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June 22, 1987

RECEIVED
JUN 25 1987
Sherry M. Cate

Meredith N. Scheck
The Vinyl Institute
155 Route 46 West
Wayne, New Jersey 07470

Re: Draft Comments on EPA RCRA Toxicity Characteristic Revisions

Dear Meredith:

Enclosed is a draft set of comments in response to the Environmental Protection Agency's (EPA) supplemental proposed rulemaking revising the toxicity characteristic under the Resource Conservation and Recovery Act (RCRA). The draft comments are based upon the work of the TCLP Task Force which met in your offices on June 10, 1987. Because comments must be filed by July 2, 1987, I am requesting that everyone contact me with their revisions to the draft comments no later than June 30, 1987.

I look forward to receiving everyone's comments.

Cordially yours,

Peter

Peter L. de la Cruz

Enclosure

cc: Vinyl Institute Health, Safety and Environment Committee
SPI Legal Committee
Charles E. O'Connell
Lewis R. Freeman, Jr.
Robert W. Sherman
Dennis C. Burgess

CTL028632

BEFORE THE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Revision of Toxicity Characteristic	)	Docket No. F-87-TCN-FFFFF

Comments of the Vinyl Institute, a Division of The Society of the Plastics Industry, Inc.

The Vinyl Institute, a division of The Society of the Plastics Industry, Inc. (SPI)1/, appreciates the opportunity to comment on the modifications to the toxicity characteristic proposed by the Environmental Protection Agency (EPA or Agency) under the Resource Conservation and Recovery Act (RCRA). 52 Fed. Reg. 18,583 (May 18, 1987). We endorse EPA's efforts to carefully consider the applciation of its June 1986 proposal to wastewater. While we endorse the Agency's inquiry here, there

1/ The Vinyl Institute is comprised of the major manufacturers of vinyl chloride and polyvinyl chloride (PVC). SPI, the major national trade associaton of the plastics industry, is a corporation organized under the Not-For-Profit Corporation Law of the State of New York. Its 1,800 member companies and individuals in 49 operating units include those who supply raw materials, process and manufacture plastics or plastic products, and engineer or construct molds for similar accessory equipment for the plastics industry. The majority of SPI members are the processors and converters of plastic resins into end products which represent 75% of the dollar volume sales of plastics in this country.

are significant areas in the June 1986 proposal not mentioned in EPA's supplemental notice that merit reconsideration and revision. See, SPI Comments of September 26, 1986 in this docket.

We agree that industrial waste is not typically co-disposed with municipal waste in landfills. More specifically, wastewater is normally handled in a wastewater treatment facility, not landfills. These treatment facilities may include surface impoundments or tanks, the discharges of which are typically regulated under the Clean Water Act. We now address the specific questions presented by the Agency.

A. Criteria for Separate Mismanagement Scenario

We agree that it is inappropriate to apply the mismanagement scenario found in EPA's June 1986 proposal to wastewater. In its supplemental notice, the Agency presents three alternatives for determining when a different scenario should apply to wastewater. First, under the "management based" approach, the surface impoundment scenario would be applicable only to wastes actually managed in impoundments. Second, under the "physical property based" approach, the surface impoundment scenario would apply to wastes having

specified physical properties such as wastes containing less than 5% solids. Third, under the "definition based" approach, the surface impoundment scenario would apply to waste managed in treatment/disposal units, the discharges of which are subject to regulation under Section 402 or 307(b) of the Clean Water Act.

For the vinyl chloride and polyvinyl chloride (PVC) industry, the selection among these three approaches is not particularly significant because the waste water is generally managed in surface impoundments, has less than 5% solids, and the discharge from the impoundments are subject to regulation under sections 402 or 307(b) of the Clean Water Act. Rather, the most important factor is the sampling point for evaluating the contents of the impoundment. We submit that the discharge from a surface impoundment will best represent the average profile of the waste in the impoundment. See, Comments of the Chemical Manufacturers Association (CMA) in this docket.

B. Actual Measurements Are Vastly Preferred to Predictive Models

The variety of industries and different operations potentially subject to EPA's proposal is vast. Therefore, we

strongly oppose the use of predictive models or measuring the concentration at the inlet to the surface impoundment and applying attenuation factors to predict typical contents.

Measurements taken of the effluent leaving the impoundment provide the best samplings. For the vinyl chloride/PVC industry, if the effluent meets acceptable criteria, the sludge in the impoundment will also meet permissible content specifications. However, given the divergent processes the rule will cover, regulated entities should be given the option to sample sludge from surface impoundments if they so desire.

Although we strongly favor measuring the impoundment effluent, among the alternatives presented in the Federal Register notice, our second choice would be to obtain "a representative sample of the liquid portion at some location in the impoundment." 52 Fed. Reg. 18,584. We are skeptical, however, that a truly representative profile of the contents in the impoundment can be obtained by taking any single "sample" from a location in the impoundment other than the effluent.

C. Multiple Impoundments

If a waste water facility consists of multiple, sequential ponds, the effluent from the first pond can be measured. This will adequately reflect the contents of the first pond and subsequent impoundments will not exceed this level. If sequential ponds have additional inlet points, the outfalls from ponds having inlets that contain regulated materials should be sampled.

D. Use of Appropriate Scenario

The landfill scenario used by EPA in the June 1986 proposal, assumes that all the waste disposed of in a landfill becomes an infinite source for migration into ground water. The inaccuracies in this scenario were reviewed in our prior submission. In this supplemental comment, we note that attenuation in surface impoundments is much greater than that of landfills. Thus, different regulatory levels and scenarios for landfills and surface impoundments are needed.

Experience teaches that the landfill scenario proposed by EPA dramatically overestimates the potential for migration. For example, waste consisting of 50% primary PVC sludge was

landfilled and monitored over the last 40 years. No contamination of the ground water with vinyl chloride was found. Some of this monitoring was conducted by an EPA contractor. See attachment. The exaggerative character of EPA's scenario assumptions coupled with the experience of industry in disposing wastes with significantly higher residual vinyl chloride monomer levels than finished product, indicates that the threshhold level should be increased at least an order of magnitude from 50 to 500 parts per billion (ppb).

If EPA retains the 50 ppb level it will be imposing an extreme cost burden without obtaining any environmental benefit. We estimate that for the PVC industry alone, the capital costs involved with lining surface impoundments and the construction of pretreatment facilities for wastewater prior to entry into impoundments will range from $60 and $100 million for the 23 existing PVC plants. The impact on vinyl chloride monomer production facilities will be even greater. The costs to other segments of industry subjected to these requirements will likely be similar, again without any certain benefit to society.

D. Conclusion

For the reasons stated above, EPA should: (1) adopt a different scenario for wastewater surface impoundments, (2) provide for sampling of the impoundment effluent to measure the average contents of the impoundment, and (3) adjust the threshhold for vinyl chloride to 500 ppb.

Sincerely,

OF COUNSEL

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