Monsanto

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January 18, 1974

Hearing Clerk
U.S. Environmental Protection Agency
Washington, D.C. 20460

Re: Environmental Protection Agency
(40 CFR Part 129)
Water Program
Proposed Toxic Pollutant Effluent Standards
Federal Register, Vol. 38, No. 247,
Pages 35388-35395
Thursday, December 27, 1973

Gentlemen:

As a major producer and supplier of polychlorinated biphenyls (PCBs) to the electrical industry for fire resistant dielectric fluid applications, we have reviewed with considerable interest the effluent standards for these materials proposed in new Part 129, Subpart I, Chapter I of Title 40, Code of Federal Regulations.

We appreciate and concur with the Agency's intent to control the presence of persistent PCBs in the navigable waters of the United States to prevent environmental damage. We have already taken positive steps toward this end. We strongly support realistic action designed to prevent irresponsible introduction of persistent PCBs into the environment.

We note, however, with considerable dismay that proposals included in Subpart I are, in our considered opinion, unrealistically restrictive, not supported by currently available data and not warranted under the present conditions of manufacture and use.

In accordance with Section 104.6, Part 104, Chapter I of Title 40, Code of Federal Regulations, we offer the following objections. These objections indicate our deep concern for this matter and are in as much detail

A unit of Monsanto Company

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as available time has allowed. We respectfully request an opportunity to present testimony describing our objections in greater detail at public hearings which we understand will be conducted at a future date.

1. We object to the unavailability of all the information used in the establishment of the proposed effluent standards. The short time available between the publication of the standards on December 27, 1973 and the published filing date of January 18, 1974; the unavailability of new Part 104, Title 40 CFR until January 4, 1974 and of the Statement of Basis and Purpose, Toxic Pollutant Effluent Standards until January 14, 1974, have prevented completion of a thorough evaluation of the proposed standards at this time. Further, a full copy of the EPA Water Quality Criteria dated October, 1973 is not yet available to us to review and evaluate nor is the long heralded report of the National Academy of Sciences and the National Academy of Engineering entitled "Water Quality Criteria, 1972."

2. We object to the proposed definition of polychlorinated biphenyls which implies that all the isomers have similar chemical, physical, toxicological, and degradation characteristics. Significant differences do exist and should be considered in developing a clear definition of those PCBs which affect the environment.

3. We object to the limitation of a maximum flow of 10,000 cubic feet per second in determining the quantity of PCBs which can be discharged into a stream, lake, estuary or coastal water. We find it difficult to understand the rationale which results in the conclusion that a PCB concentration which is acceptable in a slow moving body of water must be proportionately reduced when the flow exceeds an arbitrarily designated rate.

4. We object to the establishment of an effluent level for PCBs based on a concentration level which has been suggested as the threshold for salmon egg mortality. Information supporting the validity of this data is not available. Secondly, we seriously question that salmon truly qualify for the requirement under Section 307(a)(2) of the Act which states that the standard must take into account "....the usual or potential presence of the affected organisms...."

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5. We object to the establishment of an effluent level for PCBs based on calculations in which a biological accumulation factor of 200,000 was used. Biomagnification observed in environmental samples has been reported as ranging from 1 to 200,000 fold varying with the type of PCBs and wildlife species studied. We question the appropriateness of using the non-typical higher value.

6. We object to the establishment of effluent standards for PCBs before the development of approved sampling and analytical procedures which will assure accurate and reproducible results when performed in qualified laboratories. Further, the proposed critical chronic limit for fresh water streams of 0.0012 µg/l is below the present normal limit of detection with the analysis performed by an experienced analyst using sensitive measuring equipment.

7. We object to the lack of a published statement containing a full and complete assessment of the economic impact of the proposed effluent standards, if adopted, as required by the National Environmental Policy Act of 1969.

8. We object to the establishment of the PCB effluent standards without acknowledgment and full consideration of the presence at point sources of significant quantities of residual PCBs due to past discharges. Because of this inherent background level and because of the extremely low levels which resulted from the use of unrealistic premises, to which we objected in our foregoing comments, the proposed PCB effluent standards are not, in our opinion, practicably attainable.

The Monsanto Industrial Chemicals Company has commented and made recommendations relating to the inclusion of PCBs on the Toxic Pollutants List and to the establishment of an effluent standard for our manufacturing facility to representatives of the Agency and to the Effluent Standards and Water Quality Information Advisory Committee. Copies of our comments are enclosed.

Our purpose in commenting on the proposed standards is to aid the Agency in the development of realistic effluent standards which will achieve the intended objectives without serious technical, social and economic disruptions.

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To achieve our purpose we believe we must have access to, and review with Agency representatives, all of the information which was used in the establishment of the basis and purpose of the proposed PCB standard. We, therefore, respectfully request that the time period during which testimony is to be submitted and the dates on which the hearings will be conducted be extended.

Respectfully submitted,

WB Papageorge

W. B. Papageorge
Manager, Product Acceptability
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WBP/bt

Enclosure

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