

Phillips, Jones Mar. 12, 13, 1987
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SP1

SP

xc: Gary Phillips
Ron Jones

HEALTH, SAFETY AND ENVIRONMENT COMMITTEE

La Mansion del Rio
San Antonio, Texas

March 12 - 1:00-5:30 p.m.
March 13 - 8:30-12 Noon

Attendees:

W. C. Holbrook, Chairman	-	BFGoodrich
Nat Blackman	-	Borden Inc.
Frank Borrelli	-	Georgia Gulf
Peter de la Cruz	-	Keller and Heckman
C. A. Gellner	-	CertainTeed Corp.
Jim Kachtick	-	Occidental Chemical
Joe Ledvina	-	Vista Chemical
Robert Oubre	-	Dow Chemical
Meredith Scheck	-	The Vinyl Institute
S. LaMar White	-	PPG Industries

Ron,
I've asked Gary
to attend the May '80-21
Annual Mtg. for me.
We've got a Global THROX
Technology Review
scheduled at that time.
Bob

Opening of Meeting

W. C. Holbrook, Committee Chairman, convened the meeting at 1:00 p.m. and asked for self-introductions.

Approval of Minutes

The minutes of the previous Committee meeting (December 18, 1986) were approved by voice vote without correction.

Legal Counsel's Report

Peter de la Cruz provided an update on the discussions with EPA on the definitional issues included in the NESHAP Standard. He noted that as of March 11th he was told that the Agency would not be ready for about two weeks, as their work product was undergoing final comment/approval within the Agency. Counsel noted that the Agency is interested in knowing whether any companies are being pressured for compliance with the provisions of the 1986 standard by any of the regional offices during this review period. Counsel stated that the Agency has indicated its intention to meet with industry representatives when their review is complete.

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REF & IDENT DIV - 75

R&S 029444

The group named to this Task Force was Holbrook, Ledvina, Oubre, and any other that may be necessary to respond completely to the Agency. Counsel further stated that he had received from EPA a background document that was intended to be used to clarify the definition of "process unit". However, the background document forwarded is part of the SOCMR record and counsel does not believe the document is pertinent to this issue of the treatment of storage tanks as process units. The Committee members also discussed the use of the 200 valve test and it was noted that one EPA regional office had asked to be notified as to when the test will occur. It was further noted that this is a totally new approach and does not mirror the valve testing requirements of the benzene standard.

Counsel provided the following update on the NRDC case:

NRDC is scheduled to file their brief with the Court of Appeals for the D.C. Circuit March 16th, the brief is due April 13th, with oral arguments scheduled for April 29th. Counsel noted that a decision could be expected in the 3-6 month timeframe following oral arguments. Counsel also reviewed for the Committee the discussion that had occurred at the March 4th Executive Board Meeting concerning the cost of the briefing/oral arguments and the ramifications of this case on other section 112 cases. It was noted that the Executive Board had agreed to fund \$10,000 of the projected costs of the briefing oral arguments, with the remainder of the costs to be shared by others with an interest in the outcome.

RCRA Proposed Regulations Update

Mr. Holbrook reported that his staff had been told by EPA that the Agency's current plan was to finalize the proposal in December 1987 (essentially as originally proposed), with the promulgation date shortly thereafter. Also, the Agency indicated that it planned to add additional constituents to the list at a later date(s). Mr. Ledvina noted that in response to a question he posed at the Agency's public hearing, he believed that it was the Agency's intent to closely examine a number of issues during the review process, including the treatment of "wastewater". Following a discussion by the Committee on the impact of the wastewater issue as proposed on Vinyl Institute companies, it was decided that a VI task force would be formed and that time should be spent at the meeting assessing the information known, and the possibility of meeting with EPA. During the course of the meeting, Ledvina contacted the EPA. He reported that at present, the Agency could not set-up a meeting with an industry group as the official comment period has closed. Nevertheless, Ledvina was told that it was likely that the comment period would be reopened for a very short period of time to readdress a few discreet issues and should the industry's concerns fall within the scope of this notice that a meeting with the Agency would be appropriate at that time. (Note: This was reconfirmed via a memo to the committee which reported on an EPA presentation to the Science Advisory Board of March 5-6).

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In preparation for a reopened comment period and with the assumption that the Agency will include the wastewater issue within the scope of concerns, it was agreed that information should be gathered at the earliest possible date to adequately prepare for a meeting on a short turnaround time. It was agreed that the information would be submitted to Counsel by April 15th. The items agreed to are listed in Joe Ledvina's March 13th letter to the Committee, an additional copy of which is attached to the minutes. It was noted that a meeting to discuss the above and any additional issues that EPA may outline might be necessary and that it was likely that such would occur prior to the next scheduled meeting of the Committee (May 20, 1987 in conjunction with the Annual Meeting). The task group assigned to this issue is to include Holbrook, Kachtick, Ledvina, de la Cruz, Scheck and any other member company representative who wish to be included.

EPA Subtitle D Survey

It was noted that several companies have been contacted by Weststat, a company conducted a telephone survey for EPA to determine the existence of non-hazardous pits, lagoons, and landfills.

Safety Awards

The Committee reviewed the input received from the member companies on both the OSHA Recordable Incidence Rate Data and as part of the Environmental Recognition Program. It was determined that the deadline would be extended and that all non-responders should forward their information to Meredith Scheck by March 20th. A total compilation will be forwarded to Robert Oubre for review.

Meredith Scheck noted that there were two nominees for the Annual Safety Award. These nominations were distributed to the Committee. Following a brief discussion, it was decided unanimously that the Committee recommend to the Executive Board that John T. Barr, formerly with Air Products, receive the award. Meredith Scheck noted that she would so inform the Board. Also, the Committee inquired as to whether Air Products should also be cited.

Safety Subcommittee

W. C. Holbrook noted that he believed it would be appropriate to determine whether there are issues/projects that fall within the safety area that the Vinyl Institute could/should be addressing. M. Scheck reviewed the prior meeting of the Safety Subcommittee. It was also suggested that Meredith Scheck request new nominees and that a "brainstorming" session be held. Several items were discussed as potential items for the session to address including the standardization of rail cars, (Counsel noted that as a matter of policy, SPI does not publish "standards"), emergency planning practices and handling of accidents.

Labeling Update

J. Ledvina asked for a roundtable discussion on company practices regarding labeling. It was noted that an indepth review of this subject had taken place during the Committee's July 1986 meeting. M. Scheck was directed to a) recirculate the charts contained in the minutes for the meeting asking for any changes that have taken place, and b) disseminate a revised set of charts to the Committee members or company designees.

P. de la Cruz reviewed the discussions that have taken place between VI representatives and Frank White of OSHA. Counsel noted that OSHA staff is reviewing policy paper. Counsel was also requested to circulate the Administrative Law Judge's decision in the case involving Occidental Chemical.

Reporting Under CERCLA/SARA

W. C. Holbrook stated that he had placed this item on the agenda with the intention of holding a company-by-company discussion on interpretation of certain provisions of both CERCLA and SARA, including such phrases as "otherwise federally regulated", "federally permitted release", "exposure", etc.. Following a detailed discussion of current practices, it was agreed that the members of the Committee would review the statutory provisions and that a detailed discussion would occur at the next Committee meeting. J. Kachtick noted that the provisions of these laws would be reviewed at the upcoming CMA Meeting in Houston.

Community Emergency Planning

W. C. Holbrook noted that this item had also been placed on the agenda to determine what, if any, triggers are being used by member companies to notify local communities of emergencies and a review of any evacuation plans. A company-by-company discussion of current emergency practices followed. It was recommended that this item be further reviewed and that this item be placed on the agenda for the next Committee meeting.

OSHA-VCM Standard Regulated Areas

W. C. Holbrook asked for a company-by-company discussion of how companies determine what are OSHA regulated areas and/or jobs.

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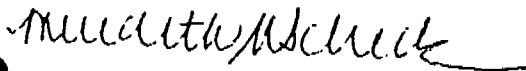
NESHAPS Enforcement Update

J. Kachtick updated the Committee on the Texas Air Control Board's review of the penalty matrix. Individual Committee representatives reviewed recent settlements and/or pending cases.

Adjournment

There being no other business, the meeting was adjourned at Noon, March 13th. The next full Committee meeting is to be held in conjunction with the Annual Meeting. The Special Task Force is to meet at the call of the Chair.

Respectfully submitted,



Meredith N. Scheck

R&S 029448

March 13, 1987

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TO: Jim Kachtick - Oxy
Joe King - Oxy
W. C. Holbrook - BFG
Frank Borelli - Georgia Gulf
Bob Oubre - Dow
Nat Blackman - Borden
Lamar White - PPG
Art Gellner - Certainteed

SUBJ: TCLP COMMENT PREPARATIONS

Gentlemen:

Confirming our discussion in the San Antonio meeting, we agreed to submit the following information to Peter de la Cruz by April 15:

1. Bob Oubre will provide information on the variability of TCLP results based on extensive work Dow is doing in-house. Anyone else with information on the reproducibility of results using TCLP should submit information to Peter also.
2. Data on TCLP in PVC resin. Where possible RVCM versus TCLP results is desirable. Please indicate to Peter if any of the data is company sensitive so adequate measures can be taken to preserve confidentiality.
3. Data on cost to comply with TCLP. This will be in two parts, increases in operating cost (disposal) and capital revisions to make facilities such as surface impoundments meet RCRA standards.
4. Data on past landfill activities and any monitoring data on VCM in groundwater around those landfills.

Please give me a call if any clarification or additional explanation would be helpful. My phone number is (713) 531-3446.

Sincerely,



Joseph C. Ledvina
Director, Environmental Activities

ajo

cc Peter de la Cruz
Meredith Scheck

R&S 029449