



Interoffice Communication

To Ron Bryan
From J. C. Ledvina
Date November 16, 1982
Subject INCIDENTAL MANUFACTURE OF PCBs

As you are aware, EPA issued a regulation on October 21, 1982 allowing exclusion of certain "closed manufacturing" and "controlled waste manufacturing" processes. Under this rule, chemical processes which incidentally generate and which release low concentrations of PCBs into the environment could qualify for a voluntary exclusion. From the data I've seen, the LC VCM Plant could qualify for this exclusion depending on whether we claim the "heavies" going to PPG are a waste or a product.

On November 1, 1982 EPA requested the Court grant it two years to finalize regulations on incidental manufacture of PCBs that are not controlled as intermediates or wastes. Under that schedule, EPA would not propose these regulations until December, 1983. Since this exclusion is voluntary and EPA is asking the Court for more time to develop additional rules on incidental manufacture, I recommend LC VCM wait on applying for an exclusion.

Even though a final decision on the exclusion is expected to be at least a year away, a number of issues can be clarified before then that would help the Plant implement a program. Among these are:

1. Compare the data we have versus the 10/21/82 regulation to be sure it is sufficient to support an application for an exclusion.
2. Determine what PPG is doing. Is their incinerator RCRA approved or do they plan to apply for RCRA approval?
3. What are the storage requirements for heavies?
4. Should we segregate VCM heavies from EDC heavies?
5. Are the heavies a product or a waste? If they're a product, will recycle at PPG still allow us to seek an exclusion?

I suggest that we get together with Legal in January to discuss these questions.

Give me a call if that sounds like a reasonable proposal.


J. C. Ledvina

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cc W. McClain, M. Hayes, J. DeBernardi

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