

**Executive Summary – Enforcement Matter – Case No. 59812**  
**Formosa Plastics Corporation, Texas**  
**RN100218973**  
**Docket No. 2020-1176-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

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

**Type of Operation:**

Plastics manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2021-0068-AIR-E  
and 2021-0347-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 23, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$19,689

**Amount Deferred for Expedited Settlement:** \$3,937

**Total Paid to General Revenue:** \$7,876

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$7,876

Name of SEP: Texas Natural Gas Foundation (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** July 7, 2020 through July 16, 2020, June 25, 2020  
through July 17, 2020, and April 23, 2020 through May 11, 2020

**Date(s) of NOE(s):** August 28, 2020, September 28, 2020, and November 12, 2020

**Executive Summary – Enforcement Matter – Case No. 59812**  
**Formosa Plastics Corporation, Texas**  
**RN100218973**  
**Docket No. 2020-1176-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 743.28 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 281565) that occurred on April 4, 2018 and lasted four hours and 51 minutes. The emissions event occurred due to a leaking gasket, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 19198 and PSDTX1234, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1484, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 24.30 lbs of vinyl chloride monomer as fugitive emissions, during an emissions event (Incident No. 293440) that occurred on October 1, 2018 and lasted 15 minutes. The emissions event occurred due to a leaking valve, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 76305 and PSDTX1058, SC No. 1, FOP No. O3409, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 413.91 lbs of carbon dioxide and 3,684.05 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 326355) that occurred on December 10, 2019 and lasted two hours and seven minutes. The emissions event occurred when a manual drain valve in the cycle gas system was inadvertently left open prior to the Plant startup and the valve malfunctioned while attempting to close the valve, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19198 and PSDTX1234, SC No. 1, FOP No. O1484, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On June 11, 2018, upgraded and replaced the reactor inlet and outlet valves of similar design and inspected and upgraded the gaskets in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 281565;
- b. On December 15, 2018, replaced the associated valve, updated the procedures to address future reactor openings, and conducted awareness communication training to the operators in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 293440; and
- c. On October 14, 2020, discontinued reactor low point drain blowdowns and implemented a Lessons Learned for the operation of valves without a hand wheel in order to prevent the recurrence of emission events due to the same or similar causes as Incident No. 326355.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Abigail Lindsey, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2576; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Texas Natural Gas Foundation, 2315 Newfield Lane, Austin, Texas 78703

**Respondent:** Rick Crabtree, Vice President & General Manager, Formosa Plastics Corporation, Texas, 9 Peach Tree Hill Road, Livingston, New Jersey 07039

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned PCW</b>	31-Aug-2020	<b>Screening</b>	8-Sep-2020	<b>EPA Due</b>	
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Formosa Plastics Corporation, Texas
<b>Reg. Ent. Ref. No.</b>	RN100218973
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59812	<b>No. of Violations</b>	3
<b>Docket No.</b>	2020-1176-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Abigail Lindsey
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$11,250</b>
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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.

<b>Compliance History</b>	<b>100.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$11,250</b>
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Notes: Enhancement for five NOV's with same/similar violations, three NOV's with dissimilar violations, four orders containing a denial of liability, and two orders without a denial of liability. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$2,811</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$786  
 Estimated Cost of Compliance: \$76,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$19,689</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$19,689</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$19,689</b>
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<b>DEFERRAL</b>	<b>20.0%</b>	Reduction	<b>Adjustment</b>	<b>-\$3,937</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$15,752</b>
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**Screening Date** 8-Sep-2020

**Docket No.** 2020-1176-AIR-E

**PCW**

**Respondent** Formosa Plastics Corporation, Texas

*Policy Revision 4 (April 2014)*

**Case ID No.** 59812

*PCW Revision March 26, 2014*

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

**Media** Air

**Enf. Coordinator** Abigail Lindsey

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	4	80%
	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	2	50%
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> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	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> )	2	-4%
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)** 156%

#### >> 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 five NOVs with same/similar violations, three NOVs with dissimilar violations, four orders containing a denial of liability, and two orders without a denial of liability. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 156%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 100%

Screening Date 8-Sep-2020

Docket No. 2020-1176-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 4 (April 2014)

Case ID No. 59812

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218973

Media Air

Enf. Coordinator Abigail Lindsey

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 19198 and PSDTX1234, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1484, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 743.28 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 281565) that occurred on April 4, 2018 and lasted four hours and 51 minutes. The emissions event occurred due to a leaking gasket, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational 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 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance by June 11, 2018, prior to the Notice of Enforcement ("NOE") dated August 28, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$466

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

## Economic Benefit Worksheet

**Respondent** Formosa Plastics Corporation, Texas  
**Case ID No.** 59812  
**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	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50,000	4-Apr-2018	11-Jun-2018	0.19	\$466	n/a	\$466

**Notes for DELAYED costs**

Estimated cost to upgrade and replace the reactor inlet and outlet valves of similar design and inspect and upgrade the gaskets in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 281565. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$50,000

**TOTAL**

\$466

Screening Date 8-Sep-2020

Docket No. 2020-1176-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 4 (April 2014)

Case ID No. 59812

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218973

Media Air

Enf. Coordinator Abigail Lindsey

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 76305 and PSDTX1058, SC No. 1, FOP No. O3409, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 24.30 lbs of vinyl chloride monomer as fugitive emissions, during an emissions event (Incident No. 293440) that occurred on October 1, 2018 and lasted 15 minutes. The emissions event occurred due to a leaking valve, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational 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

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

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 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent achieved compliance by December 15, 2018, prior to the NOE dated September 28, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$257

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

## Economic Benefit Worksheet

**Respondent** Formosa Plastics Corporation, Texas  
**Case ID No.** 59812  
**Reg. Ent. Reference No.** RN100218973  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	1-Oct-2018	15-Dec-2018	0.21	\$257	n/a	\$257

#### Notes for DELAYED costs

Estimated cost to replace the associated valve, update the procedures to address future reactor openings, and conduct awareness communication training to the operators in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 293440. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

**TOTAL**

\$257

Screening Date 8-Sep-2020

Docket No. 2020-1176-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 4 (April 2014)

Case ID No. 59812

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218973

Media Air

Enf. Coordinator Abigail Lindsey

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19198 and PSDTX1234, SC No. 1, FOP No. O1484, GTC and STC No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 413.91 lbs of carbon dioxide and 3,684.05 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 326355) that occurred on December 10, 2019 and lasted two hours and seven minutes. The emissions event occurred when a manual drain valve in the cycle gas system was inadvertently left open prior to the Plant startup and the valve malfunctioned while attempting to close the valve, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational 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

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

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 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDRP/ Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent achieved compliance by October 14, 2020, prior to the NOE dated November 13, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

## Economic Benefit Worksheet

**Respondent** Formosa Plastics Corporation, Texas  
**Case ID No.** 59812  
**Reg. Ent. Reference No.** RN100218973  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	10-Dec-2019	14-Oct-2020	0.85	\$63	n/a	\$63

**Notes for DELAYED costs**

Estimated cost to discontinue reactor low point drain blowdowns and implement a Lessons Learned for the operation of valves without a hand wheel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 326355. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,500

**TOTAL** \$63



# Compliance History Report

Compliance History Report for CN600130017, RN100218973, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600130017, Formosa Plastics Corporation, Texas	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 9.28
<b>Regulated Entity:</b>	RN100218973, FORMOSA POINT COMFORT PLANT	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 9.96
<b>Complexity Points:</b>	55	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	201 FORMOSA DRIVE, POINT COMFORT, CALHOUN COUNTY, TEXAS		
<b>TCEQ Region:</b>	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  
**AIR OPERATING PERMITS** PERMIT 4166  
**AIR OPERATING PERMITS** PERMIT 4286  
**AIR OPERATING PERMITS** PERMIT 4165  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00254

**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  
**AIR OPERATING PERMITS** PERMIT 4165  
**AIR OPERATING PERMITS** PERMIT 4212  
**AIR OPERATING PERMITS** PERMIT 4212  
**AIR OPERATING PERMITS** PERMIT 4166  
**POLLUTION PREVENTION PLANNING** ID NUMBER P08990

**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** EPA PERMIT HAP7  
**AIR NEW SOURCE PERMITS** PERMIT 83763  
**AIR NEW SOURCE PERMITS** REGISTRATION 84788  
**AIR NEW SOURCE PERMITS** REGISTRATION 85081  
**AIR NEW SOURCE PERMITS** REGISTRATION 85100  
**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** 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** EPA PERMIT HAP2  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX760M8  
**AIR NEW SOURCE PERMITS** REGISTRATION 83990  
**AIR NEW SOURCE PERMITS** REGISTRATION 84730  
**AIR NEW SOURCE PERMITS** REGISTRATION 91047  
**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 PSDTX1240

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1234  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1236  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX226M7  
**AIR NEW SOURCE PERMITS** PERMIT 107518  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX48  
**AIR NEW SOURCE PERMITS** REGISTRATION 134477  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1383  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX47  
**AIR NEW SOURCE PERMITS** REGISTRATION 115795  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1384  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX46  
**AIR NEW SOURCE PERMITS** PERMIT AMOC27  
**AIR NEW SOURCE PERMITS** REGISTRATION 161950  
**AIR NEW SOURCE PERMITS** PERMIT AMOC26  
**AIR NEW SOURCE PERMITS** REGISTRATION 142099  
**AIR NEW SOURCE PERMITS** REGISTRATION 145753  
**AIR NEW SOURCE PERMITS** PERMIT AMOC66  
**AIR NEW SOURCE PERMITS** REGISTRATION 157260  
**AIR NEW SOURCE PERMITS** REGISTRATION 155838  
**AIR NEW SOURCE PERMITS** REGISTRATION 160487  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1588  
**AIR NEW SOURCE PERMITS** REGISTRATION 159793  
**AIR NEW SOURCE PERMITS** REGISTRATION 160486  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
 TXT490011293  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
 TX0000888164  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50348

**WASTEWATER** PERMIT WQ0002436000  
**UNDERGROUND INJECTION CONTROL** PERMIT WDW402  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION #  
 (SWR) 31945  
**STORMWATER** PERMIT TXR15305S  
**STORMWATER** PERMIT TXR15433F  
**STORMWATER** PERMIT TXR15062B  
**STORMWATER** PERMIT TXR15285Z  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER CB0038Q

**TAX RELIEF** ID NUMBER 16667  
**TAX RELIEF** ID NUMBER 16792  
**TAX RELIEF** ID NUMBER 22276  
**TAX RELIEF** ID NUMBER 22282  
**TAX RELIEF** ID NUMBER 22270  
**TAX RELIEF** ID NUMBER 22283  
**TAX RELIEF** ID NUMBER 16793  
**TAX RELIEF** ID NUMBER 22274  
**TAX RELIEF** ID NUMBER 22265  
**TAX RELIEF** ID NUMBER 22278  
**TAX RELIEF** ID NUMBER 22272  
**TAX RELIEF** ID NUMBER 22268  
**TAX RELIEF** ID NUMBER 22287  
**TAX RELIEF** ID NUMBER 22273  
**TAX RELIEF** ID NUMBER 22267  
**TAX RELIEF** ID NUMBER 22288

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1238  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1237  
**AIR NEW SOURCE PERMITS** REGISTRATION 102123  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1500  
**AIR NEW SOURCE PERMITS** REGISTRATION 132905  
**AIR NEW SOURCE PERMITS** PERMIT 127838  
**AIR NEW SOURCE PERMITS** PERMIT 140763  
**AIR NEW SOURCE PERMITS** REGISTRATION 129793  
**AIR NEW SOURCE PERMITS** REGISTRATION 116253  
**AIR NEW SOURCE PERMITS** PERMIT 128752  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX760M9  
**AIR NEW SOURCE PERMITS** REGISTRATION 151769  
**AIR NEW SOURCE PERMITS** REGISTRATION 162757  
**AIR NEW SOURCE PERMITS** REGISTRATION 150952  
**AIR NEW SOURCE PERMITS** REGISTRATION 145955  
**AIR NEW SOURCE PERMITS** REGISTRATION 145953  
**AIR NEW SOURCE PERMITS** REGISTRATION 159948  
**AIR NEW SOURCE PERMITS** PERMIT AMOC133  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1383M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 159515  
**AIR NEW SOURCE PERMITS** REGISTRATION 155332  
**AIR NEW SOURCE PERMITS** REGISTRATION 152521  
**AIR NEW SOURCE PERMITS** REGISTRATION 154692  
**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 WDW403  
**STORMWATER** PERMIT TXR15VP68  
**STORMWATER** PERMIT TXR15098R  
**STORMWATER** PERMIT TXR15245J  
**STORMWATER** PERMIT TXR05EN17  
**STORMWATER** PERMIT TXR15594N  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0290074

**TAX RELIEF** ID NUMBER 16751  
**TAX RELIEF** ID NUMBER 16795  
**TAX RELIEF** ID NUMBER 22279  
**TAX RELIEF** ID NUMBER 22269  
**TAX RELIEF** ID NUMBER 22280  
**TAX RELIEF** ID NUMBER 16796  
**TAX RELIEF** ID NUMBER 16663  
**TAX RELIEF** ID NUMBER 22286  
**TAX RELIEF** ID NUMBER 22290  
**TAX RELIEF** ID NUMBER 22285  
**TAX RELIEF** ID NUMBER 22281  
**TAX RELIEF** ID NUMBER 22277  
**TAX RELIEF** ID NUMBER 22266  
**TAX RELIEF** ID NUMBER 22289  
**TAX RELIEF** ID NUMBER 22275  
**TAX RELIEF** ID NUMBER 22264

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**Compliance History Period:** September 01, 2015 to August 31, 2020      **Rating Year:** 2020      **Rating Date:** 09/01/2020  
**Date Compliance History Report Prepared:** November 23, 2020  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** November 23, 2015 to November 23, 2020

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

*Compliance History Report for CN600130017, RN100218973, Rating Year 2020 which includes Compliance History (CH) components from November 23, 2015, through November 23, 2020.*

**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

**Components (Multimedia) for the Site Are Listed in Sections A - J****A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 04/13/2017 ADMINORDER 2016-0903-AIR-E (Findings Order-Agreed Order Without Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: General Terms and Conditions OP  
 Special Condition No 1 PERMIT  
 Special Terms and Conditions No 12 OP  
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on September 08, 2014, TCEQ/STEERS Incident No. 203344. Specifically, Formosa Point Comfort Plant released unauthorized emissions in the amount of 93,797.066 pounds (lbs) of total Carbon Monoxide (CO), 17,476.832 lbs Nitrogen Oxides (NOx), and 77,082.326 lbs of Volatile Organic Compounds (VOCs) from the Olefins I elevated flare (EPN 1018). The event lasted 61 hours and 26 minutes.
- 2 Effective Date: 05/30/2017 ADMINORDER 2014-0923-IHW-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
 30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171  
 Description: Failed to manage containers holding hazardous waste in good condition.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter H 335.261(a)  
 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.13(d)  
 Description: Failed to manage universal waste lamps in containers or packages that are structurally sound, adequate to prevent breakage, compatible with the contents of the lamps, that remain closed, and that lack evidence of leakage, spillage, or damage that could cause leakage under reasonable foreseeable conditions.  
 Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(F)  
 Description: Failed to contain paint and paint-related wastes in a container, multiple container package unit, tank, transport vehicle or vessel that is labeled or marked clearly with the words "Universal Waste - Paint and Paint-Related Wastes."  
 Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
 Description: Failed to update the Facility's Notice of Registration ("NOR"). Specifically, spent catalyst waste generated in the High Density Polyethylene 1 ("HDPE 1") unit was not included in the waste stream and management units, and container storage area NOR 035 was inappropriately listed as a non-hazardous storage area  
 Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(h)  
 Description: Failed to submit a written notice to the TCEQ to include the type(s) of industrial solid waste or municipal hazardous waste to be recycled, the method of storage prior to recycling, and the nature of the recycling activity, 90 days prior to recycling of industrial solid waste or municipal hazardous waste  
 Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)(1)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)  
 Description: Failed to use the correct manifest when shipping hazardous waste for disposal, in violation of 30 TEX. ADMIN. CODE §335.10(a)(1) and 40 CFR § 262.20(a), as documented during an investigation conducted on March 10, 2014. Specifically, on November 20 and 21, 2013 the Respondent shipped a total of 59,720 pounds of spent Puraspec 3450 catalyst waste to Amlon Resources Group, LLC in New York City, New York through a waste broker, Univar Chemcare, for metals reclamation. On December 16, 2013, the  
 Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)  
 Description: Failed to submit a complete and accurate Annual Waste Summary. Specifically, the Respondent failed to

include spent catalyst waste generated in the HDPE 1 unit on the annual waste summaries for 2011, 2012 and 2013  
Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2

Description: Failed to obtain a permit, amended permit, or other authorization from the Texas Commission on Environmental Quality (commission) or its predecessor agencies, the Department of State Health Services (DSHS), or other valid authorization from a Texas state agency prior to any activity of storage, processing, or disposal of any industrial solid waste or municipal hazardous.

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

Description: Failed to obtain a written assessment reviewed and certified by a qualified professional engineer attesting that the storage tanks at the Facility have sufficient structural integrity and are acceptable for the storing and treating of hazardous waste. Specifically, the HDPE 1 unit tank numbers C212A and C212B that were being utilized to manage spent catalyst waste did not have the required integrity assessment and secondary containment

3 Effective Date: 09/25/2018 ADMINORDER 2018-0011-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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP  
Special Condition 15 PERMIT  
Special Condition PERMIT  
Special Term & Condition 15 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on April 11, 2017, TCEQ/STEERS

4 Effective Date: 09/26/2018 ADMINORDER 2017-0884-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP  
Special Term & Condition 2F OP

Description: Failure to submit an initial notification for Incident No. 228622 no later than 24 hours after the discovery of the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP  
Special Condition 1 PERMIT  
Special Terms & Condition 8 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on May 6, 2015 at 00:28 hours, TCEQ/STEERS Incident No. 228622.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP  
PSDTX226M7 PERMIT  
Special Condition 1 PERMIT  
Special Term & Condition 15 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered

- 5 Effective Date: 01/17/2019 ADMINORDER 2017-0737-IWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Eff. Limits and Monitoring RQMTs; No. 3 PERMIT  
Description: Failed to prevent the discharge of solids in other than trace amounts into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002436000, Effluent Limitations and Monitoring Requirements No. 3, Outfall Nos. 006, 008, and 009.  
Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.11(c)  
Rqmt Prov: Monitoring and Reporting; No.2(a); Pg. 4 PERMIT  
Description: Failed to properly analyze effluent samples, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0002436000, Monitoring and Reporting Requirements No. 2.a.
- 6 Effective Date: 03/05/2020 ADMINORDER 2018-1384-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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-03409, Special Term & Condition 8 OP  
PSDTX 1058, Special Condition 14 PERMIT  
Description: Failure to comply with the established six-minute average oxygen concentration limit. Specifically, the Respondent established the six-minute average oxygen concentration limit of 5.8 parts per million ("ppm") for Incinerator/Scrubber I-01, EPN I-01, but the six-minute average oxygen concentration was an average of 3.4 ppm on five instances on February 21, 2017, and the Respondent established the six-minute average oxygen concentration limit of 5.3 for Incinerator/Scrubber I-02, EPN I-02, but  
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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 6.B PERMIT  
7.B PERMIT  
FOP O-03409, Special Term & Condition 8 OP  
General Terms & Conditions OP  
PSDTX1058, Special Condition 1 PERMIT  
Description: Failure to comply with the maximum allowable emissions rate for particulate matter (PM) at Emission Point Number (EPN) BD-B04. Specifically, the Respondent exceeded the PM10 MAER of 0.06 ton per year based on a 12-month rolling period for the Train 2 Dryer Combustion Emissions, EPN BD-B04, for the 12-month rolling periods ending from January 2017 through December 2017, resulting in the release of 2.53 tons of unauthorized PM10 emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-01957, Special Term & Condition 10 OP  
PSDTX1222, Special Condition 8B PERMIT  
PSDTX1224, Special Condition 6B PERMIT  
PSDTX1232, Special Condition 7B PERMIT  
Description: Failure to operate a flare with a pilot flame present at all times. Specifically, the Respondent failed to maintain the pilot flame on the Elevated Flare, EPN 1067, on September 12, 2016, September 28, 2016, and January 14, 2017.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	December 18, 2015	(1310041)
Item 2	January 20, 2016	(1316808)
Item 3	February 18, 2016	(1307052)
Item 4	February 19, 2016	(1326163)
Item 5	March 16, 2016	(1314261)
Item 6	March 18, 2016	(1332926)
Item 7	April 19, 2016	(1340059)
Item 8	May 20, 2016	(1346877)
Item 9	June 14, 2016	(1337771)
Item 10	June 20, 2016	(1353308)
Item 11	July 20, 2016	(1360272)
Item 12	August 19, 2016	(1366715)
Item 13	August 26, 2016	(1338768)
Item 14	September 14, 2016	(1358330)
Item 15	September 20, 2016	(1373413)
Item 16	September 22, 2016	(1356437)
Item 18	October 20, 2016	(1379589)
Item 19	November 18, 2016	(1385536)
Item 20	December 02, 2016	(1363501)
Item 21	December 09, 2016	(1362459)
Item 22	January 03, 2017	(1381671)
Item 23	January 20, 2017	(1398288)
Item 24	February 27, 2017	(1395749)
Item 25	February 28, 2017	(1395630)
Item 26	March 06, 2017	(1394886)
Item 27	March 20, 2017	(1412266)
Item 28	April 11, 2017	(1396497)
Item 29	April 14, 2017	(1396534)
Item 30	April 20, 2017	(1418765)
Item 31	May 01, 2017	(1409476)
Item 32	May 19, 2017	(1414489)
Item 33	May 25, 2017	(1415512)
Item 34	June 20, 2017	(1432421)
Item 35	July 06, 2017	(1408468)
Item 36	July 20, 2017	(1440974)
Item 37	August 18, 2017	(1444664)
Item 39	September 20, 2017	(1451250)
Item 40	October 18, 2017	(1457123)
Item 41	November 10, 2017	(1443331)
Item 42	November 17, 2017	(1462576)
Item 43	November 27, 2017	(1448255)
Item 45	December 13, 2017	(1447685)
Item 46	December 20, 2017	(1468977)
Item 47	January 19, 2018	(1475677)
Item 48	February 05, 2018	(1458998)
Item 49	February 20, 2018	(1487861)
Item 50	February 26, 2018	(1472611)
Item 51	March 12, 2018	(1474057)
Item 52	March 27, 2018	(1491548)
Item 53	May 10, 2018	(1454993)
Item 54	May 17, 2018	(1501748)
Item 55	June 08, 2018	(1485339)

Item 56	June 21, 2018	(1486074)
Item 57	July 20, 2018	(1515168)
Item 58	August 08, 2018	(1474272)
Item 59	September 19, 2018	(1528403)
Item 60	October 18, 2018	(1534742)
Item 61	November 05, 2018	(1525836)
Item 62	November 19, 2018	(1542576)
Item 63	December 17, 2018	(1435354)
Item 64	December 20, 2018	(1525175)
Item 65	December 21, 2018	(1519940)
Item 66	January 18, 2019	(1563090)
Item 67	January 28, 2019	(1540334)
Item 68	February 19, 2019	(1563088)
Item 69	March 04, 2019	(1446831)
Item 70	March 14, 2019	(1548396)
Item 71	March 19, 2019	(1563089)
Item 72	April 18, 2019	(1572960)
Item 73	May 31, 2019	(1570782)
Item 74	June 28, 2019	(1570919)
Item 75	August 27, 2019	(1524661)
Item 76	September 20, 2019	(1607517)
Item 77	October 18, 2019	(1614395)
Item 79	November 27, 2019	(1611837)
Item 80	December 20, 2019	(1627533)
Item 81	January 20, 2020	(1635166)
Item 82	February 20, 2020	(1641781)
Item 83	March 20, 2020	(1648295)
Item 84	April 20, 2020	(1654647)
Item 86	May 14, 2020	(1647055)
Item 87	May 21, 2020	(1650896)
Item 88	May 28, 2020	(1650788)
Item 89	June 04, 2020	(1645788)
Item 90	June 12, 2020	(1652426)
Item 91	June 19, 2020	(1667742)
Item 92	June 24, 2020	(1652420)
Item 93	June 25, 2020	(1651907)
Item 94	July 20, 2020	(1674689)
Item 95	August 19, 2020	(1681461)
Item 96	August 20, 2020	(1671072)
Item 97	August 28, 2020	(1671729)
Item 98	August 30, 2020	(1651856)
Item 99	September 18, 2020	(1688038)
Item 100	November 13, 2020	(1678667)
Item 101	November 17, 2020	(1686553)

**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: 12/13/2019 (1592878)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(2)  
30 TAC Chapter 101, SubChapter F 101.222(b)(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)  
SC 1, PSDTX226M7 PERMIT  
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that occurred on August 20, 2019 (TCEQ/STEERS Incident No. 319230).
  
- 2 Date: 01/03/2020 (1612496)  
Self Report? NO Classification: Moderate  
Citation: 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)  
NSR Permit 19168 SC 9 PERMIT

Description: Failure to maintain the minimum in-stack temperature for VCU 1051. Specifically, Formosa failed to maintain the minimum in-stack temperature of 1254 degrees Fahrenheit which resulted in a combustor being shut down on September 22, 2018.

Self Report? NO Classification: Moderate

Citation: 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)  
NSR Permit 19168 SC9 PERMIT

Description: Failure to maintain the minimum in-stack temperature for VCU 8003B. Specifically, Formosa failed to maintain the minimum in-stack temperature of 1300 degrees Fahrenheit due to an incorrect valve lineup on February 6, 2019.

Self Report? NO Classification: Moderate

Citation: 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)  
NSR 19168 SC 9 PERMIT

Description: Failure to maintain the minimum in-stack temperature for VCU 8003B. Specifically, Formosa failed to maintain the minimum in-stack temperature of 1300 degrees Fahrenheit due to blown fuse on the combustor blower on April 21, 2019.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
FOP 1958 GTC OP

Description: Failure to report all instances of deviations in the six-month deviation report. Specifically, Formosa did not report seven deviations on their first semi-annual deviation report for the reporting period of July 27, 2018 through January 26, 2019.

3

Date: 02/28/2020 (1622199)

Self Report? NO Classification: Moderate

Citation: 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)  
GTC OP  
PSDTX2226M7 SC 17(F) PERMIT  
STC 15 OP

Description: Failure to monitor the methanol and formaldehyde systems according to their quarterly monitoring schedule.

Self Report? NO Classification: Moderate

Citation: 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)  
GTC OP  
PSDTX2226M7 SC 21 PERMIT  
STC 15 OP

Description: Failure to comply with the provisions of a letter dated September 9, 1994 from TCEQ to Formosa regarding community ambient air sampling.

Self Report? NO Classification: Moderate

Citation: 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)  
GTC OP  
PSDTX2226M7 SC 14(B)(2) PERMIT  
STC 15 OP

Description: Failure to meet daily total dissolved solids (TDS) maximum.

Self Report? NO Classification: Moderate

Citation: 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)  
GTC OP  
SC 14(B)(2) PERMIT  
STC 15 OP

Description: Failure to meet daily TDS maximum.

Self Report? NO Classification: Moderate

Citation: 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)  
GTC OP  
PSDTX226M7 SC 12 PERMIT  
STC 15 OP

Description: Failure to maintain scrubber flow rate above required threshold.

4 Date: 04/30/2020 (1661213)  
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

5 Date: 05/08/2020 (1632814)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
Description: Failed to provide notice to the executive director in writing or using electronic notification software provided by the executive director, of any such changes or additional information to that reported previously within 90 days of the occurrence of such change or of becoming aware of such additional information.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42(a)(2)  
Description: Failed to submit an exception report to the executive director if a copy of the manifest with the handwritten signature of the owner or operator of the designated facility has not been received by the registered/unregistered generator or primary exporter of hazardous waste subject to §335.76(c) of this title within 45 days of the date that the waste was accepted by the initial transporter.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)  
Description: Failed to clearly mark the date upon which each period of accumulation begins on each container.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)  
Description: Failed to label or mark clearly each container or tank with the words "Hazardous Waste" while being accumulated.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(A)  
Description: Failed to contain universal waste paint in a container that remains closed, except when necessary to add or remove waste.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2  
Description: Failure to obtain a permit, amended permit, or other authorization from the Texas Commission on Environmental Quality (commission) or its predecessor agencies, or other valid authorization from a Texas state agency prior to any activity of storage, processing, or disposal of any industrial solid waste or municipal hazardous.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)  
30 TAC Chapter 335, SubChapter A 335.10(c)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.23(a)  
Description: Failed to prepare all manifests for hazardous and Class I wastes according to the applicable requirements in 40 CFR Part 262 and the instructions found in the Appendix to 40 CFR Part 262.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)  
Description: Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored processed, and disposed of on-site or shipped off-site for storage, processing or disposal. These records may be maintained in any format, provided they are retrievable and easy to copy. The required records must be sufficiently detailed and complete to support any contentions or claims made by the generator.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(1)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(a)(3)  
Description: Failed to provide a training program designed to ensure effective emergency response.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(8)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171  
 Description: Failed to ensure a container storing hazardous waste is in good condition and not leaking.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(1)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)(1)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)(2)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)(3)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)(4)  
 Description: Failed to maintain personnel records of the job title for each position at the facility related to hazardous waste management, the name of the employee filling each job, a written job description for each position listed, including the requisite skill, education, or other qualifications, duties of facility personnel assigned to each position, a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position and records  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)  
 30 TAC Chapter 335, SubChapter O 335.431(c)(1)  
 30 TAC Chapter 335, SubChapter O 335.431(c)(2)  
 30 TAC Chapter 335, SubChapter O 335.431(c)(3)  
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)  
 Description: Failed to maintain LDR notices and certifications for restricted wastes sent off-site to treatment, storage, and disposal facilities.

6 Date: 05/21/2020 (1644159)  
 Self Report? NO Classification: Moderate  
 Citation: 19(D) PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 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)  
 GTC OP  
 STC 10 OP  
 Description: Failure to ensure the concentration of chlorine (Cl<sub>2</sub>) within the equipment was below 1 part per million (ppm) in concentration prior to opening it to the atmosphere.  
 Self Report? NO Classification: Moderate  
 Citation: 20(A)(3) PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 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)  
 GTC OP  
 STC 10 OP  
 Description: Failure to measure the concentration of chlorine (Cl<sub>2</sub>) within equipment via the approved colorimetric gas detector tube method specified within NSR 19167.

7 Date: 07/29/2020 (1658132)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.5(b)  
 Effluent Monitoring Req.; No. 1, Pg. 2o PERMIT  
 Description: Failed to monitor the effluent parameters of Total Organic Carbon (TOC) and Oil & Grease (O&G) at least once per day by grab sample when discharging at Outfall 013.

8 Date: 08/28/2020 (1665844)  
 Self Report? NO Classification: Moderate  
 Citation: \PSDTX1234 SC 2E 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)  
 FOP-1484 STC 11 OP  
 Description: Failure to perform required testing.  
 Self Report? NO Classification: Moderate  
 Citation: \PSDTX1234 SC 18 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)  
 FOP-O1484 STC 11 OP

Description: Failure to perform monitoring as required.  
 Self Report? NO Classification: Moderate  
 Citation: \PSDTX1234 SC 11 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)  
 FOP-1484 STC 11 OP  
 Description: Failure to maintain firebox temperature above 1,608 degree Fahrenheit for the six minute average.  
 Self Report? NO Classification: Moderate  
 Citation: \PSDTX1234 SC 12 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)  
 FOP-1484 STC 11 OP  
 Description: Failure to maintain firebox temperature above 1,600 degree Fahrenheit for the six minute average.

**F. Environmental audits:**

Notice of Intent Date: 11/09/2015 (1294009)  
 Disclosure Date: 05/31/2016  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TXR15VP68, Part III.D.2.  
 Description: Failed to post a Construction Site Notice regarding storm water management at the construction site entrance.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TXR15VP68, Part III.F.7.e.  
 Description: Failed to ensure inspection forms in the SWPPP are signed for the Olefins III Construction Project.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TXR15VP68, Part III.F.1.j.  
 Description: Failed to include a copy of the Construction General Permit in the SWPPP.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT WQ0002436000, Receiving Water Mon., Page  
 Description: Failed to submit to the TCEQ the Scope of Work that includes specific technical details of the receiving water monitoring program for the 2005 permit within 30 days of the effective date of the permit for TCEQ approval. Additionally it was not provided to the Texas Department of Health, Texas Parks and Wildlife Department, other parties to the evidentiary hearing, and the local library for local citizens to view.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)  
 Description: Failed to analyze effluents according to test methods specified in 40 CFR Part 136. Specifically, Formosa failed to run a standard at the reporting limit to verify that it is able to quantify at that level for each of the five permit metals.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT NSR Permit No. 7699, SC 31  
 Description: Failed to revalidate MSS emissions from the Maintenance Department on an annual basis.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT NSR Permit 19168, SC 8.D.  
 Description: Failed to track the average hourly values by taking readings at least once every 15 minutes and taking the average hourly value.  
 Viol. Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)  
 Description: Failed to maintain and provide annual maintenance records of the one diesel-fired emergency generator engine in the Olefins II plant for 2014.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT NSR Permit 19168, SC 29  
 Description: Failed to maintain a rolling two-year period of records for the hours of operation and mode of each furnace

or heater during startup, shutdown, decoking, or standby mode of operation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit No. 91780, SC 1

Description: Failed to limit annual emissions to the limits established in the permit. Annual emissions inventory for 2012 indicated that the annual emissions to the Olefins Flares (EPN 1018/1067) were 7.6442 tons/year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 91780, SC 1

PERMIT NSR Permit 91780, SC 4.D.

Description: Failed repair leaks in the PP II facility when visible emissions were noted in the daily inspection log on at least three occasions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 91780, SC 4.C.

Description: Failed to conduct the required annual preventative maintenance on the baghouses and filters for 2013 and 2014 (2015 inspections were conducted and the maintenance schedule revised to include annual inspections).

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 91780, SC 6.F.

Description: Failed to calculate average hourly values for the vent stream flow rate to the Olefins I/II flare (the unit is recording flow readings every 15 minutes, but not using these to determine hourly flow rates).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 91780, SC 8

Description: Failed to calculate the rolling 12-month average of the VOC emitted to the atmosphere after the extruder in order to demonstrate compliance with the permit limit of 90 lbs VOC per million lbs of polypropylene product.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(1)(B)

30 TAC Chapter 122, SubChapter B 122.145(2)(B)

Rqmt Prov: OP O1951, General Terms and Conditions

Description: Failed to submit an accurate semi-annual deviation report for SOP O1951. Specifically, the cover letter was misdated March 14, 2013 and the body of the letter misstated the monitoring period as August 2012 to February 2013. The completed deviation forms correctly indicated a report date of March 14, 2014 and a monitoring period of August 2013 to February 2014.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)

Description: Failed to maintain records of emissions for EPNs XZ-O201 and XZ-WS01 readily available for review and emission records for EPN CWTP were only available for 2014 (Formosa staff stated that they had the data, it just was not readily available for review).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 19166, SC 1

Description: Failed to comply with hourly MSS NOX lbs/hr emission limits at Utilities Boiler 7J in January and February 2015 during a scheduled maintenance event. The emissions in January were 104.56 lbs/hr and in February 82.92 lbs/hr, 41.90 lbs/hr, and 90.17 lbs/hr.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112

Description: Failed to include the VOC control requirements related to the condensate tanks in the FHC Title V Operating Permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(d)

Description: Failed to calculate emissions resulting from the use of natural gas as a pilot gas for Flare 1 in 2013 and 2014.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.24(b)

Description: Failed to submit the 2015 TCEQ Annual Fee Basis form to determine applicable air quality fees for the facility.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter O 106.359(b)

30 TAC Chapter 106, SubChapter A 106.4

30 TAC Chapter 106, SubChapter A 106.8(c)

Description: Failed to maintain documentation to demonstrate compliance with claimed PBR 30 TAC § 106.359.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.121  
5C THSC Chapter 382 382.085(b)

Description: Failed to include the requirements related to process vents to the flares in the Title V permit.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18

Description: Failed to maintain documentation to demonstrate compliance with 40 CFR § 60.18 for EPNs Flare 1 and Flare 2 (incorrect flare tip diameters were being used in flare calculations to demonstrate compliance).  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Failed to reference the correct regulatory citation on the deviation report for plant upsets (instead of 30 TAC § 101.20, it was referencing either 116.110(a) or the Standard Permit).

Notice of Intent Date: 09/27/2018 (1523151)  
Disclosure Date: 04/26/2019  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(A)

Description: Failed to include the applicable requirements under NSPS RRR in the Title V permit. Specifically, NSR Permit No. 19198 and PSDTX1234, Special Condition No. 16 requires compliance with NSPSs NNN and RRR and a letter from Richard Hyde of the TCEQ dated February 25, 2001 authorized Formosa to utilize the alternative flow monitoring requirements under NSPSs RRR. However, the Title V Permit (No. O1484) Applicable Requirements Summary does not reference any of the applicable citations under NSPS RRR  
Disclosure Date: 06/19/2019  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT Special Condition No. 18.A  
PERMIT Special Condition No. 21.A  
PERMIT Special Condition No. 27.A

Description: Failed to include all data sheets, calculations, charts (records of Continuous Emissions Monitoring Systems (CEMS)), cylinder gas concentration certificates, necessary to confirm that the CEMS performance meets the specification. Specifically, the quarterly CEMS reports for Olefins 1 and II, Ethylene Glycol (EG) [2 CEMS], the High Density Polyethylene 1 (KDPE1), and the Low linear Density Polyethylene 1 (LLDPE), did not include the required information.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT Special Condition No. 18.B  
PERMIT Special Condition No. 21.B  
PERMIT Special Condition No. 27.B

Description: Failed to report on a quarterly basis all CEMS accuracy results, as determined by the Relative Accuracy Test Audit (RATA), Performance Assessment (PA), and/or Cylinder Gas Audit (CGA) performed. Specifically, the quarterly CEMS for 2017 to date did not include the CGA and PA results for the EG (2 CEMS), the CGA for the HDPE1, or the LLDPE.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT Special Condition 21.C

Description: Failed to multiply the measured hourly average concentration from each CEMS by the flow rate measured during the latest stack test performed in accordance with Special Condition No. 19, to determine the hourly emission rate. Specifically, the facility was using the design flow rate to perform calculations and was not aware of the results of the latest stack test result to obtain the correct flow rate of the calculation.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT Special Condition No. 31.B  
PERMIT Special Condition No. 31.D  
PERMIT Special Condition No. 31.E

Description: Failed to meet reactor abrasive blasting requirements. Specifically, records of the blast media's hourly mass usage rate, daily records of the usage hours and location, and the particulate matter emissions have not been maintained of the most recent blasting activities for the reactors operated in the EG process unit.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)

Description: Failed to maintain sufficient records for each vent exempted from control requirements in accordance with 30 TAC 115.127 to demonstrate compliance with the applicable exemption limit.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.564(d)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.565(a)

Description: Failed to determine compliance with the individual stream exemptions and failed to use the appropriate test procedures and keep an up-to-date, readily accessible record. Specifically, records were not available to

demonstrate compliance with the exemption limit for Unit ID PP1-Unit for individual vent streams that emit continuous emissions in O1956 Title V Permit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Condition No. 28

Description: Failed to calibrate the GC at least once every day. Specifically, interviews with plant personnel indicated that the GC is calibrated every 30 days (Olefins I).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT XX 63.1086(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)

Description: Failed to appropriately monitor the cooling water at the entrance and exit of each individual heat exchanger. Specifically, current practice did not take a minimum of three sets of samples at each heat exchanger entrance and exit, calculate the average entrance and exit concentrations, nor use a one-sided statistical procedure at the 0.05 level of significance.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Condition No. 27

Description: Failed to maintain records of monthly emissions and rolling 12-month MSS emissions, updated on a monthly basis, of planned MSS activities for the Ethylene Glycol process unit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failed to ensure that a container holding hazardous waste is closed at all times during accumulation. Specifically, tarps in 25 yard roll-offs used to cover hazardous waste containers in the Satellite Accumulation Area (SAA) in the WWTP and in the <90 day storage area had holes in them.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.53(b)

30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Failed to submit a copy of the contingency plan and all revised to the plan to all local police departments, fire departments, and hospitals. Specifically, the Integrated Contingency Plan (ICP) used as the Large Quantity Generator (LQG) Plan does not include arrangements with the local police/sheriff's department.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Part 3, Section F.1(g)(v)

PERMIT Part 3, Section F.2(a)

Description: Failed to include in the construction SWPPP the entire property as well as laydown areas, the grassy area between Outfall 009 and the Olefins III flare has become an area for used material including raiiling train track, and rail road ties. Additionally, there is a pile near the Olefins IIII flare that appears to be a dumping ground.

Viol. Classification: Minor

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)

30 TAC Chapter 324, SubChapter A 324.1

Description: Failed to label or mark clearly with the words "Used Oil" on approximately 15 used oil drums stored outside the used oil shed at the Poly Olefins I Maintenance Shop.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Eff. Lim. & Mon. Req. OF 12, No. 1

PERMIT Eff. Lim. & Mon. Req. OF 12, No. 2

Description: Failed to collect one sample per day from Outfall No. 12 (OF 12) for Total Organic Carbon, Oil and Grease, and pH. The closed gate (OF 12) was leaking, there was no secondary valve downstream to retain the leaked discharge, and the required from this discharge.

Viol. Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(e)

Description: Failed to ensure laboratories routinely use and document intra-laboratory quality control practices. Specifically, standards in the metals laboratory were difficult to trace to the original standard, the original standard had multiple bottles and the bottles were reported as empty before the next standard was made. Also, acids and solvents added to the samples were not recorded by lot number and manufacturer.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.11

Rqmt Prov: PERMIT Mon. & Rep. Req. No. 2

Description: Failed to ensure that biomonitoring samples maintained chain-of-custody. Specifically, samples were collected and left on the sidewalk at the parking lot for the laboratory to pick up.

## G. Type of environmental management systems (EMSs):

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

**§  
§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2020-1176-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates a chemical manufacturing plant located at 201 Formosa Drive in Point Comfort, Calhoun County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$19,689 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,876 of the penalty and \$3,937 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$7,876 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. On June 11, 2018, upgraded and replaced the reactor inlet and outlet valves of similar design and inspected and upgraded the gaskets in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 281565.
  - b. On December 15, 2018, replaced the associated valve, updated the procedures to address future reactor openings, and conducted awareness communication training to the operators in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 293440.
  - c. On October 14, 2020, discontinued reactor low point drain blowdowns and implemented a Lessons Learned for the operation of valves without a hand wheel in order to prevent the recurrence of emission events due to the same or similar causes as Incident No. 326355.

## II. ALLEGATIONS

1. During a record review conducted from July 7, 2020 through July 16, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 19198 and PSDTX1234, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1484, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 743.28 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 281565) that occurred on April 4, 2018 and lasted four hours and 51 minutes. The emissions event occurred due to a leaking gasket, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. During a record review conducted from June 25, 2020 through July 17, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 76305 and PSDTX1058, SC No. 1, FOP No. O3409, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 24.30 lbs of vinyl chloride monomer as fugitive emissions, during an emissions event (Incident No. 293440) that occurred on October 1, 2018 and lasted 15 minutes. The emissions event occurred due to a leaking valve, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. During a record review conducted from April 23, 2020 through May 11, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19198 and PSDTX1234, SC No. 1, FOP No. O1484, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 413.91 lbs of carbon dioxide and 3,684.05 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 326355) that occurred on December 10, 2019 and lasted two hours and seven minutes. The emissions event occurred when a manual drain valve in the cycle gas system was inadvertently left open prior to the Plant startup and the valve malfunctioned while attempting to close the valve, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### **III. DENIALS**

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

### **IV. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Formosa Plastics Corporation, Texas, Docket No. 2020-1176-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 an SEP as set forth in Section I, Paragraph No. 4. The amount of \$7,876 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This 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 Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date



\_\_\_\_\_  
11/3/2021

\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date

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

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

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

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



\_\_\_\_\_  
Signature

\_\_\_\_\_  
06/18/2021  
Date

\_\_\_\_\_  
Rick Crabtree

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

\_\_\_\_\_  
VP/GM  
Title

*If mailing address has changed, please check this box and provide the new address below:*

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

**Attachment A**  
**Docket Number: 2020-1176-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Formosa Plastics Corporation, Texas</b>
<b>Payable Penalty Amount:</b>	<b>\$15,752</b>
<b>SEP Offset Amount:</b>	<b>\$7,876</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Natural Gas Foundation</b>
<b>Project Name:</b>	<b><i>High Emission Vehicle Replacement Project</i></b>
<b>Location of SEP:</b>	<b>Preference for Calhoun County; TCEQ Air Control Region 214: Corpus Christi-Victoria</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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, **Texas Natural Gas Foundation**, for the *High Emission Vehicle Replacement Project* (the “Project”). The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to reimburse an eligible public entity for the total purchase price or five-year lease price of a standard base model alternative-fueled vehicle that will replace an eligible older, diesel-fueled vehicle that the public entity has decommissioned and removed from its fleet. Public entities eligible to receive assistance include state agencies, counties, municipalities, school districts, or other political subdivisions created under the constitution or any statute of this state.

Old, diesel-fueled vehicles emit large amounts of nitrogen oxides (“NOx”) and particulate matter (“PM”), as well as other harmful pollutants such as volatile organic compounds (“VOCs”) and carbon monoxide (“CO”). These pollutants contribute to serious public health problems. This Project shall reduce NOx, PM, VOCs, and CO emissions by replacing high-emission, diesel-fueled vehicles with low-emission, alternative-fueled

vehicles. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director, be applied to another pre-approved SEP.

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

b. Environmental Benefit

This Project will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate several respiratory diseases, including asthma. For example, replacing a model year 2002 heavy-duty diesel dump truck with a model year 2010 or newer dump truck powered by natural gas or propane may reduce passengers' exposure to NOx by 95% and PM by 99.9%. Moreover, replacing a model year 1989 diesel school bus with a model year 2010 or newer school bus powered by natural gas or propane may reduce passengers' exposure to NOx by 98%, VOCs by 83%; and PM by 99%.

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 Natural Gas Foundation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Natural Gas Foundation  
Attention: Heather Ball, Executive Director  
2315 Newfield Lane  
Austin, Texas 78703

### **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 and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event the Executive Director 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 Executive Director, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, 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. Recognition**

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.