

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1903-IWD-E **TCEQ ID:** RN100218973 **CASE NO.:** 40760

RESPONDENT NAME: FORMOSA UTILITY VENTURE, LTD. and 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 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 checked="" 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: Plastics organic and inorganic chemicals manufacturing facility with an associated wastewater treatment 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 Respondents have expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 9, 2011. 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. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. R.P. Smith, Vice President/General Manager, FORMOSA UTILITY VENTURE, LTD. and 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 7, 2010</p> <p>Date of NOV/NOE Relating to this Case: November 5, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to comply with daily maximum discharge permitted effluent limit for phenol. Specifically, the composite sample collected during the 24-hour period from September 2, 2010 to September 3, 2010 documented a daily maximum loading of 1.902 pounds per day ("lbs/day") for Outfall 001 (limit of 0.74 lbs/day) [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002436000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1)].</p> <p>2) Failed to comply with daily maximum discharge permitted effluent limit for phenol. Specifically, the composite sample collected during the 24-hour period from September 2, 2010 to September 3, 2010 documented a daily maximum loading of 2.584 lbs/day for Outfall 101 (limit of 0.68 lbs/day) [TPDES Permit No. WQ0002436000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1)].</p>	<p>Total Assessed: \$68,600</p> <p>Total Deferred: \$13,720 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$27,440</p> <p>Total Paid to General Revenue: \$27,440</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</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 Respondents have implemented the following corrective measures at the Facility:</p> <p>a. By September 7, 2010, repaired the motors for clarifiers A and B to maintain effluent parameters within permitted limits;</p> <p>b. By September 8, 2010, adopted a new preventive maintenance plan for the combined wastewater treatment plant; and</p> <p>c. By September 11, 2010, removed and disposed of the sludge in the B clarifier, began maintaining the clarifiers on a more stringent maintenance schedule to eliminate re-occurrence of unauthorized discharges, and pumped remaining wastewater from the combined wastewater treatment plant containment areas back into the wastewater system.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondents to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)</p>

RESPONDENT NAME: FORMOSA UTILITY VENTURE, LTD.
and Formosa Plastics Corporation, Texas
DOCKET NO.: 2010-1903-IWD-E

<p>3) Failed to prevent the unauthorized discharge of 284,764 gallons of wastewater through Outfalls 006 and 007. Specifically, untreated process wastewater overflowed from the containment areas around the centralized wastewater treatment plant and discharged through Outfalls 006 and 007, from September 7, 2010 through September 11, 2010, and into Cox Creek [TPDES Permit No. WQ0002436000, Permit Conditions No. 2.d. and TEX. WATER CODE § 26.121(a)].</p>		
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Additional ID No(s): WQ0002436000

Attachment A
Docket Number: 2010-1903-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondents: FORMOSA UTILITY VENTURE, LTD. and Formosa
Plastics Corporation, Texas

Penalty Amount: Fifty-Four Thousand Eight Hundred Eighty Dollars
(\$54,880)

SEP Offset Amount: Twenty-Seven Thousand Four Hundred Forty
Dollars (\$27,440)

Type of SEP: Pre-approved SEP

Third-Party Recipient: National Audubon Society – *Sundown Island
Sanctuary Anti-erosion, Re-vegetation and Pest
Control Project*

Location of SEP: Calhoun County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion the administrative penalty amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset 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 Respondents shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **National Audubon Society** for the *Sundown Sanctuary Island Anti-erosion, Re-vegetation and Pest Control Project*. The Sundown Island and four other small coastal islands located off Port O’Connor are major sites for nesting colonial waterbirds. These islands are increasingly subject to erosion and consequent land loss due to an increasing number of vessels, storm winds and surges, etc. Texas coastal sanctuary islands in this area host one of the largest roseate spoonbill, reddish egret and Brown pelican colonies in the U.S. Colonial. The SEP offset amount will be used to restore the size of the islands utilizing dredge spoil, conduct revegetation using native plants, and treat vegetation to control pest populations.

The SEP will be done in accordance with all federal, state and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The Respondents shall not profit from this SEP in any manner. The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This project will provide an environmental benefit by stabilizing the island, reducing erosion, and ensuring the maintenance of the natural ecosystem. Waterbirds can only nest successfully on islands of adequate size that have appropriate vegetation and the absence of pests to ensure stable populations. The loss of native vegetation results in an increased potential for erosion. Revegetation will also help absorb pollutants and particulate matter and improve water quality. By restoring the natural vegetated areas, turbidity is reduced, and source water for recreation and human consumption is protected from further degradation

C. Minimum Expenditure

The Respondents shall contribute at least the SEP offset 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 Respondents must contribute the SEP offset amount to the Third-Party Recipient. The Respondents shall mail a copy of the Agreed Order with the contribution to the addressee listed below:

National Audubon Society
Attention: Executive Director
Audubon Texas
2904 Swiss Avenue
Dallas, TX 75204

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to the addressee listed below:

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

4. Failure to Fully Perform

If Respondents do not perform its obligations under this SEP in any way, including full expenditure of the SEP offset 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 offset amount.

In the event of incomplete performance, the Respondents shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondents 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 Respondents 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 a SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ DATES	Assigned	22-Nov-2010	Screening	23-Nov-2010	EPA Due	
	PCW	29-Nov-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	FORMOSA UTILITY VENTURE, LTD. and 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.	40760	No. of Violations	2
Docket No.	2010-1903-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$20,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7** \$53,600

Notes: Enhancement for four orders without denial, five orders with denial, 16 NOVs with dissimilar violations, one NOV with similar violations, and seven months of self-reported effluent violations; and reduction for two Notices of Intent, and one Disclosure of Violations.

Culpability **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$5,000

Economic Benefit **Subtotal 6** \$0

Total EB Amounts \$96
Approx. Cost of Compliance \$180,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$68,600

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$68,600

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$68,600

DEFERRAL **Adjustment** -\$13,720

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 \$54,880

Screening Date 23-Nov-2010

Docket No. 2010-1903-IWD-E

PCW

Respondent FORMOSA UTILITY VENTURE, LTD. and Formosa Plas

Policy Revision 2 (September 2002)

Case ID No. 40760

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218973

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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)	8	40%
	Other written NOVs	16	32%
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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 268%

>> 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 for four orders without denial, five orders with denial, 16 NOVs with dissimilar violations, one NOV with similar violations, and seven months of self-reported effluent violations; and reduction for two Notices of Intent, and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 268%

Screening Date 23-Nov-2010	Docket No. 2010-1903-IWD-E	PCW		
Respondent FORMOSA UTILITY VENTURE, LTD. and Formosa Plastics Corpo		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 40760		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN100218973				
Media [Statute] Water Quality				
Enf. Coordinator Jorge Ibarra, P.E.				
Violation Number	1			
Rule Cite(s)	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002486000, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)(1)			
Violation Description	Failed to comply with daily maximum discharge permitted effluent limit for phenol. Specifically, the composite samples collected during the 24-hour period from September 2, 2010 to September 3, 2010 documented a daily maximum loading of 1,902 pounds per day ("lbs/day") for Outfall 001 (limit of 0.74 lbs/day) and 2,584 lbs/day for Outfall 101 (limit of 0.68 lbs/day).			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		50%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%		
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environment receptors as a result of the violation.			
Adjustment		\$5,000		
		\$5,000		
Violation Events				
Number of Violation Events		2	5	
		Number of violation days		
mark only one with an x	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty		\$10,000		
Two monthly events are recommended for Outfalls 001 (one month) and 101 (one month).				
Good Faith Efforts to Comply		25.0% Reduction	\$2,500	
		Before NOV	NOV to EDPRP/Settlement	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent achieved compliance by September 7, 2010 for this violation.			
Violation Subtotal		\$7,500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$41	Violation Final Penalty Total \$34,300	
		This violation Final Assessed Penalty (adjusted for limits) \$34,300		

Economic Benefit Worksheet

Respondent FORMOSA UTILITY VENTURE, LTD. and Formosa Plastics Corporation, Texas

Case ID No. 40760

Reg. Ent. Reference No. RN100218973

Media Water Quality

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
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)	\$60,000	2-Sep-2010	7-Sep-2010	0.01	\$41	n/a	\$41

Notes for DELAYED costs

Estimated cost to repair the motors for clarifiers A and B (to include labor costs) to maintain effluent parameters within permitted limits. Date Required is the first date of non-compliance, Final Date is the compliance date.

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

\$60,000

TOTAL

\$41

Screening Date 23-Nov-2010	Docket No. 2010-1903-IWD-E	PCW		
Respondent FORMOSA UTILITY VENTURE, LTD. and Formosa Plastics Corpor		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 40760		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN100218973				
Media [Statute] Water Quality				
Enf. Coordinator Jorge Ibarra, P.E.				
Violation Number	2			
Rule Cite(s)	TPDES Permit No. WQ0002436000, Permit Conditions No. 2.d. and Tex. Water Code § 26.121(a)			
Violation Description	Failed to prevent the unauthorized discharge of 284,764 gallons of wastewater through Outfalls 006 and 007. Specifically, untreated process wastewater overflowed from the containment areas around the centralized wastewater treatment plant and discharged through Outfalls 006 and 007, from September 7, 2010 through September 11, 2010, and into Cox Creek.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual		-x	
	Potential			
Percent		50%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent		0%		
Matrix Notes	Failure to prevent the unauthorized discharge of wastewater from Outfalls 006 and 007 resulted in the release of significant amounts of pollutants.			
Adjustment		\$5,000		
		\$5,000		
Violation Events				
Number of Violation Events		2	Number of violation days	
		5		
<i>mark only one with an x</i>	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty		\$10,000		
Two monthly events are recommended (one for each outfall).				
Good Faith Efforts to Comply		25.0% Reduction		
		\$2,500		
	Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer	
	Ordinary	x		
	N/A	(mark with x)		
Notes	The Respondent achieved compliance by September 11, 2010 for this violation.			
Violation Subtotal		\$7,500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$55	Violation Final Penalty Total	
		\$34,300		
		This violation Final Assessed Penalty (adjusted for limits)		
		\$34,300		

Economic Benefit Worksheet

Respondent FORMOSA UTILITY VENTURE, LTD. and Formosa Plastics Corporation, Texas

Case ID No. 40760

Reg. Ent. Reference No. RN100218973

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$90,000	7-Sep-2010	11-Sep-2010	0.01	\$49	n/a	\$49
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	7-Sep-2010	11-Sep-2010	0.01	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to remove and dispose of the sludge in the B clarifier, to maintain the clarifiers on a more stringent maintenance schedule to eliminate re-occurrence of unauthorized discharges, to pump remaining wastewater from the combined water treatment plant (CWTP) containment areas back into the wastewater system, and to adopt a new preventive maintenance plan for the CWTP. Date Required is the first date of non-compliance. Final Date is the compliance date.

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	\$100,000	TOTAL	\$55
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Compliance History

Customer/Respondent/Owner-Operator:	CN602650954	FORMOSA UTILITY VENTURE, LTD.	Classification:	Rating:
Regulated Entity:	RN100218973	FORMOSA POINT COMFORT PLANT	Classification: AVERAGE	Site Rating: 6.31
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
	AIR OPERATING PERMITS	PERMIT		3409
	AIR OPERATING PERMITS	PERMIT		3421
	POLLUTION PREVENTION PLANNING	ID NUMBER		P00254
	AIR NEW SOURCE PERMITS	AFS NUM		4805700015
	AIR NEW SOURCE PERMITS	REGISTRATION		PSDTX1233
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1222
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1230
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1232
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1224
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1226
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1240
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1234
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1238
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1236
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1237
	AIR NEW SOURCE PERMITS	REGISTRATION		94582
	AIR NEW SOURCE PERMITS	REGISTRATION		94339
	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		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	REGISTRATION	94346
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	95682
AIR NEW SOURCE PERMITS	REGISTRATION	95494
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
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXT490011293
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	31945
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TX0000888164
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	82613
WASTEWATER	PERMIT	WQ0002436000
WASTEWATER	EPA ID	TX0085570
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
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CB0038Q

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

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: April 19, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 22, 2005 to November 22, 2010

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

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: 9/1/2010 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 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: 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 THC 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	04/28/2006	(435129)
2	04/04/2006	(438249)
3	04/04/2006	(439904)
4	04/04/2006	(439905)
5	04/04/2006	(449815)
6	12/30/2005	(450540)
7	01/02/2006	(450795)
8	04/04/2006	(451199)
9	04/28/2006	(454108)
10	04/13/2006	(454110)
11	03/27/2006	(459161)
12	06/02/2006	(461335)
13	09/26/2006	(462238)
14	05/05/2006	(464365)
15	06/07/2006	(465772)
16	06/14/2006	(480076)
17	06/27/2006	(482129)
18	07/07/2006	(485310)
19	08/03/2006	(489597)
20	08/30/2006	(509837)
21	08/31/2006	(509975)
22	08/30/2006	(510729)
23	09/01/2006	(510775)
24	01/24/2007	(511068)
25	09/26/2006	(512144)

26	10/09/2006	(513839)
27	10/19/2006	(513945)
28	10/26/2006	(513991)
29	09/26/2006	(514141)
30	10/12/2006	(514515)
31	11/06/2006	(514634)
32	10/12/2006	(515322)
33	12/21/2006	(516229)
34	11/21/2006	(516781)
35	12/08/2006	(519141)
36	11/17/2006	(519684)
37	01/16/2007	(532907)
38	05/03/2007	(532954)
39	01/18/2007	(535414)
40	03/09/2007	(538214)
41	03/13/2007	(538231)
42	02/08/2007	(538669)
43	02/01/2007	(538682)
44	05/03/2007	(539088)
45	05/21/2007	(539094)
46	02/16/2007	(540711)
47	07/30/2008	(543170)
48	05/08/2007	(543566)
49	05/01/2007	(554893)
50	07/17/2007	(556894)
51	04/26/2007	(557916)
52	05/04/2007	(558947)
53	06/06/2007	(561326)
54	07/02/2007	(562183)
55	07/03/2007	(564356)
56	07/02/2007	(564474)
57	06/22/2007	(564553)
58	07/18/2007	(567987)
59	08/06/2007	(570182)
60	08/23/2007	(570607)
61	08/28/2007	(571044)
62	08/10/2007	(571081)
63	08/09/2007	(571103)
64	08/30/2007	(571235)
65	08/17/2007	(572727)
66	08/28/2007	(573161)
67	09/05/2007	(573493)
68	09/14/2007	(593716)
69	01/11/2008	(594104)
70	09/26/2007	(594361)
71	09/17/2007	(594445)

72	09/25/2007	(594531)
73	09/26/2007	(595204)
74	10/17/2007	(596207)
75	10/15/2007	(597270)
76	11/01/2007	(598892)
77	11/14/2007	(600715)
78	01/03/2008	(612135)
79	01/03/2008	(613118)
80	01/22/2008	(615309)
81	02/01/2008	(616854)
82	02/20/2008	(619101)
83	02/21/2008	(636162)
84	02/22/2008	(636289)
85	02/22/2008	(636326)
86	02/22/2008	(636366)
87	05/12/2008	(636795)
88	04/25/2008	(636833)
89	03/25/2008	(638608)
90	03/31/2008	(639844)
91	04/01/2008	(639933)
92	04/17/2008	(640632)
93	04/21/2008	(641076)
94	04/10/2008	(641485)
95	04/15/2008	(646242)
96	05/09/2008	(646274)
97	05/21/2008	(671435)
98	05/30/2008	(681375)
99	06/17/2008	(682859)
100	06/17/2008	(683115)
101	06/24/2008	(683966)
102	06/24/2008	(683984)
103	08/22/2008	(684138)
104	07/16/2008	(684475)
105	08/07/2008	(685243)
106	07/29/2008	(686965)
107	07/30/2008	(687334)
108	08/01/2008	(688047)
109	08/28/2008	(688501)
110	08/28/2008	(688578)
111	08/28/2008	(688643)
112	09/05/2008	(701546)
113	09/24/2008	(703543)
114	10/29/2008	(704638)
115	10/29/2008	(705606)
116	10/30/2008	(706772)

117	10/30/2008	(706782)
118	10/30/2008	(706864)
119	10/31/2008	(706883)
120	10/31/2008	(706893)
121	12/03/2008	(707686)
122	11/20/2008	(708310)
123	12/03/2008	(708416)
124	12/03/2008	(709267)
125	12/15/2008	(721035)
126	02/02/2009	(722062)
127	01/27/2009	(722151)
128	01/15/2009	(723397)
129	01/28/2009	(723514)
130	02/18/2009	(725700)
131	02/18/2009	(735947)
132	02/27/2009	(736493)
133	03/26/2009	(738363)
134	03/16/2009	(738488)
135	05/07/2009	(739457)
136	04/08/2009	(741563)
137	04/30/2009	(742541)
138	05/18/2009	(745899)
139	08/12/2009	(748658)
140	08/03/2009	(748900)
141	06/22/2009	(759377)
142	05/17/2010	(759415)
143	07/09/2009	(759868)
144	08/15/2009	(760067)
145	07/09/2009	(760928)
146	08/02/2009	(763795)
147	08/28/2009	(764529)
148	08/24/2009	(765476)
149	08/31/2009	(767753)
150	08/29/2009	(767772)
151	09/30/2009	(776915)
152	10/13/2009	(777538)
153	11/02/2009	(779962)
154	12/01/2009	(783923)
155	01/12/2010	(787826)
156	05/07/2010	(788602)
157	01/22/2010	(789008)
158	02/16/2010	(789686)
159	02/12/2010	(791377)
160	02/12/2010	(791489)
161	02/12/2010	(791957)
162	02/22/2010	(792636)

163	02/25/2010	(793342)
164	02/25/2010	(793452)
165	03/30/2010	(795495)
166	03/30/2010	(795510)
167	03/30/2010	(795682)
168	07/01/2010	(799779)
169	04/27/2010	(800208)
170	05/03/2010	(800275)
171	06/16/2010	(824688)
172	05/28/2010	(825104)
173	07/05/2010	(829642)
174	08/12/2010	(844278)
175	08/31/2010	(850415)
176	08/27/2010	(850655)
177	09/15/2010	(858088)
178	09/29/2010	(865297)
179	10/06/2010	(866295)
180	10/18/2010	(870959)
181	11/04/2010	(872576)
182	11/08/2010	(873210)
183	09/20/2010	(875061)
184	10/19/2010	(882671)
185	11/19/2010	(889084)

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

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: 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	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	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.

Date 08/03/2009 (748900)

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(l)
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 09/01/2010 (850415)

Self Report? NO Classification Moderate

Citation: 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)
5C THSC Chapter 382 382.085(b)

Special Condition No. 10 PA
Special Condition No. 11 OP
Description: Failure to maintain the Incinerator (EPN 910) firebox exit temperature at not less than 1600 degrees Fahrenheit. Specifically, between the dates of April 23, 2009 and February 12, 2010, Formosa failed to maintain the requisite temperature on 32 separate occasions.

Self Report? NO Classification Moderate

Citation: 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)
5C THSC Chapter 382 382.085(b)
Special Condition No 21(C) PA
Special Condition No. 11 OP

Description: Failure to reduce Continuous Emissions Monitoring System (CEMS) data for Ethylene Oxide (EO) to hourly average concentrations at least once every day. Specifically, between the dates of April 21, 2009 to September 30, 2009, Formosa failed to reduce the CEMS data on a daily basis to hourly average concentrations due to the EO analyzer being down.

Date 09/30/2010 (882671) CN602650954

Self Report? YES Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

F. Environmental audits.

Notice of Intent Date: 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

Compliance History

Customer/Respondent/Owner-Operator:	CN600130017 Formosa Plastics Corporation, Texas	Classification: AVERAGE	Rating: 2.76
Regulated Entity:	RN100218973 FORMOSA POINT COMFORT PLANT	Classification: AVERAGE	Site Rating: 4.56
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
	AIR NEW SOURCE PERMITS	AFS NUM	4805700015
	AIR NEW SOURCE PERMITS	REGISTRATION	PSDTX1233
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1222
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1230
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1232
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1224
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1226
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1240
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1234
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1238
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1236
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1237
	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
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXT490011293
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE	31945
	REGISTRATION # (SWR)	
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TX0000888164
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE	82613
	REGISTRATION # (SWR)	
WASTEWATER	PERMIT	WQ0002436000
WASTEWATER	EPA ID	TX0085570
WASTEWATER	PERMIT	WQ0002436000
WASTEWATER	EPA ID	TX0085570
UNDERGROUND INJECTION CONTROL	PERMIT	WDW402
UNDERGROUND INJECTION CONTROL	PERMIT	WDW403
IHW CORRECTIVE ACTION	SOLID WASTE	31945
	REGISTRATION # (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: November 22, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 22, 2005 to November 22, 2010

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

Name: Jorge Ibarra Phone: (817) 588-5890

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: 9/1/2010 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 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.

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 THC 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	04/28/2006	(435129)
2	04/04/2006	(438249)
3	04/04/2006	(439904)
4	04/04/2006	(439905)
5	01/30/2006	(439909)
6	04/04/2006	(449815)
7	12/30/2005	(450540)
8	01/02/2006	(450795)
9	06/14/2006	(450942)
10	04/04/2006	(451199)
11	04/28/2006	(454108)
12	04/13/2006	(454110)
13	03/27/2006	(459161)
14	06/02/2006	(461335)
15	09/26/2006	(462238)
16	05/12/2006	(463945)
17	05/05/2006	(464365)
18	06/07/2006	(465772)
19	02/22/2006	(476819)
20	03/22/2006	(476820)
21	12/20/2005	(476822)
22	01/23/2006	(476823)
23	06/14/2006	(480076)

24	06/27/2006	(482129)
25	07/20/2006	(482883)
26	07/07/2006	(485310)
27	08/03/2006	(489597)
28	08/30/2006	(497562)
29	04/24/2006	(503676)
30	05/22/2006	(503677)
31	06/23/2006	(503678)
32	04/24/2006	(503679)
33	08/30/2006	(509837)
34	08/31/2006	(509975)
35	08/30/2006	(510729)
36	09/01/2006	(510775)
37	01/24/2007	(511068)
38	09/26/2006	(512144)
39	10/09/2006	(513839)
40	10/19/2006	(513945)
41	10/26/2006	(513991)
42	09/26/2006	(514141)
43	10/12/2006	(514515)
44	11/06/2006	(514634)
45	10/12/2006	(515322)
46	12/21/2006	(516229)
47	11/03/2006	(516618)
48	11/21/2006	(516781)
49	12/15/2006	(517230)
50	05/22/2007	(518012)
51	12/08/2006	(519141)
52	11/15/2006	(519298)
53	11/17/2006	(519684)
54	08/21/2006	(526033)
55	09/25/2006	(526034)
56	02/01/2007	(531203)
57	11/30/2006	(532252)
58	01/16/2007	(532907)
59	05/03/2007	(532954)
60	01/18/2007	(535414)
61	03/09/2007	(538214)
62	03/13/2007	(538231)
63	02/08/2007	(538669)
64	02/01/2007	(538682)
65	05/03/2007	(539088)
66	05/21/2007	(539094)
67	02/16/2007	(540711)
68	03/22/2007	(541488)
69	07/30/2008	(543170)

70	05/08/2007	(543566)
71	02/16/2007	(550417)
72	10/23/2006	(550418)
73	11/20/2006	(550419)
74	12/20/2006	(550420)
75	01/17/2007	(550421)
76	05/01/2007	(554893)
77	07/17/2007	(556894)
78	04/26/2007	(557916)
79	05/04/2007	(558947)
80	06/01/2007	(560753)
81	06/06/2007	(561326)
82	06/05/2007	(561710)
83	07/02/2007	(562183)
84	07/03/2007	(564356)
85	07/02/2007	(564474)
86	06/22/2007	(564553)
87	07/09/2007	(565028)
88	07/18/2007	(567987)
89	08/06/2007	(570182)
90	08/23/2007	(570607)
91	08/28/2007	(571044)
92	08/10/2007	(571081)
93	08/09/2007	(571103)
94	08/30/2007	(571235)
95	08/17/2007	(572727)
96	08/28/2007	(573161)
97	04/07/2009	(573226)
98	09/05/2007	(573493)
99	08/27/2007	(573658)
100	08/29/2007	(573863)
101	08/30/2007	(573910)
102	08/31/2007	(573913)
103	03/19/2007	(586494)
104	04/20/2007	(586495)
105	05/17/2007	(586496)
106	06/20/2007	(586497)
107	07/19/2007	(586498)
108	04/20/2007	(586499)
109	09/14/2007	(593716)
110	01/11/2008	(594104)
111	09/26/2007	(594361)
112	09/17/2007	(594445)
113	09/25/2007	(594531)
114	09/26/2007	(595204)
115	10/17/2007	(596207)
116	10/15/2007	(597270)

117	10/19/2007	(597799)
118	11/01/2007	(598892)
119	11/14/2007	(600715)
120	08/20/2007	(608547)
121	09/18/2007	(608548)
122	10/19/2007	(608549)
123	01/03/2008	(612135)
124	01/03/2008	(613118)
125	01/22/2008	(615309)
126	02/01/2008	(616854)
127	02/20/2008	(619101)
128	02/21/2008	(619178)
129	11/19/2007	(624434)
130	12/19/2007	(624435)
131	02/21/2008	(636162)
132	02/22/2008	(636289)
133	02/22/2008	(636326)
134	02/22/2008	(636366)
135	02/28/2008	(636411)
136	05/12/2008	(636795)
137	04/25/2008	(636833)
138	03/20/2008	(638519)
139	03/25/2008	(638608)
140	03/31/2008	(639844)
141	04/01/2008	(639933)
142	04/17/2008	(640632)
143	04/21/2008	(641076)
144	04/10/2008	(641485)
145	04/15/2008	(646242)
146	05/09/2008	(646274)
147	04/29/2008	(646542)
148	04/29/2008	(653424)
149	05/21/2008	(671435)
150	02/19/2008	(675333)
151	03/19/2008	(675334)
152	04/16/2008	(675335)
153	05/30/2008	(681375)
154	06/17/2008	(682859)
155	06/17/2008	(683115)
156	06/24/2008	(683946)
157	06/24/2008	(683966)
158	06/24/2008	(683984)
159	08/22/2008	(684138)
160	07/16/2008	(684475)
161	07/22/2008	(685001)
162	08/07/2008	(685243)

163	07/10/2008	(685472)
164	07/29/2008	(686965)
165	07/30/2008	(687334)
166	08/01/2008	(688047)
167	08/28/2008	(688501)
168	08/28/2008	(688578)
169	08/28/2008	(688643)
170	05/20/2008	(693652)
171	06/20/2008	(693653)
172	07/18/2008	(693654)
173	08/27/2008	(700078)
174	08/26/2008	(700762)
175	09/05/2008	(701546)
176	09/08/2008	(701955)
177	09/24/2008	(703543)
178	09/30/2008	(703642)
179	10/29/2008	(704638)
180	10/28/2008	(705449)
181	10/29/2008	(705606)
182	10/30/2008	(706772)
183	10/30/2008	(706782)
184	10/30/2008	(706864)
185	10/31/2008	(706883)
186	10/31/2008	(706893)
187	12/03/2008	(707686)
188	11/20/2008	(708310)
189	12/03/2008	(708416)
190	12/03/2008	(709267)
191	08/19/2008	(714957)
192	09/19/2008	(714958)
193	10/20/2008	(714959)
194	12/15/2008	(721035)
195	12/18/2008	(721349)
196	12/18/2008	(721584)
197	02/02/2009	(722062)
198	01/27/2009	(722151)
199	01/15/2009	(723397)
200	01/28/2009	(723514)
201	02/02/2009	(725695)
202	02/18/2009	(725700)
203	11/17/2008	(730834)
204	01/19/2009	(730835)
205	02/18/2009	(735947)
206	02/27/2009	(736493)
207	02/26/2009	(736946)
208	02/27/2009	(737041)
209	03/26/2009	(738363)

210	03/13/2009	(738459)
211	03/16/2009	(738488)
212	05/07/2009	(739457)
213	04/08/2009	(741563)
214	04/30/2009	(742541)
215	04/28/2009	(743141)
216	07/19/2009	(745485)
217	05/18/2009	(745899)
218	08/12/2009	(748658)
219	08/03/2009	(748900)
220	06/28/2009	(749155)
221	08/07/2009	(749512)
222	02/18/2009	(754072)
223	03/17/2009	(754073)
224	04/17/2009	(754074)
225	12/17/2008	(754075)
226	06/22/2009	(759377)
227	05/17/2010	(759415)
228	06/28/2009	(759743)
229	07/09/2009	(759868)
230	08/15/2009	(760067)
231	07/09/2009	(760928)
232	08/02/2009	(763795)
233	08/28/2009	(764529)
234	08/24/2009	(765182)
235	08/24/2009	(765476)
236	08/24/2009	(766886)
237	08/28/2009	(766981)
238	08/31/2009	(767753)
239	08/29/2009	(767772)
240	05/18/2009	(771401)
241	06/12/2009	(771402)
242	09/30/2009	(776915)
243	10/07/2009	(777204)
244	10/13/2009	(777538)
245	11/02/2009	(779962)
246	11/12/2009	(782076)
247	12/01/2009	(783923)
248	01/12/2010	(787826)
249	05/07/2010	(788602)
250	01/22/2010	(789008)
251	02/16/2010	(789686)
252	02/12/2010	(791377)
253	02/12/2010	(791489)
254	02/12/2010	(791957)
255	02/22/2010	(792636)

256	02/25/2010	(793342)
257	02/25/2010	(793452)
258	02/26/2010	(793774)
259	03/30/2010	(795495)
260	03/30/2010	(795510)
261	03/30/2010	(795682)
262	07/01/2010	(799779)
263	04/27/2010	(800208)
264	05/03/2010	(800275)
265	05/07/2010	(800835)
266	05/17/2010	(801200)
267	06/11/2010	(801888)
268	02/19/2010	(814203)
269	07/16/2009	(814204)
270	08/18/2009	(814205)
271	09/18/2009	(814206)
272	10/19/2009	(814207)
273	11/18/2009	(814208)
274	12/18/2009	(814209)
275	01/20/2010	(814210)
276	06/16/2010	(824688)
277	05/28/2010	(825104)
278	06/01/2010	(825231)
279	01/11/2010	(827904)
280	07/05/2010	(829642)
281	03/19/2010	(834211)
282	04/14/2010	(834212)
283	05/19/2010	(834213)
284	08/09/2010	(844124)
285	08/12/2010	(844278)
286	06/17/2010	(847292)
287	08/26/2010	(850010)
288	08/31/2010	(850415)
289	08/27/2010	(850655)
290	09/15/2010	(858088)
291	07/20/2010	(861738)
292	09/29/2010	(865297)
293	11/05/2010	(866167)
294	10/06/2010	(866295)
295	08/18/2010	(868136)
296	10/18/2010	(870959)
297	11/09/2010	(872552)
298	11/04/2010	(872576)
299	11/08/2010	(873210)

Date: 05/31/2006 (503678) 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: 06/07/2006 (450942) CN600130017
 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) CN600130017
 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) CN600130017
 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)	CN600130017
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. 19Q201/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)	CN600130017	
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)	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	08/28/2008 (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)	CN600130017		
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.				
Date	01/11/2010	(827904)	CN600130017		
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)				
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE				
Date	03/31/2010	(834212)	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	08/26/2010	(850010)	CN600130017		
Self Report?	NO			Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) FOP No. O-01958 GTC OP				
Description:	Failure to include all instances of deviations for Federal Operating Permit (FOP) No. O-				

01958 in the semi-annual deviation report dated August 25, 2009. Specifically, Formosa did not certify three deviations in the reporting period of January 26, 2009 through July 26, 2009.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
FOP No. O-01958 GTC OP
Description: Failure to include or reference in the Federal Operating Permit (FOP) No. O-01958 Permit Compliance Certification the identification of all other terms and conditions of the permit for which compliance was not achieved. Specifically, by failing to certify all instances of deviations in the Permit Compliance Certification for certification period July 27, 2008 through July 26, 2009, Formosa failed to certify an accurate report for the period.

Date 09/01/2010 (850415)
Self Report? NO Classification Moderate
Citation: 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)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10 PA
Special Condition No. 11 OP
Description: Failure to maintain the Incinerator (EPN.910) firebox exit temperature at not less than 1600 degrees Fahrenheit. Specifically, between the dates of April 23, 2009 and February 12, 2010, Formosa failed to maintain the requisite temperature on 32 separate occasions.

Self Report? NO Classification Moderate
Citation: 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)
5C THSC Chapter 382 382.085(b)
Special Condition No 21(C) PA
Special Condition No. 11 OP
Description: Failure to reduce Continuous Emissions Monitoring System (CEMS) data for Ethylene Oxide (EO) to hourly average concentrations at least once every day. Specifically, between the dates of April 21, 2009 to September 30, 2009, Formosa failed to reduce the CEMS data on a daily basis to hourly average concentrations due to the EO analyzer being down.

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 UTILITY VENTURE,
LTD. AND FORMOSA PLASTICS
CORPORATION, TEXAS
RN100218973**

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§
§
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§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1903-IWD-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 UTILITY VENTURE, LTD. and Formosa Plastics Corporation, Texas ("the Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents appear before the Commission and together stipulate that:

1. The Respondents own and operate a plastics organic and inorganic chemicals manufacturing facility with an associated wastewater treatment plant at 201 Formosa Drive in Point Comfort, Calhoun County, Texas (the "Facility").
2. The Respondents have discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents is subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about November 10, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Sixty-Eight Thousand Six Hundred Dollars (\$68,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Twenty-Seven Thousand Four Hundred Forty Dollars (\$27,440) of the administrative penalty and Thirteen Thousand Seven Hundred Twenty Dollars (\$13,720) is deferred contingent upon the Respondents' 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 Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty. Twenty-Seven Thousand Four Hundred Forty Dollars (\$27,440) shall be conditionally offset by the Respondents' 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 Respondents 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 Respondents have implemented the following corrective measures at the Facility:
 - a. By September 7, 2010, repaired the motors for clarifiers A and B to maintain effluent parameters within permitted limits;
 - b. By September 8, 2010, adopted a new preventive maintenance plan for the combined wastewater treatment plant; and
 - c. By September 11, 2010, removed and disposed of the sludge in the B clarifier, began maintaining the clarifiers on a more stringent maintenance schedule to eliminate re-occurrence of unauthorized discharges, and pumped remaining wastewater from the combined wastewater treatment plant containment areas back into the wastewater system.
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 Respondents have 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 owners and operators of the Facility, the Respondents are alleged to have:

1. Failed to comply with daily maximum discharge permitted effluent limit for phenol, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002436000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on September 7, 2010. Specifically, the composite sample collected during the 24-hour period from September 2, 2010 to September 3, 2010 documented a daily maximum loading of 1.902 pounds per day ("lbs/day") for Outfall 001 (limit of 0.74 lbs/day).
2. Failed to comply with daily maximum discharge permitted effluent limit for phenol, in violation of TPDES Permit No. WQ0002436000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on September 7, 2010. Specifically, the composite sample collected during the 24-hour period from September 2, 2010 to September 3, 2010 documented a daily maximum loading of 2.584 lbs/day for Outfall 101 (limit of 0.68 lbs/day).
3. Failed to prevent the unauthorized discharge of 284,764 gallons of wastewater through Outfalls 006 and 007, in violation of TPDES Permit No. WQ0002436000, Permit Conditions No. 2.d. and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on September 7, 2010. Specifically, untreated process wastewater overflowed from the containment areas around the centralized wastewater treatment plant and discharged through Outfalls 006 and 007, from September 7, 2010 through September 11, 2010, and into Cox Creek.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' 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 UTILITY VENTURE, LTD. and Formosa Plastics Corporation, Texas, Docket No. 2010-1903-IWD-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 Respondents shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Seven Thousand Four Hundred Forty Dollars (\$27,440) of the assessed administrative penalty shall be offset with the condition that the Respondents implement the SEP defined in Attachment A, incorporated herein by reference. The Respondents' 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. FORMOSA UTILITY VENTURE, LTD. and Formosa Plastics Corporation, Texas are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondents fail 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 Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive 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 Respondents 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving,

imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, 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 6/2/2011

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 3/2/11

R. P. Smith
Name (Printed or typed)
Authorized Representative of
FORMOSA UTILITY VENTURE, LTD.

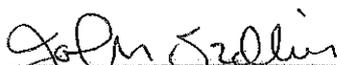
Vice President/General Mgr.
Title

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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/2/2011

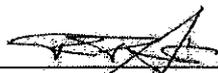
Date

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

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4/18/11

Date

R. P. Smith

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

Vice President / General Mgr.

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: 2010-1903-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondents:	FORMOSA UTILITY VENTURE, LTD. and Formosa Plastics Corporation, Texas
Penalty Amount:	Fifty-Four Thousand Eight Hundred Eighty Dollars (\$54,880)
SEP Offset Amount:	Twenty-Seven Thousand Four Hundred Forty Dollars (\$27,440)
Type of SEP:	Pre-approved SEP
Third-Party Recipient:	National Audubon Society – <i>Sundown Island Sanctuary Anti-erosion, Re-vegetation and Pest Control Project</i>
Location of SEP:	Calhoun County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion the administrative penalty amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset 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 Respondents shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **National Audubon Society** for the *Sundown Sanctuary Island Anti-erosion, Re-vegetation and Pest Control Project*. The Sundown Island and four other small coastal islands located off Port O’Connor are major sites for nesting colonial waterbirds. These islands are increasingly subject to erosion and consequent land loss due to an increasing number of vessels, storm winds and surges, etc. Texas coastal sanctuary islands in this area host one of the largest roseate spoonbill, reddish egret and Brown pelican colonies in the U.S. Colonial. The SEP offset amount will be used to restore the size of the islands utilizing dredge spoil, conduct revegetation using native plants, and treat vegetation to control pest populations.

The SEP will be done in accordance with all federal, state and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The Respondents shall not profit from this SEP in any manner. The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This project will provide an environmental benefit by stabilizing the island, reducing erosion, and ensuring the maintenance of the natural ecosystem. Waterbirds can only nest successfully on islands of adequate size that have appropriate vegetation and the absence of pests to ensure stable populations. The loss of native vegetation results in an increased potential for erosion. Revegetation will also help absorb pollutants and particulate matter and improve water quality. By restoring the natural vegetated areas, turbidity is reduced, and source water for recreation and human consumption is protected from further degradation

C. Minimum Expenditure

The Respondents shall contribute at least the SEP offset 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 Respondents must contribute the SEP offset amount to the Third-Party Recipient. The Respondents shall mail a copy of the Agreed Order with the contribution to the addressee listed below:

National Audubon Society
Attention: Executive Director
Audubon Texas
2904 Swiss Avenue
Dallas, TX 75204

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to the addressee listed below:

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

4. Failure to Fully Perform

If Respondents do not perform its obligations under this SEP in any way, including full expenditure of the SEP offset 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 offset amount.

In the event of incomplete performance, the Respondents shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondents 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 Respondents 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 a SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

