

23 September 1985

Members of the Vinyl Institute  
Manufacturing Practices Committee

Enclosed you will find two items, as discussed at the Tampa meeting:

- 1) Draft comments to EPA on the proposal to install stripping or other pretreatment ahead of the biological system at OCPSF plants. Please review this promptly and send duplicate comments to me and Peter de la Cruz so as to arrive before 9 October. We expect a delay in the present 15 October comment deadline, but want to be prepared if it is not allowed.
- 2) A copy of a portion of a draft MSDS for vinyl chloride (the storage section) prepared in 1976 by R. N. Wheeler, et al. It was intended to be used by CMA, who stopped issuing safety data at about that time.

It is requested that you, or whomever else may be your representative to the Safety Subcommittee, review this document to see if it could be a vehicle for starting the preparation of a VC storage practice guideline.

The most useful form of reply would be a marked up copy of the document, and/or an outline of a proposed new document. New sections that are needed, and errors in this document should receive particular attention. Please let me have a reply before 16 December.

Roy is sending out letters to your VI Board Members this week soliciting nominations for the 1986 Safety Award. You voted to continue the award. Please send in nominations.

Thanks for your help.

  
J. T. Barr

JTB:cb  
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Attachments

**RECEIVED**

AUG 30 1985

Environmental Affairs

SL 089474

23 September 1985

Mr. E. H. Forsht  
Industrial Technology Division (WH-552)  
US EPA  
401 M Street, S.W.  
Washington, D.C. 20460

Attn: ITD Docket Clerk  
OCPSF Rules

Dear Mr. Forsht:

The Vinyl Institute, a division of the Society of the Plastics Industries, Inc., provides as requested comments on the new issues raised in the OCPSF effluent guideline rulemaking in a notice at 50 FR 29069, 17 July 1985. Our comments are directed particularly at the proposal to institute in-plant stripping requirements for vinyl chloride and 1,2-dichloroethane, but we believe that the principles discussed here are applicable to the entire question of in-plant control technologies that require non-biological pretreatment. We oppose these additional requirements because we find no authority for such requirements in the Clean Water Act, and because we find no data in the Notice providing a reason for believing that there may be a health-based benefit for such requirements.

Insert SRI/VI boiler plate here.

I. The Agency has no authority for the proposed action.

There is no recitation of authority in this Notice. The previous proposal (48 FR 11828, 21 March 1983) cited the Clean Water Act as its basis for the authority to develop and enforce this rule, so that, presumably, is the authority being relied on in this continuation of that rulemaking.

Nowhere in the Clean Water Act is there authority for the Agency to base its decisions on air quality. Title III of that Act, and more specifically Sec. 307, which discusses the setting of effluent standards for toxic substances, recite only water quality criteria which the Administrator is to consider in setting the effluent standards. Air quality considerations are not included.

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We therefore believe that the Agency is acting without authority when it proposes that effluent guidelines shall contain provisions that are related solely to air quality, and have no effect on water quality. It is pointed out in Tables D-1 and D-2 that the effluent concentration of 1,2-dichloroethane is expected to be lower (10 ppb nominal, or actually, non-detectable) under Option I, (Table D-1) which uses biological treatment only than is to be (13.4 ppb) under Option II (Table D-2) which uses biological treatment plus in-plant pretreatment. Thus, the agency figures suggest that the proposed pretreatment would actually be counterproductive insofar as lowering the amount of 1,2-dichloroethane which would be discharged to the waterways.

II. There is no health or environmental benefit proposed for this requirement.

Executive orders 12291 and 12498 require that every regulation show some net positive benefit, in addition to the basic requirements that it be needed in the first place, and is responsive to that need. This proposal fails all three of those tests. No need is shown for the reduction claimed to occur because of this added requirement, nor is any benefit shown. The proposal thus is in direct violation of the two Orders cited above.

The Agency already has a very strict NESHAP rule for vinyl chloride which regulates strictly the emissions from both air and water by ethylene dichloride/vinyl chloride producers and processors. The Agency recently has reevaluated the rule, and concluded that the major portions, including the process emission controls, provide adequate protection to the public. See 50 CFR 1182, 9 January 1985. The Agency currently is defending vigorously its authority to hold to the current standard, particularly in regard to the lack of necessity to lower the current emission standard. See the pleadings in NRDC v. EPA, et al., 85-1150, D.C. Circuit. It is the Agency's position in that case that the current standard is adequate, and that no further reductions are justified. Therefore, we can see no basis for another Office of the Agency to attempt to contradict the official Agency position and attempt to impose further restrictions on emissions of vinyl chloride.

A preliminary estimate of the vinyl chloride released as effluent emissions from a world-scale (300 MM lb/yr) PVC plant shows a receptor concentration of less than 0.1 ppb at one-fourth of a mile from the effluent treatment area, at a 1 mph wind speed. This concentration is so low that conventional dispersion models have difficulty predicting the results. That part per trillion value certainly is not a concentration which elicits significant health or environmental concerns.

We are aware of the recent "6-Month Study" which led to a complete overhaul of the Agency air toxic policy last June. We also are aware of the many caveats and conditions warning against literal acceptance of the results which were expressed in that report.

Dr. Bernard Goldstein, the immediate past Assistant Administrator for Research and Development, has called these risk estimates "speculative". However accurate the quantitative aspects may be, the study found that industrial emissions were of far less concern than products of incomplete combustion from automobiles and home heating systems, and of even less concern than airborne chromium dusts, and other minor pollution sources. Even if air emissions from industrial sources were of overall concern to the Agency, which the Agency has said they are not, effluent-based emissions are only a minor part, and are, in the long run, not subject to regulation by a Clean Water Act effluent guideline.

We appreciate the opportunity to provide comments on this matter. As stated earlier, we believe that the principles here apply to the pretreatment proposal in general, and we have utilized the vinyl chloride case as illustrative.

We would be happy to provide further information on any of these points if that should be desirable. We request strongly that the Water Office consult with the Office of Air Quality Planning and Standards to obtain further insight into their positions regarding the air toxic problem.

Very truly yours,

JTB:cb  
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