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February 13, 1987

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Roy T. Gottesman, Ph.D.
The Vinyl Institute
Wayne Interchange Plaza II
155 Route 46 West
Wayne, New Jersey 07470

Re: EPA Settlement Discussions

Dear Roy:

Following our meeting on February 11, 1987, enclosed is a draft letter to EPA containing the Committee's work product. Although W.C. Holbrook had recommended forwarding the letter I was to draft without further review, Vista Chemical has requested an opportunity to review the letter; I do not believe that the short delay that will require would significantly affect the settlement discussions.

I would appreciate receiving any comments on the enclosed draft by Wednesday, February 18 so that I may make the necessary revisions and have it delivered to EPA promptly.

Cordially yours,

Peter

Peter L. de la Cruz

Enclosure

cc: W.C. Holbrook (w/enc.)
Joseph C. Ledvina ✓
Robert D. Luss, Esq. "
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VEV 000102147

(202) 956-5641

February __, 1987

Mr. Robert Ajax
Chief, Standards Development Branch
Emission Standards and Engineering Division
U.S. Environmental Protection Agency (MD-13)
Research Triangle Park, North Carolina 27711

Re: Vinyl Chloride Standard

Dear Bob:

We appreciate the Environmental Protection Agency's (EPA) willingness to discuss five of the seven issues raised in the petition of the Society of the Plastics Industry, Inc (SPI) for a stay and reconsideration of the Agency's final rule amending the national emission standard for vinyl chloride. 51 Fed. Reg. 34,904 (Sept. 30, 1986). Suggested language on these five issues follows. We understand that EPA is unwilling to discuss the objections we raised to the relief valve discharge provision and leak detection and elimination provisions found in 40 C.F.R. §§ 61.65(a) and (b)(8). Accordingly, we do not address those two points in this letter.

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Subsequent to our meeting, we received a memorandum dated February 4, 1987 by John B. Rasnic concerning implementation of the vinyl chloride standard. In keeping with our discussions, we will address issues raised by the February 4 memorandum in a separate letter.

During our January 26 discussion, Richard Roos-Collins and I agreed to meet and finalize language staying enforcement of the new provisions temporarily pending EPA reconsideration. This was particularly important for the new definition of ethylene dichloride (EDC) purification. The main issue with this provision is whether it requires certain controls on intermediate EDC storage facilities. After the meeting, Mr. Roos-Collins expressed hesitancy on behalf of the Agency to stay enforcement of the new definition until some additional consensus is reached within EPA.

As the background information document stated, "The original VC standard did not clearly delineate which purification process equipment were subject to regulation as EDC and VC purification equipment." BID at 2-43. Given EPA's acknowledgment that the definition was subject to varying interpretations by Agency personnel and because we are currently in the process

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of discussing this issue, it seems reasonable to temporarily stay enforcement of the new definition pending the outcome of these discussions. Such a stay would not require the Agency to express any opinion on the proper interpretation of the 1976 standard. Thus, staying the 1986 language would in no way compromise whatever position the Agency wishes to take on the 1976 language. In this regard, we do wish to inform you that Region IV personnel have been asking for process flow diagrams and other materials relevant to this issue.

For some facilities, if intermediate storage controls are required, the capital costs are of sufficient magnitude that statements of contingent liability would need to be prepared for company auditors and perhaps to comply with Security and Exchange Commission (SEC) requirements. In addition, managers supervising regulatory affairs are subject to internal company policies requiring prompt compliance with environmental and other laws. The absence of a written stay places these managers in individual jeopardy. Therefore, we are continuing to renew our request for the stay of this provision.

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A. Definition of "Ethylene Dichloride Purification;"
40 C.F.R. § 61.61(o)

Data we provided previously indicates that intermediate storage facilities are not a source of vinyl chloride emissions warranting regulatory attention. We recommend that the definition of EDC purification be revised as follows.

'Ethylene dichloride purification'
includes any part of the process of ethylene dichloride production which follows ethylene dichloride formation, excluding intermediate and product storage ~~following the final~~ ~~finishing~~ column.

[Underlining indicates addition and ~~overstrike~~ denotes deletion based on language appearing in the September 30, 1986 amendments.]

B. Definition of "Leak;" 40 C.F.R. § 61.61w)(2)

We recommend that the following modifications to subsection (w)(2), which describes one of the events regulated as a leak.

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(2) In the case of pump seals regulated under § 61.242-2, indications of liquid dripping other than the loss of seal fluid from double barrier seals.

C. Definition of "Exhaust Gas;" 40 C.F.R. § 61.61(x)

Add the following language to the September 1986 definition of exhaust gas.

eliminated?
A leak is not an exhaust gas. As used in this definition, the term leak means any unintended release of vinyl chloride that is detected and repaired promptly in accordance with the leak detection and elimination provisions of section 61.65(b)(8) of this part.

D. Definition of "Relief Valve Discharge;" 40 C.F.R. § 61.61(y)

Revise the definition of relief valve discharge as follows:

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"Relief valve discharge" means any nonleak discharge through a relief valve directly to the atmosphere. 'Relief valve discharge' does not include discharges ultimately ducted to a control system, including a flare, but control system discharges are exhaust gases subject to the 10 ppm emission requirements (average for 3-hour period) from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm (average for 3-hour period) or equivalent as provided in § 61.66.

E. Definition of 3-Hour Period;" 40 C.F.R. § 61.61(z)

Revise this definition as follows:

↙
'3-Hour period' means any three consecutive 1-hour periods (each hour commencing on the hour), provided that: (1) the number of 3-hour periods which the vinyl chloride concentration exceeds 10 ppm shall not exceed the number of 1-hour periods which

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the vinyl chloride concentration exceeds 10
ppm, and (2) there shall be no more than
eight 3-hour periods per day.

We trust that this language is consistent with our prior discussions and will meet with your approval. We would be happy to discuss these suggestions in detail after you have had an opportunity to review them. We look forward to resolving these issues with you shortly.

Sincerely,

Peter L. de la Cruz

cc: Richard Roos-Collins, Esquire
Elliott J. Gilberg, Esquire
Doreen Cantor, Esquire

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