

State says plant failed to report another emission

By NANCY KESLER
Dover Bureau reporter

State environmental officials say the Formosa Plastics Corp. plant near Delaware City had another of its repeated vinyl chloride emissions Oct. 17, two days after a similar release — and the company's 7½-hour delay in notifying the state of it — spurred Delaware City's mayor to call for criminal charges against the plant manager.

But plant supervisors failed to report the Oct. 17 leak, even though they are required to notify the state of every release involving the carcinogen.

State investigators have since determined that no report was made because plant workers considered the incident minor. There is no record of the amount of the release, because an air-monitoring sys-

tem was improperly connected. And company records about the incident are missing.

The incident is cited in a letter that the state Department of Natural Resources and Environmental Control sent to Formosa's plant manager on Friday, notifying him that the state has decided to terminate the plant's environmental permits as of next Friday.

The Oct. 17 release joins a laundry list of complaints from state environmental officials concerning the Formosa plant, which is in an industrial park just west of Delaware City.

A series of uncontrolled releases of vinyl chloride over a three-year period led to the state's issuance of a cease-and-desist order in June 1984. A suit was filed in December 1984, citing at least 40 releases as well as

other alleged permit violations.

In March of this year, the company signed a consent decree, agreeing to make major improvements in environmental controls, and it paid a \$100,000 civil penalty.

In addition to the vinyl chloride emissions, Formosa has been cited for what the state called violations of equipment requirements and testing procedures. In one instance, a section of line had been cut and removed, rendering inoperative an air-monitoring system.

But the ink was barely dry on the March decree when an inspection the next month revealed that the plant hadn't been living up to the accord. Negotiations began anew between Formosa and the state to determine what additional penalty the company should pay.

Formosa also has paid a \$780 civil penalty to the federal Occupational Safety and Health Administration for infractions of rules designed to protect employees from vinyl chloride hazards.

Delaware went back into court in August to ask a Chancery Court judge to require that Formosa either comply with rules regarding operations of its vinyl chloride incinerators or close down. The court issued a restraining order, but Formosa was able to solve its incinerator problems before it had to close.

Another state inspection in August found that the plant still was not in compliance with the consent decree. In September, Formosa sent the state two \$1,000 checks for two violations of the decree. But the state was seeking at least \$54,000 in penalties, so the issue remains unresolved.

Then came the Oct. 15 incident, involving delayed notification to the state about a vinyl chloride release outside the plant. The release produced no reading on the plant's air-monitoring equipment, because plant employees had incorrectly connected the recording system.

In the wake of the release, frustrated Delaware City Mayor Elmer L. "Corky" Snow III formally requested the state attorney general to arrest the plant manager because of Formosa's repeated emissions. The state already was looking at the Oct. 15 problem, according to Wilson, because it was concerned about the lack of immediate notification.

Subsequently, Wilson asked Attorney General Charles M. Oberly III to consider filing criminal charges. An investigation by Oberly's Justice Department is continuing.

Formosa faces loss of permit

● New emission reported, A5

By NANCY KESLER
Dover Bureau Reporter

Delaware environmental officials moved Friday to revoke as of next Friday all the environmental permits of the Formosa Plastics Corp. plant near Delaware City, which will effectively close down the plant.

The polyvinyl chloride plant on School House Road has been in and out of trouble with the state for more than a year because of a series of uncontrolled leaks into the air of the carcinogen vinyl chloride, which is also a highly explosive gas.

Secretary John E. Wilson III of the state Department of Natural Resources and Environmental Control described the unprecedented move against a large manufacturer in Delaware as "the most expeditious way to remove the problem

repeated violations that Formosa cannot or will not comply with the laws." The company can ask for a hearing before Wilson, and the order also can be appealed to the state Environmental Appeals Board and the courts.

The state plans to ask a consultant to review the plant's equipment, operating procedures and manpower requirements to see what changes must be made if the plant is to be operated safely.

If Formosa is unsuccessful in stopping the revocation of its permits through administrative or court appeals, the only way it could resume operations would be to implement the consultant's recommendations, Wilson said.

Company representatives were not prepared to comment Friday night.

Gov. Castle supported the department's move but expressed regret "that the actions of this company have forced the state

into this position."

Castle said the state depends on the chemical industry, which has a good safety record in the state. But he said Delawareans shouldn't "be forced to put up" with companies that don't abide by the same rules others have to obey.

Jacob Kreshitok, president of Delaware Citizens for Clean Air and a major Formosa critic, said, "If Mike Castle and Attorney General Charlie Oserly can housebreak these scoundrel polluters, they can run for anything they want to and win, except maybe the New York City Marathon."

Dorsey Fiske, a representative of a citizens environmental advisory group in the Delaware City area — a group formed in part because of the problems at Formosa — said the committee is "delighted that we have finally gotten the governor's attention."

In Wilson's letter, the state presented a long list of grievances to justify the permit revocations. Included almost as an afterthought to the instances of uncontrolled releases of vinyl chloride, faulty equipment, and poor air-sampling procedures was a sewage treatment plant complaint.

Wilson said Formosa's was the only one of the hundreds of sewage treatment plants in Delaware that wasn't prepared for Hurricane Gloria last month and the only one whose lagoons overflowed because of the excessive rain.

The state has yet to decide what action, including the possibility of criminal charges, it will take as the result of Formosa's Oct. 15 release of vinyl chloride, which went unreported to the state for nearly 7½ hours. Immediate notification is required by the plant's permits.

Wilson said the incident is under investigation.

The company is a subsidiary of the Taiwan-owned Formosa Plastics Corp. USA, which has headquarters in Florham Park, N.J. The parent firm's two other United States plants also have run afoul of vinyl chloride emission regulations, according to Mary Ellen Quay, an

EPA spokeswoman in Dallas. Formosa Plastics-USA, one of the country's largest producers of PVC resins, is negotiating with the Texas attorney general to resolve complaints about vinyl chloride emissions at its plant in Point Comfort, Tex.

The company also is being sued by the Federal Environmental Protection Agency and the state of Louisiana over alleged violations of vinyl chloride standards at its plant in Baton Rouge. That facility sup-

plies raw materials to the other two plants.

Wilson said he believes that the problems at the Delaware City plant are caused by a lack of corporate support.

Y.C. Wang, chairman of the Formosa company that owns Formosa Plastics-USA, pledged last March to do whatever is necessary to correct the problems at Delaware City.

"Wang isn't living up to his word," Wilson said.