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June 26, 1990

TGG: JCL: ERT: MJH: AJO: RF

XF: RF

VISTA

Ms. Lori Romanos
Chemical Manufacturers Association
2501 M Street
Washington, DC 20037

Dear Lori:

As we discussed several weeks ago I have enclosed a video tape that contains clips of the news coverage of a recent incident we had at our plant in Westlake, Louisiana. Also, on the tape is the LEPC "hearing" on the event and the response.

I'd like you and other selected staff to review these tapes and advise us as to what you believe the most effective way to communicate what we believe was a Responsible CARE and CAER success story.

It seems this event might warrant more than a one paragraph description in the newsletter. Thanks for your attention to this matter.

Sincerely,



Thomas G. Grumbles, C.I.H.
Environmental Quality Manager

dlj

Enclosure

VVV 000013265

TGG: JCL: ERT: ~~WHL~~: AJO: RF

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~~VISTA~~

WHL

Thomas G. Grumbles

To Rick Flammer
Jim Ball

Date 7/2

Fyl - Recent enforcement
activity for Formosa

TGH

VVV 000013266

a quarter of U.S. pesticide exports.)

Critics of the decision, including dissenting Justices Nathan Hecht and Raul Gonzalez, argue that Texas corporations and the state's courts are likely to be overwhelmed with lawsuits by foreigners who would probably be barred from other state or federal courts. According to Hecht, Texas could now become "the courthouse of the world"; Gonzalez warned that the decision would force Texans "to wait in the corridors of our courthouses while foreign causes of action are tried."

FORMOSA HIT WITH HUGE PENALTY

TWC Commissioners this month approved a proposed \$244,700 civil penalty against Formosa Plastics Corp.'s Point Comfort plant, where the company is seeking permits for a proposed \$1.3 billion expansion. Commission Chairman Buck Wynne also predicted Formosa would have to spend in the tens of millions of dollars on plant improvements to meet compliance requirements contained in the enforcement order.

The penalty, assessed for more than 50 violations during a four-year period, was the second largest ever issued by the TWC (in 1987 they socked the city of Houston \$500,000 for sewage pollution). Wynne said the violations will be considered when the TWC decides on Formosa's expansion plans, and promised that if an expansion permit is issued, it will include some additional environment-protecting improvements that could not be made part of the penalty enforcement order. One example would be the rerouting of the plant's wastewater discharge system.

Formosa officials agreed that the TWC had dealt "very sternly" with their misdeeds, and expressed regret over a \$23,000 levy (part of the overall fine) for a reporting error over a copper discharge. At one point during Formosa attorney Robin Morse's testimony during the 90-minute TWC meeting, Wynne interrupted with these immortal words: "Well, I think I can save you some time. We want it cleaned up. Do you have the message?"

<> Texans United director Rick Abraham created quite a stink at the May 30 Formosa penalty hearing, loudly interrupting TWC Chairman Buck Wynne, who had declined to hear oral statements, but asked for written comments

that could be included in the record. Abraham's follow-up letter castigated Wynne for his "arbitrary decision to shut people out," and called the decision "an insult to the public's intelligence," since the comments would be received after the penalty was announced.

In response, Wynne charged that Abraham's appearance at the "publicly sensational" Formosa case was his first ever at a TWC meeting (to Wynne's knowledge) and that Abraham's goal seemed to be to "advance your own political agenda rather than protect the environment." TWC spokesman Bill Colbert explained that the written comments will likely be brought up in the forthcoming hearings on Formosa's request for a \$1.3 billion expansion at its Point Comfort plant. Wynne's letter also pointed out that part of his job as TWC Chairman is to "see that our legal proceedings are not turned into a media sideshow for publicity seekers."

<> At the Formosa hearing, Wynne followed his own advice, issued in a press release earlier this month, that the agency needs to "get a little tougher on enforcement." In testimony before the Senate Health & Human Services Committee, Wynne said the TWC is vigorously pursuing hazwaste violators but needs the authority to levy higher fines to fully implement the "get tough" policy. Wynne spoke in support of Senate Bill 20, sponsored by state senator J. E. "Buster" Brown of Lake Jackson, that would raise the cap on civil penalties from the current \$10,000 per day to \$25,000 per day per toxic waste violation.

According to Brown, the bill would "bring the dollar amount of penalties assessed more in line with the actual environmental impact that non-compliant industries may have on our state." Wynne agreed, saying that SB 20 will "increase the deterrent value of our enforcement authority, which in the long run will lessen the burden compliant industries must bear for the wrongdoing of others."

STATE NEWS BRIEFS

<> The EPA this month granted exemptions to land disposal regulations to several Texas and Louisiana Class I hazwaste injection well owners/operators; in some cases, though, companies will have to obtain modified permits to be able to inject into approved zones. The winners include Chemical Waste Management Inc., for wells in Corpus Christi and Port Arthur;