

**Executive Summary – Enforcement Matter – Case No. 43969**  
**Formosa Plastics Corporation, Texas**  
**RN100218973**  
**Docket No. 2012-0804-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Formosa Point Comfort Plant, 201 Formosa Drive, Point Comfort, Calhoun County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 21, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,000

**Amount Deferred for Expedited Settlement:** \$2,000

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$4,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$4,000

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

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** \$7,050

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 43969**  
**Formosa Plastics Corporation, Texas**  
**RN100218973**  
**Docket No. 2012-0804-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** March 5, 2012  
**Date(s) of NOE(s):** April 5, 2012

***Violation Information***

Failed to prevent unauthorized emissions. Specifically, Respondent released 5,344.65 pounds of vinyl chloride from a control valve in the Specialty Polyvinyl Chloride (“SPVC”) Plant during an avoidable emissions event (Incident No. 154026) that began on May 1, 2011, and lasted 53 minutes. The event was the result of an air operated control valve that failed in the open position during maintenance activities. Since this emissions event could have been avoided through better maintenance practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [New Source Review Permit Nos. 76305 and PSDTX1058, Special Conditions Nos. 1, 3, and 4, 40 CODE OF FEDERAL REGULATIONS §§ 61.12(c) and 63.6(e), 30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On or before March 5, 2012, Respondent reviewed all air operated control valves in the SPVC Plant to ensure that they are designed and installed to fail in the closed position, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 154026.

**Technical Requirements:**

The Order will require Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 43969**  
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***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Rebecca Johnson, Enforcement Division,  
Enforcement Team 5, MC R-14, (361) 825-3423; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-3565

**Respondent:** R.P. Smith, Vice President & General Manager, Formosa Plastics  
Corporation, Texas, P.O. Box 700, Point Comfort, Texas 77978

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2012-0804-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Formosa Plastics Corporation, Texas</b>
<b>Payable Penalty Amount:</b>	<b>Eight Thousand Dollars (\$8,000)</b>
<b>SEP Amount:</b>	<b>Four Thousand Dollars (\$4,000)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D") - Clean School Buses</b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 214 - Corpus Christi - Victoria</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

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

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

Formosa Plastics Corporation, Texas  
Agreed Order - Attachment A

California Air Resources Board. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

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

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which was phased in between 2007 and 2010.

**C. Minimum Expenditure**

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
Attention: Ken Awtrey  
P.O. Box 635067  
Nacogdoches, Texas 75961

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	9-Apr-2012	<b>Screening</b>	13-Apr-2012	<b>EPA Due</b>	
	<b>PCW</b>	13-Apr-2012				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

<b>Enf./Case ID No.</b>	43969	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-0804-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for five NOVs with same/similar violations, 15 NOVs with dissimilar violations, seven orders with denial of liability, and three orders without denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
 Approx. Cost of Compliance   
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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**

**Screening Date** 13-Apr-2012

**Docket No.** 2012-0804-AIR-E

**PCW**

**Respondent** Formosa Plastics Corporation, Texas

Policy Revision 2 (September 2002)

**Case ID No.** 43969

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100218973

**Media [Statute]** Air

**Enf. Coordinator** Rebecca Johnson

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	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	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 266%

>> **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 five NOVs with same/similar violations, 15 NOVs with dissimilar violations, seven orders with denial of liability, and three orders without denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 266%

Screening Date 13-Apr-2012

Docket No. 2012-0804-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 2 (September 2002)

Case ID No. 43969

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218973

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s)

New Source Review Permit Nos. 76305 and PSDTX1058, Special Conditions Nos. 1, 3, and 4, 40 Code of Federal Regulations §§ 61.12(c) and 63.6(e), 30 Tex. Admin. Code §§ 101.20(2), 113.100, and 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions, as documented during a March 5, 2012 record review. Specifically, the Respondent released 5,344.65 pounds of vinyl chloride from a control valve in the Specialty Polyvinyl Chloride Plant during an avoidable emissions event (Incident No. 154026) that began on May 1, 2011, and lasted 53 minutes. The event was the result of an air operated control valve that failed in the open position during maintenance activities. Since this emissions event could have been avoided through better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to a significant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent completed corrective actions on March 5, 2012, prior to the April 5, 2012 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$296

Violation Final Penalty Total \$17,050

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

**Respondent** Formosa Plastics Corporation, Texas  
**Case ID No.** 43969  
**Req. Ent. Reference No.** RN100218973  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$5,000	1-May-2011	5-Mar-2012	0.85	\$14	\$282	\$296
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)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated cost to ensure that air operated control valves are designed and installed to fail in the closed position. The date required is the date of the emissions event. The final date is the date corrective measures were completed.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$296

# Compliance History Report

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: 4.53
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	CB0038	
	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	
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	61453	
	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
AIR NEW SOURCE PERMITS	REGISTRATION	102123
AIR NEW SOURCE PERMITS	REGISTRATION	96408
USED OIL	REGISTRATION	C86337
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TX490011293
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
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0290072
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 18, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 18, 2007 to April 18, 2012

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

Name: Rebecca Johnson Phone: (361) 825-3423

**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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 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: 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).

**Effective Date: 12/04/2010**

**ADMINORDER 2010-0795-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: [NSR PMT 19198/PSD-TX-760M7] SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,764.01 pounds ("lbs") of volatile organic compounds, 671.62 lbs of carbon monoxide and 134.3 lbs of nitrogen oxide from the Ethylene Glycol Plant, Olefins I Plant and Olefins II Plant during an avoidable emissions event that began on December 4, 2009 and lasted for 48 hours. An equipment specialist failed to close a valve on the sulfur hexafluoride gas header prior to pulling a vacuum on the system, resulting in th

**Effective Date: 02/20/2011**

**ADMINORDER 2010-1112-IHW-E**

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the storage of industrial solid waste in such a manner that would cause the discharge or imminent threat of discharge of industrial solid waste into or adjacent to waters of the state.

Classification: Minor

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

Description: Failed to provide written notification for all waste management units. Specifically, it was documented that notification was not submitted for the sump in the HPDE II process area that was being used to manage waste stream 0114119H.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
30 TAC Chapter 335, SubChapter E 335.112(a)(9)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.190  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.191  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.194  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(a)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(c)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(g)

Description: Failed to comply with the requirements of 40 CFR Part 265, Subpart J, for tanks storing or

treating hazardous waste.

Effective Date: 07/31/2011

ADMINORDER 2010-1903-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limitations and Mon. Req. 1. PERMIT

Description: Failure 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).

Classification: Moderate

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

Rqmt Prov: Effluent Limitations and Mon. Req. 1. PERMIT

Description: Failure 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).

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Rqmt Prov: Permit Condition No. 2.d. PERMIT

Description: Failure 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.

- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/22/2007	(518012)
2	05/03/2007	(532954)
3	05/03/2007	(539088)
4	05/21/2007	(539094)
5	07/30/2008	(543170)
6	05/08/2007	(543566)
7	05/01/2007	(554893)
8	07/17/2007	(556894)
9	04/26/2007	(557916)
10	05/04/2007	(558947)
11	06/01/2007	(560753)
12	06/06/2007	(561326)
13	06/05/2007	(561710)

14 07/02/2007 (562183)  
15 07/03/2007 (564356)  
16 07/02/2007 (564474)  
17 06/22/2007 (564553)  
18 07/09/2007 (565028)  
19 07/18/2007 (567987)  
20 08/06/2007 (570182)  
21 08/23/2007 (570607)  
22 08/28/2007 (571044)  
23 08/10/2007 (571081)  
24 08/09/2007 (571103)  
25 08/30/2007 (571235)  
26 08/17/2007 (572727)  
27 08/28/2007 (573161)  
28 04/07/2009 (573226)  
29 09/05/2007 (573493)  
30 08/27/2007 (573658)  
31 08/29/2007 (573863)  
32 08/30/2007 (573910)  
33 08/31/2007 (573913)  
34 04/20/2007 (586495)  
35 05/17/2007 (586496)  
36 06/20/2007 (586497)  
37 07/19/2007 (586498)  
38 04/20/2007 (586499)  
39 09/14/2007 (593716)  
40 01/11/2008 (594104)  
41 09/26/2007 (594361)  
42 09/17/2007 (594445)

43 09/25/2007 (594531)  
44 09/26/2007 (595204)  
45 10/17/2007 (596207)  
46 10/15/2007 (597270)  
47 10/19/2007 (597799)  
48 11/01/2007 (598892)  
49 11/14/2007 (600715)  
50 08/20/2007 (608547)  
51 09/18/2007 (608548)  
52 10/19/2007 (608549)  
53 01/03/2008 (612135)  
54 01/03/2008 (613118)  
55 01/22/2008 (615309)  
56 02/01/2008 (616854)  
57 02/20/2008 (619101)  
58 02/21/2008 (619178)  
59 11/19/2007 (624434)  
60 12/19/2007 (624435)  
61 02/21/2008 (636162)  
62 02/22/2008 (636289)  
63 02/22/2008 (636326)  
64 02/22/2008 (636366)  
65 02/28/2008 (636411)  
66 05/12/2008 (636795)  
67 04/25/2008 (636833)  
68 03/20/2008 (638519)  
69 03/25/2008 (638608)  
70 03/31/2008 (639844)  
71 04/01/2008 (639933)  
72 04/17/2008 (640632)  
73 04/21/2008 (641076)

74	04/10/2008	(641485)
75	04/15/2008	(646242)
76	05/09/2008	(646274)
77	04/29/2008	(646542)
78	04/29/2008	(653424)
79	05/21/2008	(671435)
80	02/19/2008	(675333)
81	03/19/2008	(675334)
82	04/16/2008	(675335)
83	05/30/2008	(681375)
84	06/17/2008	(682859)
85	06/17/2008	(683115)
86	06/24/2008	(683946)
87	06/24/2008	(683966)
88	06/24/2008	(683984)
89	08/22/2008	(684138)
90	07/16/2008	(684475)
91	07/22/2008	(685001)
92	08/07/2008	(685243)
93	07/10/2008	(685472)
94	07/29/2008	(686965)
95	07/30/2008	(687334)
96	08/01/2008	(688047)
97	08/28/2008	(688501)
98	08/28/2008	(688578)
99	08/28/2008	(688643)
100	05/20/2008	(693652)
101	06/20/2008	(693653)
102	07/18/2008	(693654)
103	08/27/2008	(700078)

104 08/26/2008 (700762)  
105 09/05/2008 (701546)  
106 09/08/2008 (701955)  
107 09/24/2008 (703543)  
108 09/30/2008 (703642)  
109 10/29/2008 (704638)  
110 10/28/2008 (705449)  
111 10/29/2008 (705606)  
112 10/30/2008 (706772)  
113 10/30/2008 (706782)  
114 10/30/2008 (706864)  
115 10/31/2008 (706883)  
116 10/31/2008 (706893)  
117 12/03/2008 (707686)  
118 11/20/2008 (708310)  
119 12/03/2008 (708416)  
120 12/03/2008 (709267)  
121 08/19/2008 (714957)  
122 09/19/2008 (714958)  
123 10/20/2008 (714959)  
124 12/15/2008 (721035)  
125 12/18/2008 (721349)  
126 12/18/2008 (721584)  
127 02/02/2009 (722062)  
128 01/27/2009 (722151)  
129 01/15/2009 (723397)  
130 01/28/2009 (723514)  
131 02/02/2009 (725695)  
132 02/18/2009 (725700)  
133 11/17/2008 (730834)  
134 01/19/2009 (730835)

135 02/18/2009 (735947)  
136 02/27/2009 (736493)  
137 02/26/2009 (736946)  
138 02/27/2009 (737041)  
139 03/26/2009 (738363)  
140 03/13/2009 (738459)  
141 03/16/2009 (738488)  
142 05/07/2009 (739457)  
143 04/08/2009 (741563)  
144 04/30/2009 (742541)  
145 04/28/2009 (743141)  
146 07/19/2009 (745485)  
147 05/18/2009 (745899)  
148 08/12/2009 (748658)  
149 08/03/2009 (748900)  
150 06/28/2009 (749155)  
151 08/07/2009 (749512)  
152 02/18/2009 (754072)  
153 03/17/2009 (754073)  
154 04/17/2009 (754074)  
155 12/17/2008 (754075)  
156 06/22/2009 (759377)  
157 05/17/2010 (759415)  
158 06/28/2009 (759743)  
159 07/09/2009 (759868)  
160 08/15/2009 (760067)  
161 07/09/2009 (760928)  
162 08/02/2009 (763795)  
163 08/28/2009 (764529)  
164 08/24/2009 (765182)

165 08/24/2009 (765476)  
166 08/24/2009 (766886)  
167 08/28/2009 (766981)  
168 08/31/2009 (767753)  
169 08/29/2009 (767772)  
170 05/18/2009 (771401)  
171 06/12/2009 (771402)  
172 09/30/2009 (776915)  
173 10/07/2009 (777204)  
174 10/13/2009 (777538)  
175 11/02/2009 (779962)  
176 11/12/2009 (782076)  
177 12/01/2009 (783923)  
178 01/12/2010 (787826)  
179 05/07/2010 (788602)  
180 01/22/2010 (789008)  
181 02/16/2010 (789686)  
182 02/12/2010 (791377)  
183 02/12/2010 (791489)  
184 02/12/2010 (791957)  
185 02/22/2010 (792636)  
186 02/25/2010 (793342)  
  
187 02/25/2010 (793452)  
188 02/26/2010 (793774)  
189 03/30/2010 (795495)  
190 03/30/2010 (795510)  
191 03/30/2010 (795682)  
192 07/01/2010 (799779)  
193 04/27/2010 (800208)  
194 05/03/2010 (800275)

195 05/07/2010 (800835)  
196 05/17/2010 (801200)  
197 06/11/2010 (801888)  
198 02/19/2010 (814203)  
199 07/16/2009 (814204)  
200 08/18/2009 (814205)  
201 09/18/2009 (814206)  
202 10/19/2009 (814207)  
203 11/18/2009 (814208)  
204 12/18/2009 (814209)  
205 01/20/2010 (814210)  
206 06/16/2010 (824688)  
207 05/28/2010 (825104)  
208 06/01/2010 (825231)  
209 01/11/2010 (827904)  
210 07/05/2010 (829642)  
211 03/19/2010 (834211)  
212 04/14/2010 (834212)  
213 05/19/2010 (834213)  
214 08/09/2010 (844124)  
215 08/12/2010 (844278)  
216 06/17/2010 (847292)  
217 08/26/2010 (850010)  
218 08/31/2010 (850415)  
219 08/27/2010 (850655)  
220 09/15/2010 (858088)  
221 07/20/2010 (861738)  
222 09/29/2010 (865297)  
223 11/05/2010 (866167)  
224 10/06/2010 (866295)

225 12/22/2010 (866297)  
226 08/18/2010 (868136)  
227 10/18/2010 (870959)  
228 11/09/2010 (872552)  
229 11/04/2010 (872576)  
230 11/08/2010 (873210)  
231 01/12/2011 (873480)  
232 11/23/2010 (877038)  
233 11/23/2010 (877893)  
234 01/18/2011 (878017)  
235 12/03/2010 (879712)  
236 12/23/2010 (884940)  
237 01/03/2011 (886832)  
238 01/18/2011 (887341)  
239 03/28/2011 (906959)  
240 03/23/2011 (907049)  
241 06/11/2011 (908507)  
242 04/06/2011 (908826)  
243 04/18/2011 (912925)  
244 04/27/2011 (914638)  
245 06/16/2011 (933111)  
246 08/22/2011 (936128)  
247 07/07/2011 (936258)  
248 07/18/2011 (937102)  
249 07/08/2011 (937204)  
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251 07/11/2011 (937429)  
252 07/18/2011 (937641)  
253 07/20/2011 (941281)  
254 08/16/2011 (944915)

255 11/08/2011 (948701)  
 256 08/29/2011 (950245)  
 257 08/26/2011 (950616)  
 258 09/16/2011 (952155)  
 259 09/27/2011 (957355)  
 260 09/27/2011 (957583)  
 261 10/05/2011 (957960)  
 262 10/06/2011 (958909)  
 263 11/15/2011 (962323)  
 264 11/16/2011 (964196)  
 265 11/29/2011 (969162)  
 266 12/12/2011 (970783)  
 267 12/20/2011 (971163)  
 268 12/22/2011 (974415)  
 269 02/03/2012 (975976)  
 270 02/07/2012 (980817)  
 271 02/14/2012 (983248)  
 272 02/22/2012 (987667)  
 273 03/20/2012 (989267)  
 274 04/04/2012 (989748)  
 275 03/09/2012 (990462)  
 276 03/21/2012 (994178)

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

<b>Date:</b>	<b>05/22/2007 (518012)</b>	<b>CN600130017</b>
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) Federal Operating Permit Number O-01957 OP TCEQ Air Permit Number 19201/PSD-TX-760M OP	
Description:	Failure to operate H923A and/or H923B Incinerators at not less than 2.0 percent oxygen and not more than 45 ppmvd carbon monoxide as required by Permit Number 19201, Special Condition 20.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) TCEQ Air Permit No. 190201/PSD-TX-76M6 OP	
Description:	Failure to comply with 19201/PSD-TX-760M6, Special Condition 15 which states that Dryer Vents (D-301, 2D-301, and 3D-301) shall only be vented directly to the atmosphere when the VOC concentration of the vent streams reaches 25 percent of the lower explosive level.	

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
TCEQ Air Permit Number 20203/PSD-TX-76M6 OP  
Description: Formosa failed to comply with Permit 20203/PSD-TX-760M6, Special Condition 8 which states that the LLDPE incinerator firebox exit temperature will be maintained at no less than 1500 degrees Fahrenheit.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
TCEQ Air Permit Number 20203/PSD-TX-760M OP  
Description: Formosa failed to comply with Permit 20203/PSD-TX-760M6, Maximum Allowable Emission Rates (MAER) which indicates that the carbon monoxide pounds per hour emission rate of the emission point number LI-01 Incinerator shall be maintained at no greater than 8.98 pounds per hour.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
TCEQ Air Permit Number 20203/PSD-TX-760M OP  
Description: Formosa failed to comply with Permit 20203/PSD-TX-760M6, Operational Standards Special Condition 5, which states that the facility covered by this permit shall not operate unless all associated air pollution abatement equipment is maintained in good working order and operating during normal facility operations.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Federal Operating Permit Number O-01957 OP  
Description: Formosa failed to comply with the periodic monitoring requirements included in the permit for the purpose of annual compliance certification under 30 TAC §122.146 by failing to conduct quarterly monitoring as required.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Federal Operating Permit Number O-01957 OP  
TCEQ Air Permit Number 40157/PSD-TX-760M OP  
Description: Formosa failed to monitor accessible valves by leak-checking for fugitive emissions at least quarterly using an approved gas analyzer with a directed maintenance program.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
Description: Formosa failed to submit accurate and complete Semi-Annual Deviation Reports.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
Description: Failure to comply with permit reporting requirements as specified in terms and conditions of the permit regarding deviation reports.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
Description: Formosa failed to submit complete annual compliance certification for reporting period 07/27/2004 through 07/26/2005.

**Date: 08/31/2007 (571235) 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)

Description: 30 TAC Chapter 305, SubChapter F 305.125(17)  
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) **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)  
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:** 08/18/2011 (944915) **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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 17 OP  
Special Condition No. 2 PA

Description: Failure to comply with the nitrogen oxides (NOx) emission rates contained in the permit. Specifically, the pounds of NOx per million BTU (lbs/MMBtu) of heat input (averaged daily) specified in Special Condition No. 2, was exceeded for Unit ID Nos. 1001 - 1008, and 1009B on multiple dates as specified in the February 24, 2010 and August 25, 2010 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 B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 17 OP  
Special Condition No. 4 PA

Description: Failure to comply with the carbon monoxide (CO) emission rate contained in the permit. Specifically, the pounds of CO per million BTU (lbs/MMBtu) of heat input (averaged daily) specified in Special Condition No. 4, was exceeded for Unit ID No. 1001 on January 6, 2010, as specified in the February 24, 2010 semi-annual deviation report for Federal Operating Permit No. O-01958.

Date: 08/22/2011 (936128) CN600130017

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125  
30 TAC Chapter 335, SubChapter A 335.4  
Effluent Limitations and Monitoring Req PERMIT  
Permit Conditions 2.b. Compliance PERMIT

Description: Permit Conditions 2.d. Compliance PERMIT  
TWC Chapter 26 26.121  
Failure to contain industrial solid waste to prevent the discharge or imminent threat of discharge into or adjacent to the waters in the state without obtaining specific authorization for such a discharge from the Commission; the creation and maintenance of a nuisance; or the endangerment of the public health and welfare.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125  
Operational Requirements PERMIT  
Permit Conditions. 2.b Compliance PERMIT

Description: Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Date: 08/31/2011 (950245) 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. 1955 OP

Description: Failure to include all instances of deviations for Federal Operating Permit (FOP) No. O-01955 in two semi-annual deviation reports dated May 20, 2010 and November 17, 2010. Formosa Plastics Corporation failed to include in the following reporting periods: a total of three deviations from October 28, 2009 through April 27, 2010 and a total of one deviation from April 28, 2010 through October 27, 2010. Specifically, Formosa Plastics Corporation did not report the three deviations in the first rep

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. 1955 OP

Description: Failure to include or reference in the Federal Operating Permit (FOP) No. O-01955 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 October 28, 2009 through October 27, 2010, Formosa Plastics Corporation failed to certify an accurate report for the period.

Date: 02/08/2012 (980817) CN600130017

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
TCEQ Permit 19168/PSDTX760M8 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event which occurred on September 1, 2011 through October 15, 2011, TCEQ Incident No. 158009. Specifically, Formosa Plastics Corporation - Point Comfort Plant released a reportable amount (2,850.13 lbs) of butadiene emissions to the atmosphere.

F. Environmental audits.

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

**Disclosure Date: 03/14/2008**

Viol. Classification: Major

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

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

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

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

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

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
FORMOSA PLASTICS  
CORPORATION, TEXAS  
RN100218973**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2012-0804-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Formosa Plastics Corporation, Texas ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 201 Formosa Drive in Point Comfort, Calhoun County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 10, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Dollars (\$4,000) of the administrative penalty

and Two Thousand Dollars (\$2,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Four Thousand Dollars (\$4,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on or before March 5, 2012, the Respondent reviewed all air operated control valves in the Specialty Polyvinyl Chloride ("SPVC") Plant to ensure that they are designed and installed to fail in the closed position, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 154026.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of New Source Review Permit Nos. 76305 and PSDTX1058, Special Conditions Nos. 1, 3, and 4, 40 CODE OF FEDERAL REGULATIONS §§ 61.12(c) and 63.6(e), 30 TEX. ADMIN. CODE §§ 101.20(2), 113.100, and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 5, 2012. Specifically, the Respondent released 5,344.65 pounds of vinyl chloride from a control valve in the SPVC Plant during an avoidable emissions event (Incident No. 154026) that began on May 1, 2011, and lasted 53 minutes. The event was the result of an air operated control valve that failed in the open position during maintenance activities. Since this emissions event could have been avoided through better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Formosa Plastics Corporation, Texas, Docket No. 2012-0804-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Dollars (\$4,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

10/23/12  
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

7/20/12  
Date

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

VP./General Manager  
Title

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



**Attachment A**  
**Docket Number: 2012-0804-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Formosa Plastics Corporation, Texas</b>
<b>Payable Penalty Amount:</b>	<b>Eight Thousand Dollars (\$8,000)</b>
<b>SEP Amount:</b>	<b>Four Thousand Dollars (\$4,000)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D") - Clean School Buses</b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 214 - Corpus Christi - Victoria</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

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

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

Formosa Plastics Corporation, Texas  
Agreed Order - Attachment A

California Air Resources Board. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

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

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which was phased in between 2007 and 2010.

**C. Minimum Expenditure**

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
Attention: Ken Awtrey  
P.O. Box 635067  
Nacogdoches, Texas 75961

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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