

Executive Summary – Enforcement Matter – Case No. 49366
Formosa Plastics Corporation, Texas
RN100218973
Docket No. 2014-1394-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

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: January 23, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$32,500

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$16,250

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$16,250

Name of SEP: Texas Association of Resource Conservation and Development

Areas, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$25,000

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49366
Formosa Plastics Corporation, Texas
RN100218973
Docket No. 2014-1394-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 20, 2014 through April 1, 2014 and September 11, 2014 through September 26, 2014

Date(s) of NOE(s): August 22, 2014 and October 17, 2014

Violation Information

1. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1958, General Terms and Conditions and Special Terms and Conditions No. 14, and New Source Review Permit Nos. 19168 and PSDTX1226, Special Conditions No. 1].

2. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1954, General Terms and Conditions and Special Terms and Conditions No. 15, and New Source Review Permit Nos. 7699 and PSDTX266M7, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

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

2. The Order will also require the Respondent to:

a. Within 30 days, implement measures and/or procedures designed to prevent a recurrence of emissions events due to similar causes as Incident Nos. 192659 and 202783; and

b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.

Executive Summary – Enforcement Matter – Case No. 49366
Formosa Plastics Corporation, Texas
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Docket No. 2014-1394-AIR-E

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-0577; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Randall Smith, Vice President and General Manager, Formosa Plastics
Corporation, Texas, 201 Formosa Drive, Point Comfort, Texas 77978
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-1394-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Formosa Plastics Corporation, Texas
Penalty Amount:	Thirty-Two Thousand Five Hundred Dollars (\$32,500)
SEP Offset Amount:	Sixteen Thousand Two Hundred Fifty Dollars (\$16,250)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Clean Buses Project</i>
Location of SEP:	Texas Air Quality Control Region 214: Corpus Christi - Victoria

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP 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 Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the “Project”). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed 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, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Formosa Plastics Corporation, Texas
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

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

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

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

5. **Publicity**

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

6. **Clean Texas Program**

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

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

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



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	25-Aug-2014	Screening	18-Sep-2014	EPA Due	19-May-2015
	PCW	18-Sep-2014				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	49366	No. of Violations	1
Docket No.	2014-1394-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$25,000
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Notes: Enhancement for two NOVs with same/similar violations, three NOVs for dissimilar violations, seven orders with a denial of liability, and two court orders with denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,904
 Estimated Cost of Compliance: \$50,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$50,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$50,000

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,000
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$25,000
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Screening Date 18-Sep-2014

Docket No. 2014-1394-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 4 (April 2014)

Case ID No. 49366

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218973

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

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>)	2	10%
	Other written NOVs	3	6%
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	0	0%
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 judgments or consent decrees meeting criteria</i>)	2	60%
	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>)	0	0%
	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>)	0	0%

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) 216%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, three NOVs for dissimilar violations, seven orders with a denial of liability, and two court orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 216%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 18-Sep-2014

Docket No. 2014-1394-AIR-E

PCW

Respondent Case ID No. Formosa Plastics Corporation, Texas 49366

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218973 Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1958, General Terms and Conditions and Special Terms and Conditions No. 14, and New Source Review Permit Nos. 19168 and PSDTX1226, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 27,157.82 pounds ("lbs") of volatile organic compounds including 2,026.10 lbs of hazardous air pollutants, 1,581.40 lbs of nitrogen oxides, and 11,577.85 lbs of carbon monoxide during an emissions event (Incident No. 192659) that began on January 7, 2014 and lasted thirteen hours and twenty-seven minutes. The release occurred from Olefins 2 Elevated Flare, Emissions Point No. 1067, when the Pressure Transmitter PI40433 tubing froze during low overnight temperatures causing a false chest pressure reading on the Propylene Refrigeration Compressor ("PRC"). The PRC tripped due to the false chest pressure measurement, which overpressured the C2 Splitter, causing multiple relief valves to lift and vent excess pressure to the elevated flare. Since this event could have been prevented by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,904

Violation Final Penalty Total \$50,000

This violation Final Assessed Penalty (adjusted for limits) \$25,000

Economic Benefit Worksheet

Respondent Formosa Plastics Corporation, Texas
Case ID No. 49366
Reg. Ent. Reference No. RN100218973
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50,000	7-Jan-2014	7-Mar-2015	1.16	\$2,904	n/a	\$2,904

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent recurrence of emissions events due to similar causes as Incident No. 192659. Date Required is the date the emissions event began. Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$50,000	TOTAL	\$2,904
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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600130017, RN100218973, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600130017, Formosa Plastics Corporation, Texas

Classification: SATISFACTORY

Rating: 7.48

Regulated Entity: RN100218973, FORMOSA POINT COMFORT PLANT

Classification: SATISFACTORY

Rating: 7.75

Complexity Points: 56

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

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

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER CB0038Q

AIR OPERATING PERMITS PERMIT 1951

AIR OPERATING PERMITS PERMIT 1954

AIR OPERATING PERMITS PERMIT 1956

AIR OPERATING PERMITS PERMIT 1958

AIR OPERATING PERMITS PERMIT 3421

POLLUTION PREVENTION PLANNING ID NUMBER
P08990

AIR NEW SOURCE PERMITS PERMIT 7699

AIR NEW SOURCE PERMITS PERMIT 19166

AIR NEW SOURCE PERMITS PERMIT 19168

AIR NEW SOURCE PERMITS PERMIT 19199

AIR NEW SOURCE PERMITS PERMIT 19201

AIR NEW SOURCE PERMITS PERMIT 20203

AIR NEW SOURCE PERMITS REGISTRATION 31130

AIR NEW SOURCE PERMITS REGISTRATION 26270

AIR NEW SOURCE PERMITS REGISTRATION 26523

AIR NEW SOURCE PERMITS REGISTRATION 35292

AIR NEW SOURCE PERMITS PERMIT 40157

AIR NEW SOURCE PERMITS REGISTRATION 41145

AIR NEW SOURCE PERMITS REGISTRATION 44847

AIR NEW SOURCE PERMITS ACCOUNT NUMBER CB0038Q

AIR NEW SOURCE PERMITS REGISTRATION 52259

AIR NEW SOURCE PERMITS REGISTRATION 75974

AIR NEW SOURCE PERMITS PERMIT 76044

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1053

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M3

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1058

AIR NEW SOURCE PERMITS REGISTRATION 78769

AIR NEW SOURCE PERMITS REGISTRATION 80198

AIR NEW SOURCE PERMITS EPA PERMIT HAP2

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M8

AIR NEW SOURCE PERMITS PERMIT 83763

AIR NEW SOURCE PERMITS REGISTRATION 83308

AIR NEW SOURCE PERMITS REGISTRATION 83990

AIR NEW SOURCE PERMITS REGISTRATION 83489

AIR NEW SOURCE PERMITS PERMIT 87363

AIR NEW SOURCE PERMITS REGISTRATION 85081

AIR OPERATING PERMITS PERMIT 1484

AIR OPERATING PERMITS PERMIT 1953

AIR OPERATING PERMITS PERMIT 1955

AIR OPERATING PERMITS PERMIT 1957

AIR OPERATING PERMITS PERMIT 3409

POLLUTION PREVENTION PLANNING ID NUMBER
P00254

AIR NEW SOURCE PERMITS AFS NUM 4805700015

AIR NEW SOURCE PERMITS PERMIT 17030

AIR NEW SOURCE PERMITS PERMIT 19167

AIR NEW SOURCE PERMITS PERMIT 19198

AIR NEW SOURCE PERMITS PERMIT 19200

AIR NEW SOURCE PERMITS PERMIT 19871

AIR NEW SOURCE PERMITS REGISTRATION 29765

AIR NEW SOURCE PERMITS REGISTRATION 26267

AIR NEW SOURCE PERMITS REGISTRATION 26351

AIR NEW SOURCE PERMITS REGISTRATION 26266

AIR NEW SOURCE PERMITS REGISTRATION 37070

AIR NEW SOURCE PERMITS REGISTRATION 40293

AIR NEW SOURCE PERMITS REGISTRATION 43265

AIR NEW SOURCE PERMITS REGISTRATION 44933

AIR NEW SOURCE PERMITS REGISTRATION 52859

AIR NEW SOURCE PERMITS EPA PERMIT HAP10

AIR NEW SOURCE PERMITS PERMIT 76305

AIR NEW SOURCE PERMITS PERMIT 107520

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX699

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M4

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M6

AIR NEW SOURCE PERMITS REGISTRATION 79826

AIR NEW SOURCE PERMITS REGISTRATION 81109

AIR NEW SOURCE PERMITS EPA PERMIT HAP7

AIR NEW SOURCE PERMITS REGISTRATION 83608

AIR NEW SOURCE PERMITS REGISTRATION 86398

AIR NEW SOURCE PERMITS REGISTRATION 86288

AIR NEW SOURCE PERMITS REGISTRATION 84589

AIR NEW SOURCE PERMITS REGISTRATION 84788

AIR NEW SOURCE PERMITS REGISTRATION 84730

AIR NEW SOURCE PERMITS REGISTRATION 91047

AIR NEW SOURCE PERMITS REGISTRATION 85100
AIR NEW SOURCE PERMITS PERMIT 91780
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1230

AIR NEW SOURCE PERMITS REGISTRATION 88447
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1222
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1232

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1224
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1240
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1238
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1237
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX226M7
AIR NEW SOURCE PERMITS PERMIT 107518
AIR NEW SOURCE PERMITS REGISTRATION 112322
AIR NEW SOURCE PERMITS REGISTRATION 115795
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1384
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXT490011293
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TX0000888164
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50348

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1226
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1234
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1236
AIR NEW SOURCE PERMITS REGISTRATION 96408
AIR NEW SOURCE PERMITS REGISTRATION 102123
AIR NEW SOURCE PERMITS REGISTRATION 119133
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1383
AIR NEW SOURCE PERMITS REGISTRATION 116253
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M9
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 31945
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 82613
INDUSTRIAL AND HAZARDOUS WASTE PERMIT
PCO31945
WASTEWATER EPA ID TX0085570
UNDERGROUND INJECTION CONTROL PERMIT WDW402
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 31945
STORMWATER PERMIT TXR15VP68
STORMWATER PERMIT TXR15ZE72
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0290074

WASTEWATER PERMIT WQ0002436000
WASTEWATER EPA ID TX0085570
UNDERGROUND INJECTION CONTROL PERMIT WDW403

STORMWATER PERMIT TXR15WP20
STORMWATER PERMIT TXR15ZW39
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
CB0038Q

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: August 27, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 27, 2009 to August 27, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rajesh Acharya

Phone: (512) 239-0577

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 10/04/2009 ADMINORDER 2009-0216-AIR-E (1660 Order-Agreed Order With Denial)

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).

- 2 Effective Date: 12/04/2010 ADMINORDER 2010-0795-AIR-E (1660 Order-Agreed Order With Denial)
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
- 3 Effective Date: 02/20/2011 ADMINORDER 2010-1112-IHW-E (1660 Order-Agreed Order With Denial)
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.

- 4 Effective Date: 07/31/2011 ADMINORDER 2010-1903-IWD-E (1660 Order-Agreed Order With Denial)
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.

5 Effective Date: 12/15/2012 ADMINORDER 2012-0804-AIR-E (1660 Order-Agreed Order With Denial)

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)
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 THSC Chapter 382 382.085(b)

Rqmt Prov:SC No. 1 PERMIT

SC No. 3 PERMIT

SC No. 4 PERMIT

Description: Failed to prevent unauthorized emissions.

6 Effective Date: 04/19/2014 ADMINORDER 2013-1609-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

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:76305-General Condition (GC) No. 8 PA

76305-Special Condition (SC) No. 1 PA

PSD-TX-1058 GC No. 8 PERMIT

PSD-TX-1058 SC No. 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event which occurred on June 4, 2011, during STEERS Incident No. 155270.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.65(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:76305 - SC No. 3 PA

PSD-TX-1058 PERMIT

Description: Failed to submit a 40 CFR Part 61, Subpart F report within 10 days of any relief valve discharge. Specifically, the report was due June 14, 2011 but was not submitted until July 24, 2013.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 28, 2009	(764529)
Item 2	August 29, 2009	(767772)
Item 3	August 31, 2009	(767753)
Item 4	September 18, 2009	(814206)
Item 5	October 07, 2009	(777204)
Item 6	October 13, 2009	(777538)
Item 7	October 19, 2009	(814207)
Item 8	November 12, 2009	(782076)
Item 9	November 18, 2009	(814208)
Item 10	December 01, 2009	(783923)
Item 11	December 18, 2009	(814209)
Item 12	January 12, 2010	(787826)
Item 13	January 20, 2010	(814210)
Item 14	January 22, 2010	(789008)
Item 15	February 12, 2010	(791377)
Item 16	February 19, 2010	(814203)
Item 17	February 22, 2010	(792636)
Item 18	February 25, 2010	(793342)
Item 19	February 26, 2010	(793774)
Item 20	March 19, 2010	(834211)
Item 21	March 30, 2010	(795495)
Item 22	April 27, 2010	(800208)
Item 23	May 03, 2010	(800275)
Item 24	May 07, 2010	(800835)
Item 25	May 17, 2010	(801200)
Item 26	May 19, 2010	(834213)
Item 27	May 28, 2010	(825104)
Item 28	June 01, 2010	(825231)
Item 29	June 11, 2010	(801888)
Item 30	June 16, 2010	(824688)
Item 31	June 17, 2010	(847292)
Item 32	July 05, 2010	(829642)
Item 33	July 20, 2010	(861738)
Item 34	August 09, 2010	(844124)
Item 35	August 18, 2010	(868136)
Item 36	August 27, 2010	(850655)
Item 37	September 15, 2010	(858088)
Item 38	September 20, 2010	(875061)
Item 39	September 29, 2010	(865297)
Item 40	October 06, 2010	(866295)
Item 41	October 18, 2010	(870959)
Item 42	November 04, 2010	(872576)
Item 43	November 08, 2010	(873210)
Item 44	November 09, 2010	(872552)
Item 45	November 19, 2010	(889084)
Item 46	November 23, 2010	(877038)
Item 47	December 03, 2010	(879712)
Item 48	December 16, 2010	(897461)
Item 49	December 22, 2010	(866297)
Item 50	December 23, 2010	(884940)
Item 51	January 03, 2011	(886832)
Item 52	January 12, 2011	(873480)
Item 53	January 18, 2011	(878017)
Item 54	January 20, 2011	(903343)
Item 55	February 18, 2011	(910266)
Item 56	March 28, 2011	(906959)
Item 57	April 06, 2011	(908826)
Item 58	April 18, 2011	(912925)

Item 59	April 19, 2011	(928479)
Item 60	May 19, 2011	(939174)
Item 61	June 11, 2011	(908507)
Item 62	June 16, 2011	(933111)
Item 63	June 17, 2011	(946593)
Item 64	July 07, 2011	(936258)
Item 65	July 08, 2011	(937204)
Item 66	July 11, 2011	(937429)
Item 67	July 18, 2011	(937102)
Item 68	July 20, 2011	(941281)
Item 69	August 18, 2011	(960447)
Item 70	August 26, 2011	(950616)
Item 71	September 12, 2011	(951962)
Item 72	September 15, 2011	(966506)
Item 73	September 16, 2011	(952155)
Item 74	September 27, 2011	(957355)
Item 75	October 06, 2011	(958909)
Item 76	October 19, 2011	(972517)
Item 77	November 08, 2011	(948701)
Item 78	November 15, 2011	(962323)
Item 79	November 16, 2011	(964196)
Item 80	November 18, 2011	(978662)
Item 81	November 29, 2011	(969162)
Item 82	December 12, 2011	(970783)
Item 83	December 16, 2011	(985485)
Item 84	December 20, 2011	(971163)
Item 85	December 22, 2011	(974415)
Item 86	January 19, 2012	(991772)
Item 87	February 14, 2012	(983248)
Item 88	February 17, 2012	(999117)
Item 89	February 22, 2012	(987667)
Item 90	March 20, 2012	(1004643)
Item 91	March 21, 2012	(994178)
Item 92	April 17, 2012	(1011221)
Item 93	April 24, 2012	(995196)
Item 94	May 04, 2012	(1002448)
Item 95	May 17, 2012	(1002700)
Item 96	May 18, 2012	(1017578)
Item 97	May 21, 2012	(1007512)
Item 98	May 29, 2012	(1007432)
Item 99	June 06, 2012	(1009196)
Item 100	June 19, 2012	(1025374)
Item 101	July 11, 2012	(1015932)
Item 102	July 16, 2012	(1019513)
Item 103	July 17, 2012	(1020550)
Item 104	July 19, 2012	(1032714)
Item 105	July 24, 2012	(1021057)
Item 106	July 25, 2012	(1021212)
Item 107	August 14, 2012	(1023964)
Item 108	August 31, 2012	(1029127)
Item 109	September 05, 2012	(1030112)
Item 110	September 07, 2012	(1030373)
Item 111	September 17, 2012	(1048094)
Item 112	September 26, 2012	(1035148)
Item 113	October 03, 2012	(1036121)
Item 114	October 04, 2012	(1036379)
Item 115	October 09, 2012	(1036010)
Item 116	October 17, 2012	(1036253)
Item 117	November 01, 2012	(1042199)
Item 118	November 07, 2012	(1043090)

Citation: [FOP No. O-03409] STC 8 OP
[Pmt 76305/PSD-TX-1058] GC 8 & SC 1 PERMIT
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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with permit emissions limitations. Specifically, on October 24, 2013, during stack testing of Train 2 Dryer (Unit ID: BD-B04) the CO emissions rate was 5.53 lbs/hr which exceeded Permit No. 76305/PSD-TX-1058 MAERT emissions rate of 3.33 lbs/hr of CO. In addition, on October 29, 2013, during stack testing of Train 1B Dryer (Unit ID: DD-B10), the PM emissions rate was 11.82 lbs/hr which exceeded Permit No. 76305/PSD-TX-1058 MAERT emissions rate of 5.04 lbs/hr of PM.

Self Report? NO Classification: Moderate

Citation: [FOP No. O-03409] STC 8 OP
[Pmt 76305/PSD-TX-1058] GC 8 & SC 1 PERMIT
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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with permit emissions limitations. Specifically, in the second semiannual deviation report, dated February 6, 2014, for the reporting period of July 10, 2013 through January 7, 2014, Deviation Item No. SPVC-01, on October 24, 2013, during stack testing of Train 2 Dryer (Unit ID: BD-B04) the PM10 emissions rate was 0.09 lb/hr which exceeded Permit No. 76305/PSD-TX-1058 MAERT emissions rate of 0.02 lb/hr of PM10.

5 Date: 08/01/2014 (1185295) CN600130017

Self Report? NO Classification: Moderate

Citation: [FOP No. O-01955] GTC & STC 14 OP
[Pmt 19871/PSDTX1236] SC 29E PERMIT
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)

Description: Failure to equip each open-ended line (OEL) with a cap, blind flange, plug, or second valve. Specifically, on February 21, 2013, Formosa discovered one (1) OEL in VOC service.

F. Environmental audits:

N/A

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: FORMOSA PLASTICS CORP TEXAS

Reg Entity Add: 201 FORMOSA DRIVE

Reg Entity City: POINT COMFORT

Reg Entity No: RN100218973

Customer Name: Formosa Plastics Corporation, Texas

Customer No: CN600130017

EPA Case No: 06-2012-0938

Order Issue Date (yyyymmdd): 20120612

Case Result: Final Order No Penalty

Statute: RCRA

Sect of Statute: 3008A

Classification: Moderate

Program: RCRA Corrective Action

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

Reg Entity Name: FORMOSA PLASTICS CORP-POINT COMF

Reg Entity Add: 201 FORMOSA DRIVE

Reg Entity City: POINT COMFORT

Reg Entity No: RN100218973

Customer Name: Formosa Hydrocarbons Corp

Customer No: CN600130017

EPA Case No: 06-2006-3410

Order Issue Date (yyyymmdd): 20130313

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 111

Classification: Moderate

Program: Gen Hazardous Waste M

Citation:

Violation Type: Container Requirements

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree or Court Order Resolving a Civil

Customer Name: Formosa Plastic Corp.

Customer No: CN600130017

EPA Case No: 06-2006-3410

Order Issue Date (yyyymmdd): 20100203

Case Result: Final Order with Penalty

Statute: RCRA

Sect of Statute: 3002

Classification: Moderate

Program: National Emission Stand

Citation:

Violation Type: Container Requirements

Cite Sect:

Cite Part:

Enforcement Action: Conccent Decree/Court Order



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	20-Oct-2014	Screening	30-Oct-2014	EPA Due	
	PCW	30-Oct-2014				

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

CASE INFORMATION			
Enf./Case ID No.	49366	No. of Violations	1
Docket No.	2014-1394-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

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 two NOVs with same/similar violations, five NOVs for dissimilar violations, six orders with a denial of liability, and two court orders with denial of liability.

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
 Estimated 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

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 30-Oct-2014

Docket No. 2014-1394-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 4 (April 2014)

Case ID No. 49366

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218973

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

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>)	2	10%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	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	0	0%
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 judgments or consent decrees meeting criteria</i>)	2	60%
	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>)	0	0%
	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>)	0	0%

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) 200%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, five NOVs for dissimilar violations, six orders with a denial of liability, and two court orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 200%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 30-Oct-2014

Docket No. 2014-1394-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas
Case ID No. 49366

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218973

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1954, General Terms and Conditions and Special Terms and Conditions No. 15, and New Source Review Permit Nos. 7699 and PSDTX266M7, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 983.64 pounds of vinyl chloride monomer ("VCM") during an emissions event (Incident No. 202783) that began on August 26, 2014 and lasted 12 minutes. The release occurred from Fugitives, Emissions Point No. 007-1, when vacuum was pulled on Reactor A which was charged and pressurized with VCM and nitrogen and the valves to PR-401A were lined up incorrectly, resulting in VCM emissions. Since this event could have been prevented by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$187

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Formosa Plastics Corporation, Texas
Case ID No. 49366
Reg. Ent. Reference No. RN100218973
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	26-Aug-2014	26-May-2015	0.75	\$187	n/a	\$187

Notes for DELAYED costs

Estimated cost to implement measures and procedures designed to prevent the recurrence of an emissions event due to the same cause as Incident No. 202783. Date Required is the date of the emissions event. Final Date is the estimated 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

\$5,000

TOTAL

\$187

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600130017, RN100218973, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN600130017, Formosa Plastics Corporation, Texas	Classification:	SATISFACTORY	Rating:	6.73
Regulated Entity:	RN100218973, FORMOSA POINT COMFORT PLANT	Classification:	SATISFACTORY	Rating:	6.98
Complexity Points:	56	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	201 FORMOSA DR POINT COMFORT, TX 77978, CALHOUN COUNTY				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER CB0038Q
AIR OPERATING PERMITS PERMIT 1951
AIR OPERATING PERMITS PERMIT 1954
AIR OPERATING PERMITS PERMIT 1956
AIR OPERATING PERMITS PERMIT 1958
AIR OPERATING PERMITS PERMIT 3421

POLLUTION PREVENTION PLANNING ID NUMBER P08990

AIR NEW SOURCE PERMITS PERMIT 7699
AIR NEW SOURCE PERMITS PERMIT 19166
AIR NEW SOURCE PERMITS PERMIT 19168
AIR NEW SOURCE PERMITS PERMIT 19168
AIR NEW SOURCE PERMITS PERMIT 19199
AIR NEW SOURCE PERMITS PERMIT 19201
AIR NEW SOURCE PERMITS PERMIT 20203
AIR NEW SOURCE PERMITS REGISTRATION 31130
AIR NEW SOURCE PERMITS REGISTRATION 26270
AIR NEW SOURCE PERMITS REGISTRATION 26523
AIR NEW SOURCE PERMITS REGISTRATION 35292
AIR NEW SOURCE PERMITS PERMIT 40157
AIR NEW SOURCE PERMITS REGISTRATION 41145
AIR NEW SOURCE PERMITS REGISTRATION 44847
AIR NEW SOURCE PERMITS ACCOUNT NUMBER CB0038Q
AIR NEW SOURCE PERMITS REGISTRATION 52259
AIR NEW SOURCE PERMITS REGISTRATION 75974
AIR NEW SOURCE PERMITS PERMIT 76044
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1053
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M3
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1058
AIR NEW SOURCE PERMITS REGISTRATION 78769
AIR NEW SOURCE PERMITS REGISTRATION 80198
AIR NEW SOURCE PERMITS EPA PERMIT HAP2
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M8
AIR NEW SOURCE PERMITS PERMIT 83763
AIR NEW SOURCE PERMITS REGISTRATION 83990
AIR NEW SOURCE PERMITS REGISTRATION 83489
AIR NEW SOURCE PERMITS PERMIT 87363
AIR NEW SOURCE PERMITS REGISTRATION 85081
AIR NEW SOURCE PERMITS REGISTRATION 85100

AIR OPERATING PERMITS PERMIT 1484
AIR OPERATING PERMITS PERMIT 1953
AIR OPERATING PERMITS PERMIT 1955
AIR OPERATING PERMITS PERMIT 1957
AIR OPERATING PERMITS PERMIT 3409
POLLUTION PREVENTION PLANNING ID NUMBER P00254
AIR NEW SOURCE PERMITS AFS NUM 4805700015

AIR NEW SOURCE PERMITS PERMIT 17030
AIR NEW SOURCE PERMITS PERMIT 19167
AIR NEW SOURCE PERMITS PERMIT 19198
AIR NEW SOURCE PERMITS PERMIT 19200
AIR NEW SOURCE PERMITS PERMIT 19871
AIR NEW SOURCE PERMITS REGISTRATION 29765
AIR NEW SOURCE PERMITS REGISTRATION 26267
AIR NEW SOURCE PERMITS REGISTRATION 26351
AIR NEW SOURCE PERMITS REGISTRATION 26266
AIR NEW SOURCE PERMITS REGISTRATION 37070
AIR NEW SOURCE PERMITS REGISTRATION 40293
AIR NEW SOURCE PERMITS REGISTRATION 43265
AIR NEW SOURCE PERMITS REGISTRATION 44933
AIR NEW SOURCE PERMITS REGISTRATION 52859
AIR NEW SOURCE PERMITS EPA PERMIT HAP10
AIR NEW SOURCE PERMITS PERMIT 76305
AIR NEW SOURCE PERMITS PERMIT 107520
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX699
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M4
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M6
AIR NEW SOURCE PERMITS REGISTRATION 79826
AIR NEW SOURCE PERMITS REGISTRATION 81109
AIR NEW SOURCE PERMITS EPA PERMIT HAP7
AIR NEW SOURCE PERMITS REGISTRATION 83608
AIR NEW SOURCE PERMITS REGISTRATION 86398
AIR NEW SOURCE PERMITS REGISTRATION 84589
AIR NEW SOURCE PERMITS REGISTRATION 84788
AIR NEW SOURCE PERMITS REGISTRATION 84730
AIR NEW SOURCE PERMITS REGISTRATION 91047
AIR NEW SOURCE PERMITS REGISTRATION 88447

AIR NEW SOURCE PERMITS PERMIT 91780
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1230
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1224

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1222
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1232
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1226

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1240
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1238
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1237
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX226M7
AIR NEW SOURCE PERMITS PERMIT 107518
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1383
AIR NEW SOURCE PERMITS REGISTRATION 116253
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX760M9

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1234
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1236
AIR NEW SOURCE PERMITS REGISTRATION 96408
AIR NEW SOURCE PERMITS REGISTRATION 102123
AIR NEW SOURCE PERMITS REGISTRATION 119133
AIR NEW SOURCE PERMITS REGISTRATION 115795
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1384
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXT490011293
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TX0000888164
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50348

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 31945
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 82613
INDUSTRIAL AND HAZARDOUS WASTE PERMIT
PC031945
WASTEWATER EPA ID TX0085570
UNDERGROUND INJECTION CONTROL PERMIT WDW402
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 31945
STORMWATER PERMIT TXR15VP68
STORMWATER PERMIT TXR15ZE72

WASTEWATER PERMIT WQ0002436000
WASTEWATER EPA ID TX0085570
UNDERGROUND INJECTION CONTROL PERMIT WDW403
STORMWATER PERMIT TXR15WP20
STORMWATER PERMIT TXR15ZW39
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
CB0038Q

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0290074

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: November 05, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 05, 2009 to November 05, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rajesh Acharya

Phone: (512) 239-0577

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 12/04/2010 ADMINORDER 2010-0795-AIR-E (1660 Order-Agreed Order With Denial)
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

- 2 Effective Date: 02/20/2011 ADMINORDER 2010-1112-IHW-E (1660 Order-Agreed Order With Denial)
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.

3 Effective Date: 07/31/2011 ADMINORDER 2010-1903-IWD-E (1660 Order-Agreed Order With Denial)

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.

4 Effective Date: 12/15/2012 ADMINORDER 2012-0804-AIR-E (1660 Order-Agreed Order With Denial)

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)

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 THSC Chapter 382 382.085(b)

Rqmt Prov:SC No. 1 PERMIT

SC No. 3 PERMIT

SC No. 4 PERMIT

Description: Failed to prevent unauthorized emissions.

5 Effective Date: 04/19/2014 ADMINORDER 2013-1609-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

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:76305-General Condition (GC) No. 8 PA

76305-Special Condition (SC) No. 1 PA

PSD-TX-1058 GC No. 8 PERMIT

PSD-TX-1058 SC No. 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event which occurred on June 4, 2011, during STEERS Incident No. 155270.

Classification: Moderate

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

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.65(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:76305 - SC No. 3 PA

PSD-TX-1058 PERMIT

Description: Failed to submit a 40 CFR Part 61, Subpart F report within 10 days of any relief valve discharge. Specifically, the report was due June 14, 2011 but was not submitted until July 24, 2013.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 12, 2009	(782076)
Item 2	November 18, 2009	(814208)
Item 3	December 01, 2009	(783923)
Item 4	December 18, 2009	(814209)
Item 5	January 12, 2010	(787826)
Item 6	January 20, 2010	(814210)
Item 7	January 22, 2010	(789008)
Item 8	February 12, 2010	(791377)
Item 9	February 19, 2010	(814203)
Item 10	February 22, 2010	(792636)
Item 11	February 25, 2010	(793342)
Item 12	February 26, 2010	(793774)
Item 13	March 19, 2010	(834211)
Item 14	March 30, 2010	(795495)
Item 15	April 27, 2010	(800208)
Item 16	May 03, 2010	(800275)
Item 17	May 07, 2010	(800835)
Item 18	May 17, 2010	(801200)
Item 19	May 19, 2010	(834213)
Item 20	May 28, 2010	(825104)
Item 21	June 01, 2010	(825231)
Item 22	June 11, 2010	(801888)
Item 23	June 16, 2010	(824688)
Item 24	June 17, 2010	(847292)
Item 25	July 05, 2010	(829642)
Item 26	July 20, 2010	(861738)
Item 27	August 09, 2010	(844124)
Item 28	August 18, 2010	(868136)
Item 29	August 27, 2010	(850655)
Item 30	September 15, 2010	(858088)
Item 31	September 20, 2010	(875061)
Item 32	September 29, 2010	(865297)
Item 33	October 06, 2010	(866295)
Item 34	October 18, 2010	(870959)

Item 35	November 04, 2010	(872576)
Item 36	November 08, 2010	(873210)
Item 37	November 09, 2010	(872552)
Item 38	November 19, 2010	(889084)
Item 39	November 23, 2010	(877038)
Item 40	December 03, 2010	(879712)
Item 41	December 16, 2010	(897461)
Item 42	December 22, 2010	(866297)
Item 43	December 23, 2010	(884940)
Item 44	January 03, 2011	(886832)
Item 45	January 12, 2011	(873480)
Item 46	January 18, 2011	(878017)
Item 47	January 20, 2011	(903343)
Item 48	February 18, 2011	(910266)
Item 49	March 28, 2011	(906959)
Item 50	April 06, 2011	(908826)
Item 51	April 18, 2011	(912925)
Item 52	April 19, 2011	(928479)
Item 53	May 19, 2011	(939174)
Item 54	June 11, 2011	(908507)
Item 55	June 16, 2011	(933111)
Item 56	June 17, 2011	(946593)
Item 57	July 07, 2011	(936258)
Item 58	July 08, 2011	(937204)
Item 59	July 11, 2011	(937429)
Item 60	July 18, 2011	(937102)
Item 61	July 20, 2011	(941281)
Item 62	August 18, 2011	(960447)
Item 63	August 26, 2011	(950616)
Item 64	September 12, 2011	(951962)
Item 65	September 15, 2011	(966506)
Item 66	September 16, 2011	(952155)
Item 67	September 27, 2011	(957355)
Item 68	October 06, 2011	(958909)
Item 69	October 19, 2011	(972517)
Item 70	November 08, 2011	(948701)
Item 71	November 15, 2011	(962323)
Item 72	November 16, 2011	(964196)
Item 73	November 18, 2011	(978662)
Item 74	November 29, 2011	(969162)
Item 75	December 12, 2011	(970783)
Item 76	December 16, 2011	(985485)
Item 77	December 20, 2011	(971163)
Item 78	December 22, 2011	(974415)
Item 79	January 19, 2012	(991772)
Item 80	February 14, 2012	(983248)
Item 81	February 17, 2012	(999117)
Item 82	February 22, 2012	(987667)
Item 83	March 20, 2012	(1004643)
Item 84	March 21, 2012	(994178)
Item 85	April 17, 2012	(1011221)
Item 86	April 24, 2012	(995196)
Item 87	May 04, 2012	(1002448)
Item 88	May 17, 2012	(1002700)
Item 89	May 18, 2012	(1017578)
Item 90	May 21, 2012	(1007512)
Item 91	May 29, 2012	(1007432)
Item 92	June 06, 2012	(1009196)
Item 93	June 19, 2012	(1025374)

Item 94	July 11, 2012	(1015932)
Item 95	July 16, 2012	(1019513)
Item 96	July 17, 2012	(1020550)
Item 97	July 19, 2012	(1032714)
Item 98	July 24, 2012	(1021057)
Item 99	July 25, 2012	(1021212)
Item 100	August 14, 2012	(1023964)
Item 101	August 31, 2012	(1029127)
Item 102	September 05, 2012	(1030112)
Item 103	September 07, 2012	(1030373)
Item 104	September 17, 2012	(1048094)
Item 105	September 26, 2012	(1035148)
Item 106	October 03, 2012	(1036121)
Item 107	October 04, 2012	(1036379)
Item 108	October 09, 2012	(1036010)
Item 109	October 17, 2012	(1036253)
Item 110	November 01, 2012	(1042199)
Item 111	November 07, 2012	(1043090)
Item 112	November 15, 2012	(1043172)
Item 113	November 16, 2012	(1044503)
Item 114	December 04, 2012	(1045943)
Item 115	December 17, 2012	(1051220)
Item 116	December 18, 2012	(1051540)
Item 117	January 08, 2013	(1052834)
Item 118	January 10, 2013	(1052854)
Item 119	January 18, 2013	(1081491)
Item 120	January 23, 2013	(1050922)
Item 121	January 29, 2013	(1055116)
Item 122	February 20, 2013	(1081490)
Item 123	February 28, 2013	(1060409)
Item 124	March 18, 2013	(1075185)
Item 125	March 19, 2013	(1090532)
Item 126	March 26, 2013	(1075734)
Item 127	April 08, 2013	(1073186)
Item 128	April 30, 2013	(1086853)
Item 129	May 16, 2013	(1088445)
Item 130	May 20, 2013	(1107847)
Item 131	June 20, 2013	(1111479)
Item 132	July 18, 2013	(1118381)
Item 133	July 24, 2013	(1103494)
Item 134	August 16, 2013	(1114119)
Item 135	August 20, 2013	(1126171)
Item 136	September 19, 2013	(1130725)
Item 137	October 08, 2013	(1122671)
Item 138	October 09, 2013	(1123071)
Item 139	October 18, 2013	(1136489)
Item 140	November 20, 2013	(1141873)
Item 141	January 07, 2014	(1133745)
Item 142	January 17, 2014	(1154408)
Item 143	February 19, 2014	(1161734)
Item 144	March 20, 2014	(1168358)
Item 145	April 17, 2014	(1175522)
Item 146	May 12, 2014	(1165018)
Item 147	May 22, 2014	(1170801)
Item 148	June 18, 2014	(1152390)
Item 149	June 20, 2014	(1177458)
Item 150	August 19, 2014	(1200372)
Item 151	August 28, 2014	(1185547)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 11/30/2013 (1148338) CN600130017
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
Description: 30 TAC Chapter 305, SubChapter F 305.125(1)
Failure to meet the limit for one or more permit parameter
- 2 Date: 04/30/2014 (1181716) 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
- 3 Date: 05/31/2014 (1188612) 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
- 4 Date: 06/06/2014 (1170749) CN600130017
Self Report? NO Classification: Moderate
Citation: [FOP No. O-03409] STC 8 OP
[Pmt 76305/PSD-TX-1058] GC 8 & SC 1 PERMIT
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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with permit emissions limitations. Specifically, on October 24, 2013, during stack testing of Train 2 Dryer (Unit ID: BD-B04) the CO emissions rate was 5.53 lbs/hr which exceeded Permit No. 76305/PSD-TX-1058 MAERT emissions rate of 3.33 lbs/hr of CO. In addition, on October 29, 2013, during stack testing of Train 1B Dryer (Unit ID: DD-B10), the PM emissions rate was 11.82 lbs/hr which exceeded Permit No. 76305/PSD-TX-1058 MAERT emissions rate of 5.04 lbs/hr of PM.
Self Report? NO Classification: Moderate
Citation: [FOP No. O-03409] STC 8 OP
[Pmt 76305/PSD-TX-1058] GC 8 & SC 1 PERMIT
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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with permit emissions limitations. Specifically, in the second semiannual deviation report, dated February 6, 2014, for the reporting period of July 10, 2013 through January 7, 2014, Deviation Item No. SPVC-01, on October 24, 2013, during stack testing of Train 2 Dryer (Unit ID: BD-B04) the PM10 emissions rate was 0.09 lb/hr which exceeded Permit No. 76305/PSD-TX-1058 MAERT emissions rate of 0.02 lb/hr of PM10.
- 5 Date: 06/30/2014 (1200371) 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
- 6 Date: 08/01/2014 (1185295) CN600130017
Self Report? NO Classification: Moderate
Citation: [FOP No. O-01955] GTC & STC 14 OP
[Pmt 19871/PSDTX1236] SC 29E PERMIT
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)
Description: Failure to equip each open-ended line (OEL) with a cap, blind flange, plug, or second valve. Specifically, on February 21, 2013, Formosa discovered one (1) OEL in VOC service.

Date: 08/28/2014 (1186701) CN600130017
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
 30 TAC Chapter 319, SubChapter A 319.11(b)
 Monitoring and Reporting 2. PERMIT
 Description: Failed to ensure test procedures for the analysis of pollutants comply with
 procedures specified in 30 TAC §§ 319.11-319.12.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.9(d)
 Monitoring and Reporting 1. PERMIT
 Description: Failed to conduct effluent sampling and reporting in accordance with 30 TAC §§
 319.4-319.12.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations 2. PERMIT
 Description: Failed to ensure the pH at outfall 011 shall not be less than 6.0 standard units nor
 greater than 9.0 standard units.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations 1. PERMIT
 Description: Failed to comply with permitted effluent limitations for outfall 201.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations 1. PERMIT
 Description: Failed to comply with permitted effluent limitations for outfall 001.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations and Monitoring 1. PERMIT
 Description: Failed to monitor discharges 1/day for the duration of the flow at Outfall 011 for
 all effluent characteristics.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements 1. PERMIT
 Description: Failed to all times ensure that the facility and all of its systems of collection,
 treatment, and disposal are properly operated and maintained.

F. Environmental audits:
 N/A

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: FORMOSA PLASTICS CORP TEXAS

Reg Entity Add: 201 FORMOSA DRIVE

Reg Entity City: POINT COMFORT

Reg Entity No: RN100218973

Customer Name: Formosa Plastics Corporation, Texas

Customer No: CN600130017

EPA Case No: 06-2012-0938

Order Issue Date (yyyymmdd): 20120612

Case Result: Final Order No Penalty

Statute: RCRA

Sect of Statute: 3008A

Classification: Moderate

Program: RCRA Corrective Action

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

Reg Entity Name: FORMOSA PLASTICS CORP-POINT COMF

Reg Entity Add: 201 FORMOSA DRIVE

Reg Entity City: POINT COMFORT

Reg Entity No: RN100218973

Customer Name: Formosa Hydrocarbons Corp

Customer No: CN600130017

EPA Case No: 06-2006-3410

Order Issue Date (yyyymmdd): 20130313

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 111

Classification: Moderate

Program: Gen Hazardous Waste M

Citation:

Violation Type: Container Requirements

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree or Court Order Resolving a Civil

Customer Name: Formosa Plastic Corp.

Customer No: CN600130017

EPA Case No: 06-2006-3410

Order Issue Date (yyyymmdd): 20100203

Case Result: Final Order with Penalty

Statute: RCRA

Sect of Statute: 3002

Classification: Moderate

Program: National Emission Stand

Citation:

Violation Type: Container Requirements

Cite Sect:

Cite Part:

Enforcement Action: Conccent Decree/Court Order

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. 2014-1394-AIR-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Formosa Plastics Corporation, Texas ("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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

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. During an investigation conducted on March 20, 2014 through April 1, 2014, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, the Respondent released 27,157.82 pounds ("lbs") of volatile organic compounds including 2,026.10 lbs of hazardous air pollutants, 1,581.40 lbs of nitrogen oxides, and 11,577.85 lbs of carbon monoxide during an emissions event (Incident No. 192659) that began on January 7, 2014 and lasted thirteen hours and twenty-seven minutes. The release occurred from Olefins 2 Elevated Flare, Emissions Point No. 1067, when the Pressure Transmitter PI40433 tubing froze during low overnight temperatures causing a false chest pressure reading on the Propylene Refrigeration Compressor ("PRC"). The PRC tripped due to the false chest pressure measurement, which overpressured the C2 Splitter, causing multiple relief valves to lift and vent excess pressure to the elevated flare. Since this event could have been prevented by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. During an investigation conducted on September 11, 2014 through September 26, 2014, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, the Respondent released 983.64 lbs of vinyl chloride monomer ("VCM") during an emissions event (Incident No. 202783) that began on August 26, 2014 and lasted 12 minutes. The release occurred from Fugitives, Emissions Point No. 007-1, when vacuum was pulled on Reactor A which was charged and pressurized with VCM and nitrogen and the valves to PR-401A were lined up incorrectly, resulting in VCM emissions. Since this event could have been prevented by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. The Respondent received notices of the violations on August 25, 2014 and October 20, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1958, General Terms and Conditions and Special Terms and Conditions No. 14, and New Source Review Permit Nos. 19168 and PSDTX1226, Special Conditions No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1954,

General Terms and Conditions and Special Terms and Conditions No. 15, and New Source Review Permit Nos. 7699 and PSDTX266M7, Special Conditions No. 1.

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Thirty-Two Thousand Five Hundred Dollars (\$32,500) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Sixteen Thousand Two Hundred Fifty Dollars (\$16,250) of the administrative penalty. Sixteen Thousand Two Hundred Fifty Dollars (\$16,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Thirty-Two Thousand Five Hundred Dollars (\$32,500) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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. 2014-1394-AIR-E" to:

Financial Administration Division, Revenue Operations 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 the SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Sixteen Thousand Two Hundred Fifty Dollars (\$16,250) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. 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 Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures designed to prevent a recurrence of emissions events due to similar causes as Incident Nos. 192659 and 202783; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pomona Monvere J
For the Executive Director

3/25/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Formosa Plastics Corporation, Texas. I am authorized to agree to the attached Agreed Order on behalf of Formosa Plastics Corporation, Texas, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Formosa Plastics Corporation, Texas waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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]
Signature

12/10/14
Date

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

VP/GM
Title

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

Attachment A
Docket Number: 2014-1394-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Formosa Plastics Corporation, Texas
Penalty Amount:	Thirty-Two Thousand Five Hundred Dollars (\$32,500)
SEP Offset Amount:	Sixteen Thousand Two Hundred Fifty Dollars (\$16,250)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Clean Buses Project</i>
Location of SEP:	Texas Air Quality Control Region 214: Corpus Christi - Victoria

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP 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 Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the “Project”). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed 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, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Formosa Plastics Corporation, Texas
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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