09/25/2007	(594531)
134	09/26/2007	(594361)
135	09/26/2007	(595204)
136	10/15/2007	(597270)
137	10/17/2007	(596207)
138	10/19/2007	(597799)
139	10/19/2007	(608549)
140	11/01/2007	(598892)
141	11/14/2007	(600715)
142	11/19/2007	(624434)
143	12/19/2007	(624435)
144	01/03/2008	(612135)
145	01/03/2008	(613118)
146	01/11/2008	(594104)
147	01/22/2008	(615309)
148	02/01/2008	(616854)
149	02/19/2008	(675333)
150	02/20/2008	(619101)
151	02/21/2008	(619178)
152	02/21/2008	(636162)
153	02/22/2008	(636289)
154	02/22/2008	(636326)
155	02/22/2008	(636366)
156	02/28/2008	(636411)
157	03/19/2008	(675334)
158	03/20/2008	(638519)
159	03/25/2008	(638608)
160	03/31/2008	(639844)
161	04/01/2008	(639933)
162	04/10/2008	(641485)
163	04/15/2008	(646242)
164	04/16/2008	(675335)
165	04/17/2008	(640632)
166	04/21/2008	(641076)
167	04/25/2008	(636833)
168	04/29/2008	(646542)
169	04/29/2008	(653424)
170	05/09/2008	(646274)
171	05/12/2008	(636795)
172	05/20/2008	(693652)
173	05/21/2008	(671435)
174	05/30/2008	(681375)
175	06/17/2008	(682859)
176	06/17/2008	(683115)

177	06/20/2008	(693653)
178	06/24/2008	(683946)
179	06/24/2008	(683966)
180	06/24/2008	(683984)
181	07/10/2008	(685472)
182	07/16/2008	(684475)
183	07/18/2008	(693654)
184	07/22/2008	(685001)
185	07/29/2008	(686965)
186	07/30/2008	(543170)
187	07/30/2008	(687334)
188	08/01/2008	(688047)
189	08/07/2008	(685243)
190	08/19/2008	(714957)
191	08/22/2008	(684138)
192	08/26/2008	(700762)
193	08/27/2008	(700078)
194	08/28/2008	(688501)
195	08/28/2008	(688578)
196	08/28/2008	(688643)
197	09/05/2008	(701546)
198	09/08/2008	(701955)
199	09/19/2008	(714958)
200	09/24/2008	(703543)
201	09/30/2008	(703642)
202	10/20/2008	(714959)
203	10/28/2008	(705449)
204	10/29/2008	(704638)
205	10/29/2008	(705606)
206	10/30/2008	(706772)
207	10/30/2008	(706782)
208	10/30/2008	(706864)
209	10/31/2008	(706883)
210	10/31/2008	(706893)
211	11/17/2008	(730834)
212	11/20/2008	(708310)
213	12/03/2008	(707686)
214	12/03/2008	(708416)
215	12/03/2008	(709267)
216	12/15/2008	(721035)
217	12/17/2008	(754075)
218	12/18/2008	(721349)
219	12/18/2008	(721584)
220	01/15/2009	(723397)
221	01/19/2009	(730835)
222	01/27/2009	(722151)
223	01/28/2009	(723514)
224	02/02/2009	(722062)
225	02/02/2009	(725695)
226	02/18/2009	(725700)
227	02/18/2009	(735947)
228	02/18/2009	(754072)
229	02/26/2009	(736946)
230	02/27/2009	(736493)
231	02/27/2009	(737041)
232	03/13/2009	(738459)
233	03/16/2009	(738488)
234	03/17/2009	(754073)
235	03/26/2009	(738363)

236	04/07/2009	(573226)
237	04/08/2009	(741563)
238	04/17/2009	(754074)
239	04/28/2009	(743141)
240	04/30/2009	(742541)
241	05/07/2009	(739457)
242	05/18/2009	(745899)
243	05/18/2009	(771401)
244	06/12/2009	(771402)
245	06/22/2009	(759377)
246	06/28/2009	(749155)
247	06/28/2009	(759743)
248	07/09/2009	(759868)
249	07/09/2009	(760928)
250	07/19/2009	(745485)
251	08/02/2009	(763795)
252	08/03/2009	(748900)
253	08/07/2009	(749512)
254	08/12/2009	(748658)
255	08/15/2009	(760067)
256	08/24/2009	(765182)
257	08/24/2009	(765476)
258	08/24/2009	(766886)
259	08/28/2009	(764529)
260	08/28/2009	(766981)
261	08/29/2009	(767772)
262	08/31/2009	(767753)
263	09/30/2009	(776915)
264	10/07/2009	(777204)
265	10/13/2009	(777538)
266	11/02/2009	(779962)
267	11/12/2009	(782076)
268	12/01/2009	(783923)
269	01/12/2010	(787826)
270	01/22/2010	(789008)
271	02/12/2010	(791377)
272	02/12/2010	(791489)
273	02/12/2010	(791957)
274	02/16/2010	(789686)
275	02/22/2010	(792636)
276	02/25/2010	(793342)
277	02/25/2010	(793452)
278	02/26/2010	(793774)
279	03/30/2010	(795495)
280	03/30/2010	(795510)
281	03/30/2010	(795682)
282	04/27/2010	(800208)
283	05/03/2010	(800275)
284	05/07/2010	(788602)
285	05/07/2010	(800835)

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

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) CN600130017
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) CN600130017
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) CN600130017
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) CN600130017
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) CN600130017
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) CN600130017
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)

CN600130017

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) CN600130017
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) CN600130017
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) CN600130017
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) CN600130017
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.

Date: 04/30/2009 (771401) CN600130017

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: 08/03/2009 (748900) CN600130017

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d)

Description: Failure to conduct a waste determination for each solid waste generated.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
30 TAC Chapter 335, SubChapter A 335.6(c)(1)
30 TAC Chapter 335, SubChapter A 335.6(c)(2)
30 TAC Chapter 335, SubChapter A 335.6(c)(3)
30 TAC Chapter 335, SubChapter A 335.6(c)(4)
30 TAC Chapter 335, SubChapter A 335.6(c)(5)
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(A)
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(B)

30 TAC Chapter 335, SubChapter A 335.6(c)(5)(C)
30 TAC Chapter 335, SubChapter A 335.6(c)(5)(D)
Description: Failure to provide written notification for all industrial solid waste streams and associated management units.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to document changes or additional information with respect to that originally provided within 90 days of changes.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)
30 TAC Chapter 335, SubChapter A 335.13(k)(1)
30 TAC Chapter 335, SubChapter A 335.13(k)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42

Description: Failure to submit an exception report to TCEQ when the original copy of the manifest was not received back from the TSDF within 45 days of the date of shipment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.13(i)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(b)

Description: Failure to maintain manifests for at least three years from the date the waste was accepted by the initial transporter.

Date: 08/25/2009 (765182) CN600130017

Self Report? NO Classification: Minor

Citation: 01957 / Special Condition No. 1(A) OP
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct periodic monitoring as specified in the Federal Operating Permit. Specifically, between April 7, 2008 through April 13, 2008, Formosa Point Comfort Plant personnel failed to conduct a weekly EPA Method 9 observation of their standby Thermal Incinerator (EPN H923B) located in the High Density Polyethylene Plant.

Date: 08/28/2009 (766981)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT
Special Terms and Conditions No. 17 OP

Description: Failure to comply with the special conditions contained in a permit. Specifically, the pound per hour (lb/hr) allowable emissions rate limits for carbon monoxide (CO) and nitrogen oxides (NOx) listed in TCEQ Air Permit No. 19168 and PDS-TX-760M7, Special Condition No. 1, was exceeded for Unit ID Nos. 1003, 1004, 1005, 1007, 1008, and 1009B on several dates as specified in the February 22, 2008 and August 25, 2008 semi-annual deviation reports for Federal Operating Permit No. O-01958.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 7 PERMIT
Special Terms and Conditions OP

Description: Failure to comply with the special conditions contained in a permit. Specifically, the Catalyst Regeneration Heater (EPN: 8001B) exceeded its limit of 438 hours per year of operation on a rolling 12-month average on several dates listed as specified in the February 22, 2008 and August 25, 2008 semi-annual deviation reports for Federal Operating Permit No. O-01958.

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. 2010-0795-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 synthetic organic chemical plant at 201 Formosa Drive in Point Comfort, Calhoun County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 12, 2010.
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 Seventeen Thousand Nine Hundred Fifty Dollars (\$17,950) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Seven Thousand One Hundred Eighty Dollars (\$7,180) of the administrative penalty and Three Thousand Five Hundred Ninety Dollars (\$3,590) 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. Seven Thousand One Hundred Eighty Dollars (\$7,180) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 19198/PSD-TX-760M7, Special Condition No. 1, as documented during a record review conducted January 14 through March 5, 2010. Specifically, the Respondent released 6,764.01 pounds ("lbs") of volatile organic compounds, 671.62 lbs of carbon monoxide and 134.3 lbs of nitrogen oxide from the Ethylene Glycol Plant, Olefins I Plant and Olefins II Plant during an avoidable emissions event that began on December 4, 2009 and lasted for 48 hours. An equipment specialist failed to close a valve on the sulfur hexafluoride gas header prior to pulling a vacuum on the system, resulting in the release of these emissions. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense 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. 2010-0795-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, Seven Thousand One Hundred Eighty Dollars (\$7,180) 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 and procedures designed to ensure the proper operation of valves during unit maintenance; 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 fines 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

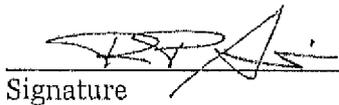
Date 9/23/2010

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 9/20/10

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

V.P. / GEN. MANAGER
Title

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

Attachment A
Docket Number: 2010-0795-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Formosa Plastics Corporation, Texas

Payable Penalty Amount: Fourteen Thousand Three Hundred Sixty Dollars (\$14,360)

SEP Amount: Seven Thousand One Hundred Eighty Dollars (\$7,180)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses

Location of SEP: Texas Air Quality Control Region 214 – Corpus Christi – Victoria (Calhoun County preferred)

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 aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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 reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

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

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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

