

Ohio EPA
Division of Air Pollution Control

inter-office communication

to: Chris Jones
from: Bob Hodanbosi, DAPC
subject: October 29, 2002 letter DuPont, West Virginia C8
date: December 3, 2002

We are preparing a letter for your signature in response to several a-letters written by Attorney Robert A Bilott (Taft, Stettinus & Hollister LLP) on behalf of Ohio citizens impacted by air emissions of C8 from the DuPont facility located in West Virginia. Below is some background information as well as some optional responses.

Background

A group consisting of U.S. EPA, West Virginia and independent scientists (the CAT team) reviewed existing health affect information on C8 and established screening values for both the water and air pathways. ~~They evaluated both the water and air pathways.~~ While an extensive groundwater and drinking water sampling program did not find levels approaching the water screening levels identified by the CAT team, air modeling of actual 2000 emission levels indicated annual average air concentrations above the CAT Team's air screening level (1.0 ug/m3) near the DuPont fenceline and in the Ohio River. Annual average modeled concentrations on the Ohio side of the river were at 0.87 ug/m3

~~Lawyers~~ Attorney Robert A Bilott on behalf of ~~for~~ the citizen's group, indicated via several the letters that there are short term levels associated with workplace exposures which are used by states such as California and Minnesota (summary table A attached), which are more restrictive than the CAT screening level. For example, the ACGIH acceptable 8-hour work place

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exposure level is 10.0 ug/m³. ~~Our~~ Note that DAPC's 8-hour modeling results, based on the year 2000 actual emissions, indicates a peak 8-hour impact in Ohio of 14.8 ug/m³ and 34.3 ug/m³ in West Virginia.

Response Options:

1. The DuPont facility has entered into a consent decree with West Virginia to cap air emissions at the year 2000 levels. There is also an agreement to assure that the CAT Team's 1.0 ug/m³ annual concentration is not exceeded and ~~There is also an agreement~~ with U.S. EPA to reduce air and water total releases by 50% (current air and water releases are roughly equal). Finally, DuPont has begun a voluntary upgrade on the scrubber of the largest source (increasing removal efficiency from ~ 50% to over 90% removal) and are increasing the stack height for that source.

We are reasonably confident that future annual air impacts will be below the CAT teams air screening level of 1.0 ug/m³ in Ohio. That is one response to the citizens.

Side note 1 for agency consideration: There is no indication in Dupont's agreement with West Virginia on how air emissions will be capped at year 2000 levels. In addition, Duponts agreements with U.S.EPA do not specify which releases are targeted for reductions.

2. We are still evaluating the merits of the Ohio citizens concerns over other existing workplace health levels. In this response we would clarify the difference in the time frames established for short term levels (10.0 ug/m³) developed by other states in comparison to the long term, chronic level (1.0 ug/m³) developed by the CAT team. We will also point out that chronic levels have not been established by other states and that while it is possible for short term levels to be more restrictive than the CAT(1.0 ug/m³) levels, actions to be taken under current agreements may reduce impacts in Ohio below those levels as well. However, it should also be noted that there is no current requirement that any of these levels need to be addressed as ambient air quality standards.

We also believe that a distinction should be made concerning eight-hour workplace concentrations versus eight-hour

ambient concentrations. We would expect that a high workplace concentration is somewhat representative of day-to-day concentrations and could be more indicative of long term exposures while a high modeled ambient concentration is only representative of concentrations during a specific meteorological condition. On the other hand, the workplace standards are developed to protect healthy adults and are not designed to protect the general population.

Side note 2 for agency consideration:

One concern that we may wish to express to the citizens as well as the State of West Virginia is that the reductions beyond the general agreements need to be solidified in permit restrictions. How they plan to assure that the CAT screening level (or other health based levels) are going to be maintained should not be dependent on optional controls and market predictions (in DuPont's last presentation of model results, they have assumed a 30% production decrease in 1993 due to market projections).

My staff is available to discuss what approach you may wish Ohio EPA to take with respect to our dealings with West Virginia and our response to this letter.

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