GENERAL ELECTRIC

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CORPORATE
FACILITIES
SERVICES

January 15, 1974

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

Re: 40 CFR 129 (Subpart 1)

Gentlemen:

On December 27 (38 FR 35388), EPA proposed an effluent standard for polychlorinated biphenyls, and made the proposal applicable to capacitor and (we infer) transformer manufacturers. Persons adversely affected by the proposal were instructed to file objections by January 18, in accordance with 40 CFR 104 (39 FR 1027).

The General Electric Company (G.E.) is engaged in the manufacture of industrial and power capacitors, as well as power and distribution transformers. PCBs are widely used as insulating liquids in both categories; hence, our operations will be vitally affected by the final regulations.

The degree of our reliance upon PCBs, their essentiality, and the economic impact of an effective ban on their usage have been addressed in our recent letters to Dr. Martha Sager (Chairwoman, Effluent Standards and Water Quality Information Advisory Committee) and Dr. C. Hugh Thompson (Chairman, Hazardous and Toxic Substance Regulation Task Force). Copies of both letters are attached hereto.

The proposed standard was apparently based solely on toxicological data that appear in EPA's Proposed Criteria for Water Quality (38 FR 29646). If so, we are concerned about the paucity of data upon which the standard was based, the relevance of existing data to the creation of a toxic pollutant standard, and indeed - the validity of EPA's extrapolations from such data. More specifically, we find (1) an unnecessarily stringent standard, (2) a failure to distinguish among different PCB compounds, and (3) a failure to consider the exemption of residual PCBs from the standard.

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Nonetheless, we cannot render responsible comments or objections as required by 40 CFR 104.6(d) in the absence of EPA's "statement of basis and purpose." A capsule summary of the statement was presented in 38 FR 35388, along with an acknowledgment "that there may in some cases be inadequacies in the underlying data base." However, the complete text was not publicly available, as of January 11. Federal Regulations (40 CFR 104.4) would seem to have required availability by December 27.

EPA states that "the attached standards are not based upon economic considerations," although its own criteria document acknowledges that such considerations are important in "establishing particular standards and control measures" for pollutants that "may be listed as toxic pollutants under subsection 307(a)." See Proposed Criteria for Water Quality, Vol. I, U.S.E.P.A., October 1973.

EPA then claims that "the impact of the standards upon the economy has been examined and does not appear to be great." We disagree. In our judgment EPA's proposed standards would have a major economic impact. Presumably the rationale of EPA's examination also appears in the "statement of basis and purpose." Our analysis of such examination must await our receipt and review of that document.

For the sake of continuity, we plan to make an economic and feasibility presentation in conjunction with our toxicological comments. At that time, we will address the question of relevance, as required by 40 CFR 104.6(d).

In view of the unavailability of essential data it is unreasonable to require G.E. to formulate detailed objections at this time. Therefore, on behalf of G.E., I hereby file a general objection to 40 CFR 129 (Subpart I) and request that the Presiding Officer:

(1) pursuant to 40 CFR 104.6(a), find that reasonable cause existed for our failure to submit specific objections to 40 CFR 129 (Subpart I) by January 18;

(2) pursuant to 40 CFR 104.6(a), authorize our subsequent submission of specific objections to 40 CFR 129 (Subpart I), said authorization to terminate no sooner than one month after the aforementioned "statement of basis and purpose" is made available to G.E.; and

(3) pursuant to 40 CFR 104.8(a), designate G.E. as a party in the subject proceeding.

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Please contact me (AC 518/374-2211, ext. 5-9058) if the Presiding Officer rules adversely on any or all of the above requests. Regardless, you may expect my attendance at the January 25 hearing. I will be ready at that time to assist in laying the groundwork for the future conduct of this proceeding.

Sincerely yours,

Stu Richel

Stuart M. Richel
Attorney-Environmental Protection

SMR:a

Enclosures

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