Monsanto

FROM (NAME—LOCATION—PHONE) John H. Craddock - St. Louis A2SA 4-4764

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SUBJECT : JUNE MONTHLY REPORT

REFERENCE :

TO : R. S. Nelson - A2SA

cc: C. F. Callis - B3CA
S. G. Collins - A3NC
J. G. Nassif - E2ND
L. J. O'Neill - A3NC
P. S. Park - G3WB

PCB SURVEILLANCE PROGRAM

EDF vs. EPA Lawsuit/New PCB Rules

Electrical Equipment - Rule I -- The comment period and "informal" hearing on the proposed new totally enclosed electrical rules ended June 10. The hearing lasted four days (over 1,000 pages of testimony).

EDF, as expected, protested the continued use of this equipment with 10-year capacitor phase-out and demanded tighter EPA controls on equipment in use and a phase-out of all electrical PCB equipment, including transformers, in a shorter timeframe, e.g., five-year range.

The EPA totally ignored written comments and the chemical industrywide electrical equipment survey submitted by CMA in November, 1981.

The CMA PCB Task Group testified at the hearing and was represented by outside counsel. The CMA/industry strategy is to participate in all aspects of these rulemakings (now cut into three separate issues by EPA) and build the record necessary to challenge the final rules if they are unreasonable, burdensome and not in the legal framework of TSCA (e.g., "incidental generation" of PCB's).

Incidental Generation - Rule II -- The second PCB rule dealing with "incidental generation" of PCB's in "closed" and "controlled waste" processes finally issued June 8. The proposed rule was incomplete in that the protocol and details for the analytical procedure to define unquantifiable PCB's in process streams/wastes was not included. EPA however will only hold the comment period open until July 8 in spite of major deficiencies in legal administrative procedures requiring publication of all details having major impact on enforcement/compliance provisions of such a rule.

CMA has formally filed a petition for time extension and request for details of the missing analytical procedures. EPA as yet has not responded and is sticking to the published July 8 deadline.

Several provisions of this rule are particularly onerous -- (1) CMA/industry analytical experts guesstimate that this rule could effectively reduce the analytical regulatory cut-off level to the range of 100 ppb per isomer vs. the current 50 ppm total PCB level; (2) the proposed rule requires industry "self-certification" by a Corporate Officer that processes excluded by this rule meet the analytical criteria and legal criteria (to be) defined in the rule; (3) in addition, the rule will require all PCB wastes, even at 100 ppb or higher up to the current 50 ppm disposal cut-off level, to be disposed of in EPA approved PCB incineration/disposal facilities. Costs for disposal of large volumes of trace level PCB wastes could be significant; (4) in effect, this rule could ban further manufacturing of materials that exceed the analytical exclusion level and jeopardize many existing Monsanto products.

Finally, this rule will probably establish precedent for the third and final rule due in 1983, which will regulate incidental PCB levels in all products and define the regulatory cut-off for all other PCB issues, including disposal.

Informal hearings for the second rule have been scheduled for July 28. CMA will testify again to establish documented record for future legal challenge if necessary.

To-date, EPA has still refused to include any review of PCB health and toxicity effects in either of these two rule-makings.

PCB Litigation

[redacted]

PCB-ARCH-EXT0381696

PCB Enforcement Activities

EPA has stepped up PCB enforcement activities, particularly in Region V and Ohio per se. EPA/Ohio representatives are using old Monsanto PCB customer lists and customer lists from problem landfill/disposal sites to attempt to coerce mutual customers to pay for remedial action. In June, about 12-15 inquiries/complaints from Monsanto customers were received.

We are currently discussing this problem with Region V EPA staff to determine what Monsanto data the agency has, if it's correct and if the field agents are using it properly.

PCB Disposal

Sun-Ohio Company finally obtained EPA approval in all regions to conduct the PCB-X clean-up process on electrical equipment containing PCB's with 1,000 ppm. Essentially, each Region required a separate monitoring/demonstration of the process during the past 18 months!

The ocean incinerator ship *VULCANUS* is due to make its second burn trip from the U.S. next month. After first quarter, 1983 (and one final U.S. trip), the *VULCANUS* will be retired. Chemical Waste Management Company will inaugurate a new *VULCANUS II* ship at that time.

PCB disposal costs remain at a relatively low level due to decreased demand. Monsanto plants continue their planned, orderly disposal of PCB wastes as budgets permit.

Rockwell International Company visited Monsanto and discussed their Molten Salt incineration technology for PCB's and other organic wastes. Successful tests have shown six 9's efficiency for PCB destruction using this technology.

Costs are estimated at $4M for 15M pounds/year capacity permanent installation or $1M for skid-mounted (semi-portable 2^{+}M pounds/year unit).

PCB Inquiries/Responses

PCB inquiries continued at a significant rate due to enforcement and regulatory questions and actions, probably exceeding 250.

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John Craddock gave PCB after-dinner/luncheon talks recently at:

The National Association of Accountants (125 people)
The Scottish Rite Club (150 people)
Monsanto Public Relations/Regulatory Affairs (25 people)
Monthly Staff Meeting

J. H. Craddock

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