



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

October 23, 2007

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

Pursuant to paragraph 51.a of the Consent Decree, the following is the quarterly consent decree report submitted by Formosa Plastics Corporation, Delaware (FPC-DE).

i. Progress Report on the Implementation of the Supplemental Environmental Project:

The S2 reactor valve automation is complete. While programming the S2 process computers to incorporate the new valve automation, the process computers malfunctioned and the hard drives were corrupted. Through the current manufacturer for the process computer, FPC-DE has been able to restore the hard drives with the existing programming. Due to the age and limited capacity of the existing process computers, however, the programming for the new automation can not be loaded onto the computers, and FPC-DE will upgrade the process computers in order to facilitate the additional programming. FPC-DE anticipates that this process computer upgrade will take several months to complete, and submitted a SEP Completion Date Extension Request to USEPA and DNREC on October 15, 2007, requesting an additional six months to complete the SEP. USEPA and DNREC have indicated their agreement to the extension request subject to additional documentation by FPC-DE, which was sent to the agencies on October 23, 2007.

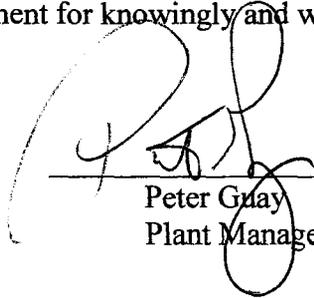
The E2 plant bottom valves are installed and operational. The construction for the top valves requires a complete plant shut down of the E2 plant and start up of the S2 plant. Assuming there are no additional problems with the S2 process computers, FPC-DE will re-start the S2 plant and then shut down the E2 plant in early November. It is expected that the E2 portion of the SEP will be completed on or about November 23, 2007.

- ii. a. There was one operator who completed the enhanced stripping training module prior to certification of the operator.
b. The layer of protection analysis has been completed and report preparation is under way.

- c. There was one new quality control technician trained in the lab, and the Method 107 training module was completed prior to the technician certification.
 - d. The replacement top liner of the west aeration basin has been installed, and liner integrity testing is being conducted.
- iii. On September 13 and 19, 2007, DNREC conducted a NESHAP compliance evaluation of FPC-DE's facility, including Method 107 compliance. Pursuant to this compliance evaluation, the following issues were identified:
- a. For the area monitoring system, FPC-DE had removed the monitoring point for the instrumentation and electrical (I&E) shop after the sample line broke and the facility determined that the point was not required. DNREC requested that FPC-DE ensure that all such future changes are approved prior to implementation and to submit a revised plan for approval to EPA and DNREC. FPC-DE will submit a revised plan for the agencies approval.
 - b. For laboratory calibration confirmation of standards, DNREC determined that two (not more) standards must be prepared and that both are to be found within 5% of the calibration curve to be considered a successful calibration confirmation. FPC-DE has changed its practice to require duplicate samples be within +/- 5% of the calibration curve to conform with DNREC's determination.
- iv. The twelve month rolling average RVCM data is attached.

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.



Peter Guay
Plant Manager

Cc: Civil Chief, District of Delaware
Joyce Howell USEPA Region III
Jeffrey Boylan USEPA Region III
James Werner DNREC DAWM

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Bob Chou, FPC SPVC VP/GM
Robert W. Whetzel, Esq.

12 Month Rolling average

RVCN Based on Production			
Month	Monthly Avg RVCN	Monthly Production	RVCN * Production
Dec 2004	658	4367.675	2873930.15
Jan 2005	688	3551	2443088
Feb	774	4614.725	3571797.15
March	599	5202.475	3116282.525
April	526	4985.434	2622338.284
May	549	4673.81	2565921.69
June	477	4059.125	1936202.625
July	466	5002.625	2331223.25
August	431	5115.45	2204758.95
September	525	5380.35	2824683.75
October	590	4458.2	2630338
November	506	5049.95	2555274.7
December	504	5380.35	2711696.4
January 2006	356	4530.342	1612801.752
February	437	4210.9	1840163.3
March	504	3442.325	1734931.8
April	449	3426.945	1538698.305
May	385	3348.03	1288991.55
June	457	4049.77	1854787.36
July	439	3010.15	1320673.22
August	466	3061.6	1427109.28
September	384	3336.023	1282043.79
October	380	3575.025	1357360.32
November	368	3785.225	1392564.48
December	363	2806.325	1020025.49
January 2007	446	3040.993	1355069.69
February	556	3050.885	1694951.59
March	433	3546.928	1534643.97
April	395	3062.373	1209637.335
May	315	3436.097	1082370.555
June	373	3649.949	1361430.977
July	567	3095.576	1755191.592
August	409	3218.95	1316550.55
September	388	2962.133	1149307.604
12 Month Average			413.6863184

12 Month Rolling average

Month	RVCM Based on Production		
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July	567	3095.576	1755191.592
August	409	3218.95	1316550.55
12 Month Average			413.1324148

12 Month Rolling average

RVCN Based on Production			
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12 Month Average			417.5830732