

1 IN THE UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF TEXAS  
3 VICTORIA DIVISION

4 \_\_\_\_\_ )  
5 SAN ANTONIO BAY ESTUARINE )  
6 WATERKEEPER and SYLVIA )  
7 DIANE WILSON, )  
8 Plaintiffs, )  
9 VS. ) CIVIL ACTION NO.  
10 ) 6:17-CV-47  
11 )  
12 FORMOSA PLASTICS CORP., TEXAS, )  
13 and FORMOSA PLASTICS CORP., )  
14 U.S.A., ) 8:35 A.M.  
15 Defendants. )  
16 \_\_\_\_\_ )

17 BENCH TRIAL  
18 BEFORE THE HONORABLE KENNETH M. HOYT  
19 MARCH 25, 2019  
20 VOLUME 1

21 APPEARANCES:

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1 the reference.

2 So option three we have fewer. We still have 736 on  
3 Lavaca Bay because that doesn't open, remember. It's open all  
4 the time. So every time we have a sample or a photo or a video,  
5 that's the evidence we need because Lavaca Bay is discharged  
6 into continuously.

7 Cox Creek, we have 316 violations. Three hundred  
8 sixteen times they have opened their gates, and we have been out  
9 there afterwards and gotten a sample or a photo or a video. And  
10 then the failure to report is 736.

11 So option three would have 1,788 violations. So,  
12 Your Honor, we contend that the lowest number of violations that  
13 there are in this case is 1,788, but we believe this fits the  
14 continuous violations. But we've given you three reasoned  
15 evidentiarily supported ways to find the number of violations in  
16 this case.

17 Plaintiff Diane Wilson and Waterkeeper are here,  
18 Your Honor, because we want to prevent you -- present you  
19 evidence of the violations of the Clean Water Act. We believe  
20 this is what the citizen suit provision is about, and we look  
21 forward to presenting you evidence. Thank you.

22 **THE COURT:** Thank you very much, Counsel.

23 All right. Mr. Ravel.

24 Proceed when you're ready.

25 **MR. RAVEL:** Your Honor, may it please the Court, my

1 name is Steve Ravel. I'm here with the team that you already  
2 met, and I'm pleased and proud to represent Formosa, Texas, and  
3 Formosa, U.S.A.

4 Since 1981, Formosa has grown to be an important and  
5 positive force in Calhoun County. There's 2,500 employees and  
6 4,000 contractors on any given day. It pays one third of all  
7 the property taxes in Calhoun County. It is one -- it is one,  
8 if not the largest, employers in the Victoria area.

9 Formosa's not just big, it's careful, Judge.  
10 Formosa's proud of its corporate citizenship, and it works every  
11 day to be an exemplary steward of the environment.

12 Judge, one sees television public service  
13 announcements lately about plastics in the ocean. One  
14 particularly troubling and heartfelt visual that one sees is a  
15 raft of plastic bottles near Midway Island, you know, a famous  
16 World War II battleground. This case is not about that.

17 But even though there's no evidence in any way, shape  
18 or form that this evidence is -- about this case is about that,  
19 Formosa has made a \$5 million contribution to a not-for-profit  
20 aimed at studying and remediating that problem.

21 To be a little bit more specific about Formosa's  
22 record in -- in the -- in the environmental compliance realm,  
23 you will have testimony from -- the TCEQ experts are both former  
24 very senior managers, Judge, and when I preview the evidence,  
25 you'll see that they disagree on a little bit and agree on a