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**MEMORANDUM OF MEETING WITH
EPA EMISSION STANDARDS AND ENGINEERING DIVISION**

411 West Chapel Hill Street
Raleigh, North Carolina

January 26, 1987

Present:

For the Vinyl Institute

W.C. Holbrook BFGoodrich Co.
R. Oubre Dow Chemical U.S.A.
Gary C. Phillips Dow Chemical U.S.A.
Roy T. Gottesman The Vinyl Institute

For EPA

Robert Ajax
Les Evans
Gil Wood
Rob Rosensteel
Fred Dimmick (in part)

Participating by Telephone:

For the Vinyl Institute

Peter L. de la Cruz Keller and Heckman
Joseph Ledvina Vista Chemical Co.

For EPA

Richard Roos-Collins
EPA General Counsel's Office
Doreen Cantor
EPA Stationary Source Enforcement,
Air Office

Mr. Ajax opened the meeting by noting that EPA has looked at the Petition for Reconsideration and the items of concern detailed therein. He noted his belief that there is room for reaching an accommodation on five of the seven points raised. He stated that on a technical basis, the Agency feels it could litigate all seven items and win. Although it has no hesitancy in litigating, it would like to reach agreement on the five items where it feels an accommodation can be reached and avoid litigation on these.

Mr. Roos-Collins stated that a condition for this meeting, to which counsel had agreed to was that no statement or representation by either side could be used in a subsequent litigation. It is the Agency's desire that this would lead to a candid off-the-record discussion.

The subsequent discussion covered the six provisions for which a stay was requested in the Petition for a stay and for reconsideration as filed with the Agency on November 24 (pgs. 6-15).

1. **Definition of "Exhaust" Gas**

Mr. Ajax noted that EPA's interest in this regulatory provision is its concern that a leak be repaired rapidly and its desire to issue a citation if a leak is not remedied. Vinyl Institute representatives wanted clarification that "a leak is not an exhaust gas." EPA offered the following suggested language: "An emission which is determined to be a leak by the Administrator is not an exhaust gas."

Roy Gottesman advised that from an industry point of view, having what constitutes a leak determined on a case-by-case basis by the Administrator was unsatisfactory and cumbersome. He offered the following language:

A leak is not an exhaust gas. A leak is defined separately as: An unintended release of vinyl chloride which is subject to regulation under the leak detection and elimination provision of the standard.

EPA objected since what constitutes an "unintended release" is subject to different interpretations.

Mr. Ajax suggested language to define a leak as an emission which is immediately detected by an area monitor and is thereafter promptly repaired. He expressed concern over the possibility that a leak, not uncovered in the leak detection and elimination program, might continue unabated.

It was agreed that Vinyl Institute representation will review this and propose language, via a submission from Mr. de la Cruz for EPA consideration, on a definition of "exhaust gas."

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Mr. Ajax agreed that EPA will take a look at this and see if they can propose a definition that would reflect the fact that a leak which is unintended, detected, and repaired under the leak detection and elimination system, is not an exhaust gas. The applicability to exhaust gas containing less than 10 ppm VCM was left open.

2. Enforcement Guidance Memo on HCl Product Stream

Mr. Phillips noted that in discussions with EPA regional personnel, he was advised that an enforcement guidance memo was being prepared by EPA. He was informed that the guidance memo would subject HCl product streams to the standard if VCM concentrations exceeded 10 ppm. Mr. Phillips indicated that the 10 ppm level might be exceeded slightly during shut-down or start-up phases. Mr. Ajax indicated that the Agency did not wish to discuss the enforcement memorandum at this meeting because it was outside the Petition for Reconsideration. Rather, he asked that we present this issue to the Agency in writing.

3. Definition of Relief Valve Discharge

Mr. Ajax indicated that where relief valve discharges were routed to a control device that reduced emissions to less than 10 ppm, no violation occurred. Where relief valve discharges were routed to a dedicated control device, it was EPA's position that, when emissions exceeded 10 ppm, this was a relief valve discharge but not a 10 ppm control level violation. Where relief valve discharges were routed to a control device that was also used for limiting emissions from other streams, emissions above 10 ppm were both in exceedance of the 10 ppm limitation and a relief valve discharge. Industry attendees disagreed with EPA's characterization of relief valve discharges to control devices that resulted in exceedances. In addition, while EPA indicated that the 10 ppm exceedance was not necessarily a violation, Mr. Holbrook suggested that state enforcement officials did use continuous monitor exceedances as evidence of a violation, rather than relying on test method 106. Mr. Ajax was receptive to receiving information on state enforcement based on 10 ppm exceedances with the implication that the Agency might reconsider its position based on state activity. The Vinyl Institute should also restate its position and suggested interpretation for EPA.

4. Leak Detection and Elimination

Mr. Ajax indicated that EPA was unwilling to negotiate the leak detection and elimination revisions. Mr. Gottesman noted that our main complaint here was that if the 2% test was exceeded by companies there was no opportunity to retest without becoming subject to the Subpart V requirements. EPA reiterated its unwillingness to negotiate on this point.

During this discussion, Mr. Phillips raised another issue created by the enforcement memorandum EPA was preparing. In particular, he noted that EPA was using a very narrow definition of "a process unit" which affected the number of valves needed to be counted. In particular, he noted that based on comments by EPA regional enforcement personnel, tank farms, recovery areas, and other portions of production units were being considered discrete process units, each of which would be subject to the 10% or 200 valve count requirements. Although EPA declined to discuss this substantively, Doreen Cantor indicated that she was preparing the guidance document and would provide it to Mr. de la Cruz later in the week when it became available. Vinyl Institute was then to write to EPA separately on the guidance document issues.

Fred Dimmick of EPA indicated that a discussion in the June 1984 background information document involved with the synthetic organic chemical manufacturing industry fugitive emission proceedings should be examined to shed interpretative light on the definition of a process unit found in Subpart V.

5. Definition of EDC Purification

Bob Ajax and Les Evans indicated that intermediate product storage of facilities were included under the definition of EDC purification because the Agency lacked data justifying that no controls were needed. Karen Fidler of Radian Corporation was unable to attend the meeting and she apparently was the most knowledgeable person on the EPA position. Mr. Holbrook noted that the Vinyl Institute submitted information to EPA in March 1985 on this issue and that, in responding to Section 114 letters, EDC manufacturers had responded individually to EPA with information. In addition, Mr. Holbrook presented Mr. Evans with additional information indicating that additional controls under the vinyl chloride standard were not needed and not cost justified. EPA agreed that it would examine the new data and not enforce these provisions pending

EPA review of the submitted data. If initial review of the submitted data indicated that a change in EPA's interpretation was warranted, a formal order staying effectiveness would be considered. Peter de la Cruz was to meet with Richard Roos-Collins to develop language by which the Agency would indicate it was temporarily staying the rule.

6. Definition of Three-Hour Period

Mr. Ajax indicated that EPA was concerned with excluding events that should be considered as exceedances. Mr. de la Cruz explained the Vinyl Institute's position that rather than 24 rolling three-hour periods during a day only eight discrete three-hour periods should be considered. Although EPA did not express a willingness to change from a rolling three-hour period to eight discrete three-hour periods, Mr. Ajax did express a willingness to consider suggestions from industry on clarifying language. For example, if the hourly emissions were as follows: 0,0,50,0,0,0, EPA would interpret this as one exceedance although admitting that the language of the provision could be read to make this constitute three exceedances of three rolling three-hour periods in which the 50 ppm would be counted. Another situation with which EPA would be concerned would be when the 10 ppm level was exceeded for more than one, one-hour period. The Agency would be willing to consider clarifying language from the Institute on how to interpret exceedances.

7. Definition of Leak

Mr. Ajax indicated that EPA was not willing to make a change other than to indicate that the "liquid dripping" provision of the leak definition applied only to pump seals regulated under 40 C.F.R. § 61.242-2. Industry attendees expressed the view that only indications of liquid vinyl chloride dripping should be considered a leak. Mr. Smith noted that EPA should distinguish between single and double barrier seals. In addition, new double barrier seals tend to drip after installation and may be subject to an intermittent or infrequent leak that does not indicate the need for repair. Bob Ajax indicated that he would discuss this matter with Karen Fidler of Radian and, although not encouraging, did indicate a willingness to review any suggested additional language that the Vinyl Institute might provide to indicate that these intermittent leaks from pump seals not be included under the definition of a leak.

8. **Emergency Relief Valve Discharges**

EPA indicated that it was not willing to discuss a change to the emergency relief valve discharge provision. Industry supported the substitution of a numerical discharge limitation.

The meeting concluded at 3:30 p.m.

Respectfully submitted,

Peter L. de la Cruz

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