

TO: Environmental Coordinators

FROM: T. G. Grumbles
DATE: August 11, 1987

Interoffice
Communication

SUBJ: TSCA REVELATIONS FROM THE AGENCY

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VISTA

In a recent meeting Bill McClain and I had with EPA, we gained a great deal of insight into how the Agency inventory office views certain products and product streams. We also reinforced our feeling that the TSCA inventory and PMN areas of regulation are confusing and fraught with unwritten rules that guide internal agency decisions.

In general, refineries and refinery stream hydrocarbon products are covered by different rules for naming substances for inventory purposes. We were told the refiners (API) "cut a deal" in 1978 to allow the liberal use of stream descriptions to cover UVCB type products. Specifically,

1. For refinery type streams a finite carbon range product, i.e., a C1012 paraffin can be considered "on the inventory" if covered by a broader carbon range description, such as C2 - C20 paraffins if the source or production process is the same.
2. Conversely the above is not true for "synthetic or chemical streams" such as our alcohol products.
3. In a refinery process, as to unreacted hydrocarbon UVCB type products, the mixture rules do not apply. In other words, a refinery UVCB type stream cannot be considered a mixture of two other UVCB products that are on the inventory.
4. Conversely, for "synthetic" or non-refinery streams a UVCB stream can be considered a mixture of two UVCB's on the inventory. For example, 7055 Specialty Alkylate can be considered a mixture of 7050 and 7060. Although the Agency discourages such an approach due to inherent vagueness and prefers a separate description.
5. Although no explicit definition is in writing, refinery rules are applied to streams produced in a refinery or by a refinery type unit. (e.g. NPU and ethylene unit at LCCP.) Distinction between refinery and chemical streams seems to be presence of a "non-classical refinery" reactor or reaction.
6. For bottoms products, or streams resulting from production of a top, or premium product, the Agency looks for consistency of descriptions based on the method of production versus a chemical or physical property description.

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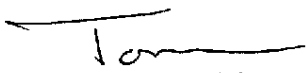
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7. When utilizing carbon ranges in the description the producer must use his own judgement as to what is a significant level in the tails of the distribution. For example, if you have 0.3% C8's in a C1012 paraffin product, that is significant enough to include in the description.

The above examples are offered to give a flavor of the unwritten policies the agency currently uses in the inventory office. None of these principles are implicitly stated or found in written guidance.

For your information, a draft letter is attached describing general issues, familiar to us, that CMA may pursue with EPA. Please do not distribute this letter as it is uncertain if CMA will proceed with this action.

I'm sure the above is perfectly clear, but call me or Bill McClain if you have questions.


T. G. Grumbles

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cc W. L. McClain
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