

VIC - ENFORCEMENT

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July 7, 1978

Joseph E. Hadley, Jr., Esquire
Keller & Heckman
Suite 1000
1150 17 Street, N.W.
Washington, D.C. 20036

Re: Emergency VCM Discharges

Dear Joe:

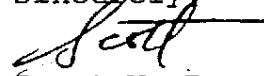
At least two PVC Safety Group members recently have received what appear to be form letters from EPA's Region VI Enforcement Division warning them of the possible consequences of emergency discharges of vinyl chloride monomer. These companies have asked (1) if others have received similar letters, and (2) whether the PVC Safety Group would like us to raise this issue with EPA's staff, and to determine whether the regions can issue these citations and whether any rational guidelines exist for determining what constitutes "preventable" operator error.

A retyped copy of one of the EPA letters is attached. Citing the "manual vent valve discharge" and the "relief valve discharge" sections of the Vinyl Chloride Standard, the letter states that emergency discharges include only those that could not have been prevented, such as those caused by a natural disaster. The letter concludes that such discharges "which could have been prevented by backup equipment and/or proper operation and maintenance procedures" constitute violations of the Standard that may result in enforcement action. One of the plants that has received the letter has had less than 10 emergency discharges in the last 18 months.

We have briefly reviewed the history of these emergency discharge provisions, and there appears to be some basis for disputing the position reflected in these letters..

We would appreciate being advised whether other companies have received similar letters from EPA and whether the PVC Safety Group would like us to pursue the matter.

Sincerely


Scott W. Bowen

Enclosure

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RETYPE COPY OF LETTER FROM EPA'S REGION (IV) TO VCM/PVC PRODUCERS

June 16, 1978
[Addressee]

Re: Emergency Vinyl Chloride Discharges

Dear Mr. :

It has recently come to our attention that a number of plants subject to the vinyl chloride regulations may be experiencing relief valve discharges and/or polyvinyl chloride reactor manual vent valve discharges which may not be due to "emergency" conditions. As discussed in 40 CFR 61.64(a)(3), 61.65(a) and in the preamble to the proposed and then promulgated regulations, an "emergency" discharge from a relief valve or manual vent valve of a PVC reactor is a discharge which could not have been prevented, such as a discharge occurring as a result of a natural disaster.

According to this strict definition of what constitutes an "emergency" discharge, any plant which has experienced such a discharge, which could have been prevented by backup equipment and/or proper operation and maintenance procedures, has violated 40 CFR 61.64 (a)(3) and/or 61.65(a). Such a violation may trigger any of the Section 113 Clean Air Act legal remedies. And such a plant may be required by EPA to implement measures designed to prevent future such discharges.

Please note that simply reporting a discharge within the required ten (10) days does not relieve a source of any responsibility for violating 40 CFR 61.64(a)(3) and/or 61.65(a).

Sincerely yours,

Howard G. Bergman
Director
Enforcement Division

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