



**FORMOSA PLASTICS CORPORATION DELAWARE**  
P.O. BOX 320 • DELAWARE CITY, DELAWARE 19706 • TEL (302) 836-2200

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611

August 18, 2008

Re: USA et al v. Formosa Plastics Corporation, Delaware  
Consent Decree Notification and Report

On 8/05/2008 Formosa Plastics Corporation, Delaware experienced a deviation from item #24(a) of the consent decree. Item 24(a) is the requirement to strip process waste water to below 3 ppm prior to release to the waste water treatment plant.

During the morning of 8/5/08 a mechanic was issued a permit to perform preventive maintenance (pm) on pump PP451, one of two KO pot transfer pumps. Routinely the proper lock out tag out procedure for a pm is to lock and tag the breaker and this was completed, while the inlet and discharge valves remained in the open position. The mechanic however removed the pump without the proper permit for removal. The removal of this pump was not communicated to the production department. Later that evening the B operator in the S2 reactor building began to transfer the material in PT451 to stripping tank PT416 for processing. The transfer is started remotely and there is a common inlet header to both pumps. When the transfer was started, material was sent to PT416 and to the ground through the open inlet valve to PP451.

Approximately 5,000 gallons of material was drained to the ground, diluted at the S2 pit and ultimately sent to the WWTP. It is not possible to determine what percentage of material was unstripped wastewater, as the knock pots receive this water, plus water vapor that condenses from the recovery process, and any solids that may get carried over while stripping batches.

To prevent this type of incident from occurring in the future the site has modified it's permitting procedure to require that both an operator and mechanic walk the job and verify that the equipment is properly prepared prior to a permit being issued. All affected personnel will be trained on the modified procedure.

Should you have any questions or require further information please contact Kimberly Bennett at (302) 836-2256.

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that this document and its attachments were prepared either by me personally or under my direction or supervision in a manner designed to ensure that qualified and knowledgeable personnel properly gather and present the information contained therein. I further certify, based on my personal knowledge or on my inquiry of those individuals immediately responsible for obtaining the information, that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowingly and willfully submitting a materially false statement.

  
Kevin Tsai  
Plant Manager

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