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44/1855 T417 vol 6

Formosa Plastics®

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January 31, 2012

EPA Region 6 **Certified Mail: 7008 1830 0000 9417 2387**
Associate Director, Air Toxics and Inspection Coordination Branch (6EN-A)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

EPA Headquarters **Certified Mail: 7008 1830 0000 9417 2394**
Director, Special Litigation and Projects Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2248-A)
Washington, DC 20460

Re: Submittal of Annual Reports Required by Consent Decree Entered on February 3, 2010; Formosa Plastics Corporation, Texas, Formosa Hydrocarbons, Inc., and Formosa Plastics Corporation, Louisiana (Formosa); Civil Action No. 6:09-cv-00061

Dear Madam or Sir:

In accordance with Section VI, Paragraph 23 and Appendix A, Subsection M, Paragraphs 34 and 35 of the above-referenced consent decree; Formosa is submitting its Annual Report (for the Period of 07/01/2010 - 06/30/2011) and its Leak Detection and Repair (LDAR) Annual Compliance Status Report (for the Period of 01/01/2011 -12/31/2011). The reports cover Formosa Plastics Corporation, Texas (FPC TX), Formosa Hydrocarbons, Inc. (FHC) and Formosa Plastics Corporation, Louisiana (FPC LA). The referenced consent decree was lodged on 9/29/2009 and was entered on 2/3/2010.

This submittal consists of individual reports for FPC TX, which includes FHC, and FPC LA. Under the terms of the decree, reports are due to EPA by January 31 of the following year.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

PROCESSED BY REGION ON

DATE FEB 3 2012

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Should you have any questions regarding these reports, please contact Grace Chang by email at gchang2@fpcusa.com or by phone at (973)716-7341 or Mary Bachynsky by email at mbachynsky@fpcusa.com or phone at (973) 716-7342.

Sincerely,

R. P. Smith
Vice President/General Manager
Formosa Plastics Corporation, Texas

Attachments

Certification Statement for Formosa Plastics Corporation Texas (FPC TX) and Formosa Hydrocarbons Company, Inc (FHC).

I, Randall P. Smith, certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I also certify that "LDAR trainings in accordance with this Consent Decree have been done" in FPC TX and FHC per Appendix A, Subsection H, Paragraph 22.

R. P. Smith
Vice President/General Manager
Formosa Plastics Corporation, Texas

Certification Statement for Formosa Plastics Corporation, Louisiana (FPC LA)

I, Kelly Serio, certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I also certify that "LDAR trainings in accordance with this Consent Decree have been done" in FPC LA per Appendix A, Subsection H, Paragraph 22.

Kelly Serio
Vice President/General Manager
Formosa Plastics Corp., Louisiana

List of Attachments for CD/LDAR Annual Report FPC TX

Attachment I – Table of Non-Compliances with the Consent Decree
(Reference: Consent Decree Paragraph 23b and Appendix A, Subsection M, Paragraph 34a)

Attachment II – "Valve Technology Survey" Commercial Unavailability of a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology
(Reference: Appendix A, Subsection G, Paragraph 20 and Appendix A, Subsection M, Paragraph 34c)

Attachment III – Identification of any Problems Encountered in Complying with the Requirements of Appendix A
(Reference: Appendix A, Subsection M, Paragraph 34a)

Attachment IV – List of Deviations Identified in the QA/QC Performed Under Appendix A, Subsection I
(Reference: Appendix A, Subsection M, Paragraph 34e)

Attachment V – Status of Corrective Action Taken During the Reporting Period from 1/1/2011 – 12/31/2011
(Reference: Appendix A, Subsection M, Paragraph 34g)

Attachment VI – List of Locations Where Carbon Canister Systems are Used as Control Devices under Subpart FF
(Reference: Appendix B, Paragraph 5a)

Attachment VII – Quarterly Uncontrolled Benzene Quantity and Projected Uncontrolled Benzene Quantity for Reporting Period from 7/1/2010 – 6/30/2011
(Reference: Appendix B, Paragraph 10a(3))

Attachment VIII - BWON Sampling Plan
(Reference Appendix B, Paragraph 13a(8)) Incorporated by Reference

Attachment IX– Measures Taken to Comply with Training Provisions of Appendix B, Paragraph 9
(Reference: Appendix B, Paragraph 13a(7))

List of Attachments for CD/LDAR Annual Report FPC TX

Attachment X – Summary of BWON Sampling Results Required Under Subparagraph 10a
(Reference: Appendix B, Paragraph 13a(9))

Attachment XI – Summary of Results from the LDE Quarterly Trend Analysis
(Reference: Appendix C, Paragraph 5)

Attachment XII – CPI Sampling Results
(Reference: Appendix D, Paragraph 1f)

Reporting Period:
LDAR App A Sub M only: 01/01/11-12/31/11
All other: 07/01/10-06/30/11

FPC TX Consent Decree Annual Report

Consent Decree Section	Subsection	Paragraph	Consent Decree Requirement	Compliance Date	Comments
VI Reporting Requirement	NA	23.a	Defendants shall submit to EPA an Annual Report. The first Annual Report shall be due 31 days after the first full calendar half-year after the Effective Date of this Consent Decree (*i.e.,* either: (i) January 31 of the year after the Effective Date, if the Effective Date is between January 1 and June 30 of the preceding year; or (ii) July 31 of the year after the Effective Date, if the Effective Date is between July 1 and December 31). The initial Annual Report shall cover the period between the Date of Lodging and the first full half-year calendar date (*i.e* ., June 30 or December 31) after the Date of Lodging (a "half-year" runs between January 1 and June 30 and between July 1 and December 31). Until termination of this Decree, each subsequent report will be due on the same date in the following year and shall cover the prior two half-years (*i.e.* , either January 1 to December 31 or July 1 to June 30). The Annual Report shall include:	1/31/12	No Comment
VI Reporting Requirement	NA	23.a	all information required to be reported in the Annual Report under Appendices A through F of this Consent Decree (which may reference specific information previously submitted to EPA pursuant to this Consent Decree without re-submitting same);	1/31/12	See Attachments detailed below
VI Reporting Requirement	NA	23.b.1	a description of any noncompliance with the requirements of this Consent Decree and an explanation of the likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such noncompliance.	1/31/12	See Attachment I
Appendix A Enhanced LDAR Program	C Leak Definitions	4.b.2	For connectors that are currently regulated but not required to be monitored using EPA Method 21 , by no later than 18 months after the Date of Lodging of this Consent Decree, Defendants will determine which of the following compliance alternatives will be utilized at each Facility and report the alternative chosen in the next Annual Report: EPA AWP or Method 21.	3/29/11	Not necessary for this report

FPC TX Consent Decree Annual Report

Consent Decree Section	Subsection	Paragraph	Consent Decree Requirement	Compliance Date	Comments
Appendix A Enhanced LDAR Program	C Leak Definitions	4.e	Open-Ended Line Closure Devices. For open-ended line closure devices that are currently regulated but not required to be monitored using EPA Method 21, Defendants will determine which of the following compliance alternatives will be utilized in each Covered Process Unit each Covered Facility and report the alternative chosen in the next Annual Report: Option A: Utilize the EPA AWP; or, Option B: Utilize EPA Method 21 with an internal leak definition of 250 ppm VOC. Notwithstanding the foregoing, for open-ended line closure devices that are currently regulated but not required to be monitored using EPA Method 21, by no later than 18 months after the Date of Lodging of this Consent Decree, Defendants must monitor this affected equipment once using EPA Method 21 with an internal leak definition of 250 ppm VOC. After initial monitoring using EPA's Method 21, Defendants may use the compliance alternative chosen and reported upon (i.e., Option A or B) for subsequent monitoring.	3/29/11	Not necessary for this report
Appendix A Enhanced LDAR Program	G Equipment Replacement / Improvement	20.2	In the Compliance Status Reports due under Subsection N, Formosa shall: (i) identify each valve for which it could not comply with the requirement to replace or repack the valve with a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology; ii. identify the vendors it contacted to determine the unavailability of such a Valve or Packing Technology; and iii. include the written representations or documentation that Formosa secured from each vendor regarding the unavailability.	9/29/10	See Attachment II
Appendix A Enhanced LDAR Program	G Equipment Replacement / Improvement	20.3	In such event, Defendants shall comply with the vendor inquiry requirements of this Paragraph 20 and submit the Valve Technology Survey with the first Compliance Status Report under Subsection M. Such survey shall include the information required in Subparagraphs 20 (i) through (iii) above. Any changes in commercial unavailability will be updated thereafter within the next Compliance Status Report(s).	9/29/10	See Attachment II

FPC TX Consent Decree Annual Report

Consent Decree Section	Subsection	Paragraph	Consent Decree Requirement	Compliance Date	Comments
Appendix A Enhanced LDAR Program	L Recordkeeping	33	After the completion of any LDAR Audit, Defendants shall include the following information in the next Annual Report due under this Consent Decree: (i) a summary, including findings, of each such LDAR Audit; (ii) a list of corrective actions taken during the reporting period, if necessary; and any schedule for implementing future corrective actions, if necessary. Upon request by EPA, Defendants shall make all such documents available to EPA and shall provide, in their original electronic format, all LDAR monitoring data generated during the life of this Consent Decree.	Begin by 3/29/10; thereafter every two years	Not necessary for this report
Appendix A Enhanced LDAR Program	M LDAR Reporting and Recordkeeping Requirements	34.a	Compliance Status Reports. On the dates and for the time periods set forth in Paragraph 35, Defendants shall submit to EPA, in the manner set forth in Section XIV ("Notices") of this Decree, the following information: a. An identification and description of any non-compliance with the requirements of this Appendix A;	1/31/12	No Comment
Appendix A Enhanced LDAR Program	M LDAR Reporting and Recordkeeping Requirements	34.b	An identification of any problems encountered in complying with the requirements of this Appendix A;	1/31/12	See Attachment III
Appendix A Enhanced LDAR Program	M LDAR Reporting and Recordkeeping Requirements	34.c	The information required in Subsection G, Paragraph 20;	1/31/12	See Attachment II
Appendix A Enhanced LDAR Program	M LDAR Reporting and Recordkeeping Requirements	34.d	A certification that LDAR trainings in accordance with this Consent Decree have been done;	1/31/12	See Certification Form
Appendix A Enhanced LDAR Program	M LDAR Reporting and Recordkeeping Requirements	34.e	Any deviations identified in the QA/QC performed under Subsection I of this Appendix A;	1/31/12	See Attachment IV

FPC TX Consent Decree Annual Report

Consent Decree Section	Subsection	Paragraph	Consent Decree Requirement	Compliance Date	Comments
Appendix A Enhanced LDAR Program	M LDAR Reporting and Recordkeeping Requirements	34.f	A summary of LDAR audit results including specifically identifying all areas of non-compliance; and	1/31/12	Not necessary for this report
Appendix A Enhanced LDAR Program	M LDAR Reporting and Recordkeeping Requirements	34.g	The status of all Corrective Action that was undertaken during the reporting period.	1/31/12	See Attachments V
Appendix B Benzene Waste Operations NESHAP	Carbon Canisters	5.a	By no later than six (6) months after the Date of Lodging of this Decree, FPC TX shall complete installation of primary and secondary carbon canisters at locations currently using single canisters and shall operate them in series. As part of the first Annual Report (Section VI of this Decree) due following completion of the installation of the dual canisters, FPC TX shall notify EPA that installation has been completed (if necessary). The report shall include a list of all locations in FPC TX where carbon canister systems are used as control devices under Subpart FF.	3/29/10	See Attachment VI
Appendix B Benzene Waste Operations NESHAP	Sampling.	10.a.3	At the end of each calendar quarter following the commencement of quarterly sampling, FPC TX shall calculate a quarterly uncontrolled benzene quantity and shall estimate a projected calendar year uncontrolled benzene quantity based on the quarterly end of line sampling results, non-end of line sampling results, and the flow calculations. FPC TX shall submit the uncontrolled benzene quantity in the Annual Reports due under Section VII of this Consent Decree. If the projected calendar year calculations demonstrate an uncontrolled benzene quantity of greater than 1.5 Mg/yr, FPC TX shall provide this information to EPA within 30 days of the end of the calendar quarter.	Begin by 7/31/10 Thereafter, quarterly	See Attachment VII
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a	As part of the Annual Reports required by Section VII or as otherwise required under this Subsection, FPC TX shall submit, as and to the extent required, the following information to EPA:	1/31/12	No Comment

FPC TX Consent Decree Annual Report

Consent Decree Section	Subsection	Paragraph	Consent Decree Requirement	Compliance Date	Comments
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a.1	BWON Compliance Review and Verification Report (under Subparagraph 3.a.), as amended, if necessary;	1/31/12	Not necessary for this report
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a.2	Amended TAB Report, if necessary (under Subparagraph 4.a.);	1/31/12	Not necessary for this report
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a.3	BWON Corrective Measures Plan, if necessary (under Subparagraph 4.b.);	1/31/12	Not necessary for this report
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a.4	Certifications of Compliance, if necessary (under Subparagraph 4.c.) (Actions Necessary to Correct Non-Compliance, Certification of Compliance);	1/31/12	Not necessary for this report
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a.5	notification, if necessary, that FPC TX has completed the installation of primary and secondary carbon canisters at locations using single canisters prior to the Date of Lodging, and is operating the primary and secondary carbon canisters in series (under Subparagraph 5.a. (Carbon Canisters));	1/31/12	Not necessary for this report
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a.6	Initial and subsequent Laboratory Audit Reports (under Paragraph 7);	1/31/12	Not necessary for this report

FPC TX Consent Decree Annual Report

Consent Decree Section	Subsection	Paragraph	Consent Decree Requirement	Compliance Date	Comments
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a.7	a description of the measures taken, if any, during the preceding twelve (12) month period to comply with the training provisions of Paragraph 9;	1/31/12	See Attachment IX
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a.8	BWON Sampling Plan, and revised BWON Sampling Plan, if necessary (under Subparagraph 10.a.); and,	1/31/12	Not necessary for this report
Appendix B Benzene Waste Operations NESHAP	Recordkeeping and Reporting Requirements	13.a.9	a summary of the sampling results required under Subparagraph 10.a.	1/31/12	See Attachment X
Appendix C Vinyl Chloride NESHAP	Trend Analysis	5	A summary of the results of the quarterly trend analysis will be included in the Annual Report.	1/31/12	See Attachment XI
Appendix C Vinyl Chloride NESHAP	LDE Audits	9	LDE Audit Reports will be submitted in the next Annual Report due under this Consent Decree.	1/31/12	Not necessary for this report
Appendix D Resource Conservation and Recovery Act	B	1.f	FPC TX shall report all sampling results in the Annual Report that is required under this Consent Decree.	1/31/12	See Attachment XII

Reporting Period:
LDAR App A Sub M only: 01/01/11-12/31/11
All other: 07/01/10-06/30/11

FPC TX Consent Decree Annual Report

Consent Decree Section	Subsection	Paragraph	Consent Decree Requirement	Compliance Date	Comments
Appendix E EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT	NA	2.b	As part of the first Annual Report required under this Decree, FPC TX shall submit a written report to EPA summarizing the findings from this evaluation and detailing the FPC TX's corrective actions.	1/31/12	Not necessary for this report

Attachment I

Table of Non-Compliances with the Consent Decree

(Consent Decree paragraph 23b and Appendix A, Subsection M, paragraph 34a)

CD Attachment I: Noncompliance Events

Event No.	Consent Decree Section	Subsection/ Paragraph	Date	Description of CD Noncompliance	Likely Cause	Corrective Action Steps
1	Appendix D - RCRA	Subsection B, paragraph 3	10/22/10	TCEQ alleged that a sump had stored hazardous waste stream 0114119H.	FPC TX had no reason to believe the sump managed hazardous waste. The waste stream directed to the tank is a class II non-hazardous waste stream. Notification was never made to TCEQ of the alleged waste management activities.	1. The Notice of Registration was updated to mark hazardous waste stream 0114119H as inactive. 2. The wastewater in the sump was sampled and reclassified as class II non-hazardous waste stream 01611192.
2	Appendix D - RCRA	Subsection B, paragraph 3	5/6/2011	Hazardous waste drums were stored for greater than three days beyond their accumulation date in designated Satellite Areas.	Failure to implement the existing written procedure.	1. A memo was issued to emphasize the importance of satellite storage areas and the responsibility of supervisors to ensure drums are removed from the satellite storage areas within 3 days of accumulation.
3	Appendix D - RCRA	Subsection B, paragraph 3	7/8/2011	A hazardous waste drum was stored for greater than three days beyond their accumulation date in a designated Satellite Area.	Failure to implement the existing written procedure.	1. Disciplinary actions were reviewed for the personnel involved, and any actions taken follower the site's standard progression for disciplinary matters.
4	Appendix A - LDAR		8/31/2011	Eleven flanges were not added to the LDAR Program within one year of the Date of Lodging.	While installing new equipment in the area, it was determined that the flanges were in VOC service and must be included in the LDAR Program.	1. Upon discovery, the flanges were entered into the system and monitored per Method 21. The monitoring results showed that the flanges were not leaking.
5	Appendix A - LDAR		11/2/2011	Equipment was discovered that had not been added to the LDAR Program within one year of the Date of Lodging.	This area of the unit processes natural gas and was believed to be below the VOC content requirement for LDAR regulations.	1. Upon discovery, the flanges were entered into the system and scheduled for monitoring per Method 21.
6	Appendix A - LDAR		11/15/2011	An incorrect leak definition of 500 ppm VOC was used, rather than 250 ppm, was applied during Method 21 inspections of connectors in FHC.	This was caused by a misunderstanding of an FHC exception within the applicable Consent Decree Subsection.	1. After review, it was determined that of the approximately 18,000 affected connectors monitored within 18 months of the Date of Lodging, 145 connectors were impacted by the misunderstood leak definition. 2. The internal leak definition for connectors in FHC was set at 250 ppm VOC, and all subsequent monitoring has used this definition.
7	Appendix A - LDAR		1/5/2012	Equipment was discovered that had not been added to the LDAR Program within one year of the Date of Lodging.	While conducting routine inventory maintenance activities, it was determined that the equipment was in VOC service. The affected equipment was not identified by the operating department as being in VOC service when the LDAR tagging was previously completed.	1. Upon discovery, the covered equipment was added to the LDAR system and monitored as required per Method 21.

Formosa Plastics

Formosa Plastics Corporation, Texas
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October 22, 2010

Certified Mail: 7008 1830 0000 9431 4459

Associate Director, Air/Toxics and Inspection Coordination Branch (6EN-A)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Subject: Consent Decree Between U.S. Environmental Protection Agency and Formosa
Civil Action No. 6:09-cv-00061

Dear Madam and Sirs:

In accordance with Section VI, Paragraph 23.b. of the subject Consent Decree, Formosa Plastics Corporation, Texas is hereby providing timely notice of a noncompliance with Appendix D, Provision B.3 of the Decree. Specifically, the TCEQ alleged that the sump located in the High Density Polyethylene (HDPE) II process area had stored hazardous waste stream 0114119H.

Cause of Violation:

At the time the unit began operation, and in an abundance of caution FPC TX classified wastewater that historically would have a chrome concentration greater than 20 ppb and less than 5 ppm as hazardous waste. This wastewater was represented in the TPDES application and is exempt from RCRA regulations when treated or stored in above-ground storage tanks. The HDPE II process area sump meets the "EPA Parking Lot Test," therefore confirming that this sump is considered a tank. FPC TX had no reason to believe that this tank managed hazardous waste. The wastewater stream that is directed to the tank is a class II non-hazardous waste. Therefore, FPC TX never submitted notification to the TCEQ of such waste management activities.

Remedial Actions Taken to Prevent Reoccurrence:

On July 27, 2010, the Notice of Registration was updated to mark hazardous waste stream 0114119H as inactive, and the wastewater in HDPE II process area sump was sampled and reclassified as Class II non-hazardous waste stream 01611192.

Sincerely,

Randy Smith
VP/General Manager
Formosa Plastics Corporation, Texas

cc: Certified Mail: 7008 1830 0000 9431 4466
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Office of Enforcement and Compliance Assurance
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Washington, DC 20460

Certified Mail: 7008 1830 0000 9431 4473
Chief, Environmental Enforcement Section
Environment and Natural Resources Division
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Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-2-1-08995

Certified Mail: 7008 1830 0000 9431 4480
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Formosa Plastics®

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FILE

May 6, 2011

Certified Mail: 7008 1830 0000 9431 6781

Associate Director, Air/Toxics and Inspection Coordination Branch (6EN-A)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Subject: Consent Decree Between U.S. Environmental Protection Agency and Formosa
Civil Action No. 6:09-cv-00061

Dear Madam and Sirs:

In accordance with Section VI, Paragraph 23.b. of the subject Consent Decree, Formosa Plastics Corporation, Texas is hereby providing timely notice of a noncompliance with Appendix D, Provision B.3 of the Decree. Specifically, drums of hazardous waste were stored for greater than 3 days beyond the accumulation date in designated Satellite Areas. The situation was immediately corrected and the cause was determined.

Cause of Violation:

Failure to implement the existing written procedure is the likely cause of this non-compliance. The drums remained in the satellite area beyond the 3-day limit. The drums were removed from the satellite storage area the same day the problem was discovered.

Remedial Actions Taken to Prevent Reoccurrence:

The drums were removed from the satellite storage area the day the problem was discovered. A memo will be issued to emphasize the importance of satellite storage areas and the responsibility of supervisors to ensure drums are removed from the satellite storage areas within 3 days of

accumulation. Disciplinary actions are under evaluation for the personnel involved, and such actions will follow the site's standard progression for disciplinary matters.

Sincerely,

for

Randy Smith
VP/General Manager
Formosa Plastics Corporation, Texas

cc: Certified Mail: 7008 1830 0000 9431 6798
Director, Special Litigation and Projects Division
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Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
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Washington, DC 20460

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Formosa Plastics®

FILE

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July 8, 2011

Certified Mail: 7008 1830 0000 9431 7153

Associate Director, Air/Toxics and Inspection Coordination Branch (6EN-A)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Subject: Consent Decree Between U.S. Environmental Protection Agency and Formosa
Civil Action No. 6:09-cv-00061

Dear Madam and Sirs:

In accordance with Section VI, Paragraph 23.b. of the subject Consent Decree, Formosa Plastics Corporation, Texas is hereby providing timely notice of noncompliances with Appendix D, Provision B.3 of the Decree. A hazardous waste drum was stored for greater than 3 days beyond the accumulation date in a designated Satellite Area. The situation was immediately corrected and the cause was determined.

Cause of Violation:

Failure to implement the existing written procedure is the likely cause of the non-compliance. The hazardous waste drum remained in the satellite area beyond the 3-day limit. The drum was removed from the satellite storage area the same day the problem was discovered.

ISO 9001:2000 FM 31429
ISO 14001 EMS 35710

Remedial Actions Taken to Prevent Reoccurrence:

The drum was removed from the satellite storage area the day the problem was discovered. Disciplinary actions are under evaluation for the personnel involved, and such actions will follow the site's standard progression for disciplinary matters.

Sincerely,

Randy Smith
VP/General Manager
Formosa Plastics Corporation, Texas

cc: Certified Mail: 7008 1830 0000 9431 7160
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Washington, DC 20460

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August 31, 2011

Certified Mail: 7008 1830 0000 9417 0154

Associate Director, Air/Toxics and Inspection Coordination Branch (6EN-A)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Subject: Consent Decree Between U.S. Environmental Protection Agency and Formosa
Civil Action No. 6:09-cv-00061

Dear Madam and Sirs:

In accordance with Section VI, Paragraph 23.b. of the subject Consent Decree, Formosa Plastics Corporation, Texas is hereby providing timely notice of a noncompliance with Appendix A of the Decree. It was discovered that Existing Covered Equipment was not included in the facility-wide Leak Detection and Repair (LDAR) program. This situation has been resolved.

Cause of Violation:
On August 17, 2011, FPC TX discovered eleven (11) flanges that had not been added to the LDAR program within one year of the Date of Lodging. While installing new equipment in the area, it was determined that the flanges were in VOC service and must be included in the LDAR program.

Corrective Actions Taken:
Upon discovery, the flanges were entered into the system and monitored per Method 21. The monitoring results showed that the flanges were not leaking.

Sincerely,

R. P. Smith
VP/General Manager
Formosa Plastics Corporation, Texas

cc: Certified Mail: 7008 1830 0000 9417 0161
Director, Special Litigation and Projects Division
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Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-2-1-08995

Certified Mail: 7008 1830 0000 9417 0185
Robert T. Stewart
Kelly Hart & Hallman LLP
301 Congress Avenue, Suite 2000
Austin, Texas 78701
Telephone: (512) 495-6400
FAX: (512) 495-6401

Formosa Plastics

Formosa Plastics Corporation, America
201 Formosa Drive • P.O. Box 700
Point Comfort, TX 77978
Telephone: (361) 987-7000
Fax: (361) 987-2363

FILE

November 2, 2011

Certified Mail: 7008 1830 0000 9417 1205

Associate Director, Air/Toxics and Inspection Coordination Branch (6EN-A)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Subject: Consent Decree Between U.S. Environmental Protection Agency and Formosa
Civil Action No. 6:09-cv-00061

Dear Madam and Sirs:

In accordance with Section VI, Paragraph 23.b. of the subject Consent Decree, Formosa Plastics Corporation, Texas is hereby providing timely notice of a noncompliance with Appendix A of the Decree. It was discovered that Existing Covered Equipment was not included in the facility-wide Leak Detection and Repair (LDAR) program. This situation has been resolved.

Cause of Violation:
On October 19, 2011, FPC TX discovered that 1395 Valves, 6577 Connectors, 24 Pressure Relief Valves, 3 Pumps, and 2 Compressors had not been added to the LDAR program within one year of the Date of Lodging. While conducting inventory work related to the Green House Gas monitoring rules, it was discovered that this equipment was in VOC service and must be included in the LDAR Program. This area of the unit processes natural gas and was previously believed to be below the VOC content requirement for the LDAR regulations.

Corrective Actions Taken:
Upon discovery, the covered equipment was entered into the system and scheduled for monitoring per Method 21.

Sincerely,

for RPS

R. P. Smith
VP/General Manager
Formosa Plastics Corporation, Texas

cc: Certified Mail: 7008 1830 0000 9417 1212
Director, Special Litigation and Projects Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2248-A)
Washington, DC 20460

Certified Mail: 7008 1830 0000 9417 1229
Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-2-1-08995

Certified Mail: 7008 1830 0000 9417 1236
Robert T. Stewart
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Formosa Plastics

Formosa Plastics Corporation, America
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November 15, 2011

Certified Mail: 7008 1830 0000 9417 1120

Associate Director, Air/Toxics and Inspection Coordination Branch (6EN-A)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Subject: Consent Decree Between U.S. Environmental Protection Agency and Formosa
Civil Action No. 6:09-cv-00061

Dear Madam and Sirs:

In accordance with Section VI, Paragraph 23.b. of the subject Consent Decree, Formosa Plastics Corporation, Texas is hereby providing timely notice of a noncompliance with Appendix A of the Decree. It was discovered that an incorrect internal leak definition was used when conducting Method 21 inspections of connectors. This situation has been resolved.

Cause of Violation:
On November 1, 2011, FPC TX discovered that the FHC (Formosa Hydrocarbons) Unit's affected connectors, which were monitored within 18 months of the Date of Lodging, were actually monitored with an internal leak definition of 500 ppm VOC, rather than 250 ppm due to a misunderstanding of an FHC exception within the applicable Consent Decree Subsection. This discovery indicated that of the approximately 18,000 affected connectors monitored within 18 months of the Date of Lodging, 145 connectors were impacted by the misunderstood leak definition.

Corrective Actions Taken:
The internal leak definition for connectors in FHC is set at 250 ppm, and all subsequent monitoring conducted in 2011 used this definition.

Sincerely,

R. P. Smith
VP/General Manager
Formosa Plastics Corporation, Texas

cc: Certified Mail: 7008 1830 0000 9417 1137
Director, Special Litigation and Projects Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2248-A)
Washington, DC 20460

Certified Mail: 7008 1830 0000 9417 1144
Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-2-1-08995

Certified Mail: 7008 1830 0000 9417 1151
Robert T. Stewart
Kelly Hart & Hallman LLP
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Austin, Texas 78701
Telephone: (512) 495-6400
FAX: (512) 495-6401

Formosa Plastics

Formosa Plastics Corporation, America
201 Formosa Drive • P.O. Box 700
Point Comfort, TX 77978
Telephone: (361) 987-7000
Fax: (361) 987-2363

January 5, 2012

Certified Mail: 7008 1830 000 9417 1441

Associate Director, Air/Toxics and Inspection Coordination Branch (6EN-A)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Subject: Consent Decree Between U.S. Environmental Protection Agency and Formosa
Civil Action No. 6:09-cv-00061

Dear Madam and Sirs:

In accordance with Section VI, Paragraph 23.b. of the subject Consent Decree, Formosa Plastics Corporation, Texas is hereby providing timely notice of a noncompliance with Appendix A of the Decree. It was discovered that Existing Covered Equipment was not included in the facility-wide Leak Detection and Repair (LDAR) program. This situation has been resolved.

Cause of Violation:
On December 19, 2011, FPC TX discovered that 9 Valves and 29 Connectors had not been added to the LDAR program within one year of the Date of Lodging. While conducting routine inventory maintenance activities, it was discovered that this VOC equipment was not in the LDAR program. The affected equipment was not identified by the operating department as being in VOC service when the LDAR tagging was previously completed.

Corrective Actions Taken:
Upon discovery, the covered equipment was added to the LDAR system and monitored as required per Method 21.

Sincerely,

R. P. Smith
VP/General Manager
Formosa Plastics Corporation, Texas

ISO 9001:2000 FM 31429
ISO 14001 EMS 35710

cc: Certified Mail: 7008 1830 0000 9417 1458
Director, Special Litigation and Projects Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2248-A)
Washington, DC 20460

Certified Mail: 7008 1830 0000 9417 1465
Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-2-1-08995

Certified Mail: 7008 1830 0000 9417 1885
Robert T. Stewart
Kelly Hart & Hallman LLP
301 Congress Avenue, Suite 2000
Austin, Texas 78701
Telephone: (512) 495-6400
FAX: (512) 495-6401

Attachment II

"Valve Technology Survey"
Commercial Unavailability of a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology

(Reference: Appendix A, Subsection G, paragraph 20)

"Valve Technology Survey"
Commercial Unavailability of a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology

Prior to six (6) months after the Leak Definitions of Appendix A Subsection C were effective, Formosa Plastics began implementing mechanisms to evaluate the commercial availability and unavailability of Certified Low-Leaking Valves or Certified Low-Leaking Valve Packing Technology ("Valve Technology Survey").

For the reporting period of January 1, 2011, to December 31, 2011, Formosa Plastics does not need to claim that a valve affected by the requirements of Appendix A, Subsection G, could not be replaced or repacked with a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology due to commercial unavailability.

As such, the following CD reporting requirements were not triggered for this LDAR Compliance Status Report:

In the Compliance Status Reports due under Subsection M ~~N~~, Formosa shall:

(i) identify each valve for which it could not comply with the requirement to replace or repack the valve with a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology;

(ii) identify the vendors it contacted to determine the unavailability of such a Valve or Packing Technology; and

(iii) include the written representations or documentation that Formosa secured from each vendor regarding the unavailability.

Attachment III

Identification of Any Problems Encountered
In Complying With the Requirements of
Appendix A

(Reference: Appendix A, Subsection M,
Paragraph 34a)

Identification of Any Problems Encountered In Complying With the Requirements of Appendix A

FPC TX did not encounter any problems in complying with the requirements of Appendix A.

Attachment IV

List of Deviations Identified in the QA/QC Performed Under Appendix A, Subsection I

(Reference: Appendix A, Subsection M, Paragraph 34e)

List of Deviations Identified in the QA/QC Performed Under Appendix A, Subsection I

Quarterly QA/QC reviews were performed according to Appendix A, Subsection I. The following items were reviewed:

a. whether any pieces of equipment that are required to be in the LDAR program are not included;
b. verify that equipment was monitored at the appropriate frequency;
c. verify that proper documentation and sign-offs have been recorded for all equipment placed on the DOR list;
d. verify that repairs have been performed in the required periods;
e. review monitoring data and equipment counts for feasibility and unusual trends;
f. verify that proper calibration records and monitoring instrument maintenance information are maintained; and
g. verify that other LDAR program records are maintained as required.

No deviations were identified during these reviews.

Attachment V

Status of Corrective Action Taken During
the Reporting Period from
1/1/2011 – 12/31/2011

(Reference: Appendix A, Subsection M,
Paragraph 34g)

Status of Corrective Actions Taken During the Reporting Period from 1/1/2011 – 12/31/2011

Corrective Actions for Deviations identified in the quarterly QA/QC performed under Appendix A, Subsection I, Paragraph 24 are listed in Attachment IV. Other than these, there are no Corrective Actions to be implemented during this period for FPC TX.

List of Attachments for CD/LDAR Annual Report FPC LA

Attachment I – Table of Non-Compliances with the Consent Decree
(Reference: Consent Decree Paragraph 23b and Appendix A, Subsection M, Paragraph 34a)

Attachment II – "Valve Technology Survey" Commercial Unavailability of a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology
(Reference: Appendix A, Subsection G, Paragraph 20 and Appendix A, Subsection M, Paragraph 34c)

Attachment III – Identification of Any Problems Encountered In Complying with the Requirements of Appendix A
(Reference: Appendix A, Subsection M, Paragraph 34a)

Attachment IV – List of Deviations Identified in the QA/QC Performed Under Appendix A, Subsection I
(Reference: Appendix A, Subsection M, Paragraph 34e)

Attachment V – Status of Corrective Action Taken During the Reporting Period (1/1/2011 – 12/31/2011)
(Reference: Appendix A, Subsection M, Paragraph 34g)

Attachment VI – Summary of Results from the Quarterly Trend Analysis
(Reference: Appendix C, Paragraph 5)

Formosa Plastics Corporation, Louisiana

Consent Decree Annual Report

Reporting Period: 01/01/2011 - 12/31/2011

Consent Decree Section	Subsection	Paragraph	Consent Decree Requirement	Annual Compliance Status	Comments
Appendix A Enhanced LDAR Program	G Equipment Replacement / Improvement	20.2	In the Compliance Status Reports due under Subsection N, Formosa shall: (i) identify each valve for which it could not comply with the requirement to replace or repack the valve with a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology; (ii) identify the vendors it contacted to determine the unavailability of such a Valve or Packing Technology; and (iii) include the written representations or documentation that Formosa secured from each vendor regarding the unavailability. Defendants may satisfy the commercial unavailability exemption by completing a valve survey no later than six (6) months after the Leak Definitions of Subsection C are effective to document the commercial unavailability of Certified Low-Leaking Valves or Certified Low-Leaking Valve Packing Technology ("Valve Technology Survey").	In Compliance	See Attachment II
Appendix A Enhanced LDAR Program	G Equipment Replacement / Improvement	20.3	In such event, Defendants shall comply with the vendor inquiry requirements of this Paragraph 20 and submit the Valve Technology Survey with the first Compliance Status Report under Subsection M. Such survey shall include the information required in Subparagraphs 20(i) through (iii) above. Any changes in commercial unavailability will be updated thereafter within the next Compliance Status Report(s).	In Compliance	See Attachment II
Appendix A Enhanced LDAR Program	M LDAR Reporting and Recordkeeping Requirements	34	Compliance Status Reports. On the dates and for the time periods set forth in Paragraph 35, Defendants shall submit to EPA, in the manner set forth in Section XIV ("Notices") of this Decree, the following information: a. An identification and description of any non-compliance with the requirements of this Appendix A; b. An identification of any problems encountered in complying with the requirements of this Appendix A; c. The information required in Subsection G, Paragraph 20; d. A certification that LDAR trainings in accordance with this Consent Decree have been done; e. Any deviations identified in the QA/QC performed under Subsection I of this Appendix A; f. A summary of LDAR audit results including specifically identifying all areas of non-compliance; and g. The status of all Corrective Action that was undertaken during the reporting period.	In Compliance	See Attachments II, III, IV, V
Appendix C Vinyl Chloride NESHAP	Trend Analysis	5	A summary of the results of the quarterly trend analysis will be included in the Annual Report.	In Compliance	See Attachment VI

Formosa Plastics Corporation, Louisiana

Consent Decree Annual Report

Reporting Period: 01/01/2011 - 12/31/2011

Consent Decree Section	Subsection	Paragraph	Consent Decree Requirement	Annual Compliance Status	Comments
VI Reporting Requirement	NA	23.a	Defendants shall submit to EPA an Annual Report. The first Annual Report shall be due 31 days after the first full calendar half-year after the Defective Date of this Consent Decree (i.e., either:(i) January 31 of the year after the Effective Date, if the Defective Date is between January 1 and June 30 of the preceding year; or (ii) July 31 of the year after the Effective Date, if the Defective Date is between July 1 and December 31). The initial annual report shall cover the period between the Date of Lodging and the first full half-year calendar date (i.e., June 30 or December 31) after the Date of Lodging (a "half-year" runs between January 1 and June 30 and between July 1 and December 31). Until termination of the Decree, each subsequent report will be due on the same date in the following year and shall cover the prior two half-years (i.e., either January 1 to December 31 or July 1 to June 30). The annual report shall include:	In Compliance	No comment
VI Reporting Requirement	NA	23.a	all information required to be reported in the Annual Report under Appendices A through F of this Consent Decree (which may reference specific information previously submitted to the EPA pursuant to this Consent Decree without re-submitting same):	In Compliance	See Attachments
VI Reporting Requirement	NA	23.b.1	a description of any noncompliance with the requirements of this Consent Decree and an explanation of the likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such noncompliance.	In Compliance	See Attachment I

Attachment I

Table of Non-Compliances with the Consent Decree with Attached Letters

(Consent Decree paragraph 23b and Appendix A, Subsection M, paragraph 34a)

FPC LA CONSENT DECREE ANNUAL REPORT

CD attachment I: Noncompliance Events

Event No.	Consent Decree Section	Subsection	Paragraph	Dates	Descreption of Noncompliance	Likely Cause	Corrective Action
					There were no reportable CD noncompliances during this reporting period.		

Attachment II

"Valve Technology Survey" Commercial Unavailability of a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology

(Reference: Appendix A, Subsection G, paragraph 20)

"Valve Technology Survey"
Commercial Unavailability of a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology

Prior to six (6) months after the leak definitions of Appendix A, Subsection C were effective, Formosa Plastics began implementing mechanisms to evaluate the commercial availability and unavailability of Certified Low-Leaking Valves or Certified Low-Leaking Valve Packing Technology ("Valve Technology Survey").

As of December 31, 2011, Formosa Plastics has not needed to claim that a valve affected by Appendix A, Subsection G during the period covered within the first LDAR Compliance Status Report, could not be replaced or repacked with a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology.

As such, the following CD reporting requirements do not apply at this time:

In the Compliance Status Reports due under Subsection M, Formosa shall:

(i) identify each valve for which it could not comply with the requirement to replace or repack the valve with a Certified Low-Leaking Valve or Certified Low-Leaking Valve Packing Technology;

(ii) identify the vendors it contacted to determine the unavailability of such a Valve or Packing Technology; and

(iii) include the written representations or documentation that Formosa secured from each vendor regarding the unavailability.

Attachment III

Identification of Any Problems Encountered In Complying With the Requirements of Appendix A

(Reference: Appendix A, Subsection M, Paragraph 34a)

Identification of Any Problems Encountered In Complying With the Requirements of Appendix A

FPC LA did not encounter any problems in complying with the requirements of Appendix A.

Attachment IV

List of Deviations Identified in the QA/QC Performed Under Appendix A, Subsection I

(Reference: Appendix A, Subsection M, Paragraph 34e)

List of Deviations Identified in the QA/QC Performed Under Appendix A, Subsection I

Quarterly QA/QC reviews were performed according to Appendix A, Subsection I. The following items were reviewed:

a. whether any pieces of equipment that are required to be in the LDAR program are not included;
b. verify that equipment was monitored at the appropriate frequency;
c. verify that proper documentation and sign-offs have been recorded for all equipment placed on the DOR list;
d. verify that repairs have been performed in the required periods;
e. review monitoring data and equipment counts for feasibility and unusual trends;
f. verify that proper calibration records and monitoring instrument maintenance information are maintained; and
g. verify that other LDAR program records are maintained as required.

No deviations were identified during these reviews.

Attachment V

Status of Corrective Action Taken During the Reporting Period from 1/1/2011 – 12/31/2011

(Reference: Appendix A, Subsection M, Paragraph 34g)

Corrective Actions According to Appendix A, Subparagraph 34g

Corrective Actions for Deviations identified in the quarterly QA/QC performed under Appendix A, Subsection I, Paragraph 24, if any, are listed in Attachment IV. There are no Corrective Actions to be implemented during this period for FPC LA.