

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [Justin Iwuala/FTEHSF](#); [OCE](#)
Subject: Enforcement Discretion for COVID-19 Formosa Plastics Corporation, Texas
Date: Tuesday, March 31, 2020 8:47:51 PM

Good evening, Mr. Winter:

Your request for enforcement discretion concerning the testing of the flares and furnaces identified in your request below is disapproved at this time. Since the flares and furnaces became operational on January 6, 2020, and based on the conditions of your permits, Formosa Plastics has until July 4, 2020 to achieve compliance with the required testing. Should an extension beyond this date become necessary, please resubmit your enforcement discretion request closer to this date.

The TCEQ is committed to working cooperatively and reasonably with the regulated community during the COVID-19 pandemic. The decision to disapprove this request will not reflect on any future request Formosa Plastics may make with respect to the subject testing. Each enforcement discretion request is evaluated based on its own merits.

Regards,

Jonathan Walling, Area Director
Coastal & East Texas Area
Texas Commission on Environmental Quality

From: Trent M. Winter/FTEHSF <[REDACTED]>
Sent: Tuesday, March 31, 2020 10:08 AM
To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>
Cc: Justin Iwuala/FTEHSF <[REDACTED]>
Subject: Enforcement Discretion for COVID-19 Formosa Plastics Corporation, Texas

Good morning,

Per TCEQ Deputy Director of Compliance and Enforcement March 17,2020 email to the TCC, Formosa Plastics Corporation, Texas (FPC TX) is notifying the TCEQ (by this email to OCE@tceq.texas.gov and Ramiro.Garcia@tceq.texas.gov) that FPC TX is claiming enforcement discretion based on the public health and safety concerns caused by the global COVID-19 pandemic and is requesting an extension for the Olefins 3 NSR Permit No. 107518 and PSDTX1383 and GHG Permit PSD-TX-13838-GHG/GHGPSDTX48 initial compliance testing obligations required by permit conditions. (See below a list of permit compliance obligations for which we are claiming compliance extension dates and enforcement discretion). The effects of COVID-19 has significantly impacted Formosa Plastics staffing/policies/procedures as well as the outside testing companies. The testing companies were not able to come onsite to perform a visual inspection of the equipment needing to be tested. This has impacted the bidding process which has delayed the timeline significantly. Given the uncertain development of COVID 19, Formosa is requesting a 180 day extension for the initial

compliance testing in the OL3 unit to ensure the safety for all involved employees/contractors.

- 1) Flare compliance assessment of the Olefins 3 Elevated Flare and two Low Pressure Flares. Compliance testing will be in accordance with the requirements stated in the GHG Permit Special Condition V.G and 40 CFR §60.18, and §63.987 (b), which include Method 22 observations.

- 2) Compliance sampling of OL 3 furnaces (EPNs OL3-FUR1 through OL3-FUR14). Compliance testing will include determining the emission rates of nitrogen oxides (NOx), carbon monoxide (CO), particulate matter (PM), non-methane and ethane volatile organic compounds (NMEVOC) and ammonia (NH3) at the exhausts of two (2) furnaces and emission rate of carbon dioxide (CO2) at the exhausts of five (5) furnaces. Performance specification testing will include conducting a relative accuracy test audit (RATA) on the oxygen (O2), NOx, CO and NH3 continuous emission monitoring system (CEMS) serving fourteen (14) furnaces.

Please confirm your approval of this request for compliance extension and enforcement discretion in writing as soon as possible. If you have any more questions please contact Justin Iwuala [REDACTED] or myself.

Trent Winter

Environmental Specialist – Air Department
Formosa Plastics corporation
Point comfort, Texas
361-987-8068
[REDACTED]

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