

DNREC issues \$241,013 penalty and Secretary's Order to Formosa Plastics Corporation for hazardous waste violations

DOVER – DNREC Secretary David Small has issued a Notice of Administrative Penalty and Secretary's Order to Formosa Plastics Corporation for violations of Delaware's laws and regulations governing hazardous waste management, with Formosa Plastics ordered to pay a penalty of \$241,013 along with \$3,563 in cost recovery for the department.

Formosa Plastics Corp. operates a polyvinyl chloride resin manufacturing facility at 780 Schoolhouse Road in Delaware City. As a result of its operations, the facility is designated by DNREC as a large-quantity generator of hazardous waste.

On June 27, 2016, DNREC representatives conducted a compliance assessment at Formosa's Delaware City facility. The assessment identified seven violations of Delaware's Regulations Governing Hazardous Waste, including failure to properly label and date 89,097 pounds of off-specification polyvinyl chloride (PVC) solids in approximately 71 "super-sack" bags. PVC solids are hazardous due to their vinyl chloride content, which is considered highly toxic, flammable and carcinogenic.

Additionally, Formosa Plastics, after failing to ship the waste offsite within the required 90 days, was cited for operating a hazardous waste storage facility without a permit. The company also failed to make a hazardous waste determination on spent filters generated from the puncturing

of aerosol cans; failed to post a "No Smoking" sign near ignitable wastes, and failed to properly close a container of used oil generated by maintenance activities. Based on the assessment, a Notice of Administrative Penalty and Secretary's Order has been issued to Formosa Plastics Corporation.

Formosa previously incurred similar violations before entering into a consent decree with the US Environmental Protection Agency (USEPA) on June 28, 2005. The consent decree included a penalty of \$450,000 plus and an investment of \$842,847 in supplemental environmental projects undertaken by Formosa. During subsequent inspections conducted by USEPA and DNREC in 2012 and 2014, Formosa incurred additional violations relating to the mismanagement of PVC solids and on Sept. 17, 2015 was fined an additional \$112,500 by USEPA.

The Secretary's Order can be found on the DNREC website at http://www.dnrec.delaware.gov/Info/Pages/SecOrders_Enforcement.aspx.

Formosa Plastics Corporation has 30 days to appeal the Secretary's Order.

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