

TO: M Scheek VI

AUG 20 1986

8/15

Feel free to change this as
you see fit —

Pls send it - if chgd -
direct to Peter - in
interest of time saving.

Regards,
Joe King

DRAFT - TIMING

In addition to its other concerns with these proposed rules, the Vinyl Institute has objections to the relatively short time periods EPA has allotted for the submitting of comments and, then, for only six months from promulgation to the effective date.

The Agency has solicited comments on a proposal which has set such an extremely low Toxicity Characteristic Contaminant limit for Vinyl Chloride (VC), 50 PPBILLION, that all PVC product resins, as well as wastes, must be evaluated under the proposed Toxicity Characteristic Leaching Procedure (TCLP); and now "wastes" are to include wastewaters.

The magnitude of this effort for VC and PVC producers in investigating what is practically the universe of their operations is so great that there is simply not enough time, to September 26, to obtain sufficient information to make informed comments. Additional time pressure is generated by the need for PVC producers to educate their customers since they may wish to make comments on those first-grade resins they use which, if discharged as wastes, will be Hazardous Wastes.

Comments, therefore, are being made based for the most part on spot samples sent to one or the other of the ^{FEW}~~only two~~ commercial test facilities known to be able to perform analyses under the proposed TCLP. The outcome has been to overload these facilities, further aggravating the time constraint and providing limited data for cursory evaluations which fall far short of the comprehensive characterizations required.

Other than the time needed for a plant to begin to define the scope of applicability of the proposed regulations is that required to resolve such issues as representative sampling, reproducibility of lab results, correlation of results between different test facilities, and the inherent difficulties in the proposed TCLP.

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The Agency states that a guidance document may be published on proper sampling late in 1986. Meanwhile, the regulated community must resolve for itself in the limited time remaining the matter of representative sampling: A wastewater stream which contains VC only rarely and in a random time sequence; a large polymer chunk scraped from a reactor which in a landfill will leach out many times less VC than the quantity extracted after size reduction in the proposed TCLP.

Concerning reproducibility of test results and correlation between test facilities, the Agency admits that the precision of results from the TCLP are poor and that it is repeating its evaluations. If the Agency cannot even report the test precision in its proposal, it is obvious that both the Agency and the public need more time for this deficiency to be resolved. A COMPANY IN ILLINOIS HAS REPORTED IN THE PUBLIC HEARING THAT IT SENT SAMPLES TO THREE COMMERCIAL TEST FACILITIES AND THAT THESE COULD NOT REPRODUCE TEST RESULTS.

EPA has requested comments on the TCLP itself raising the probability that it may be revised in part. We note that the Science Advisory Board has already recommended simplifying the procedure. The effect of significant revision could be that the time and money already spent would have been wasted and ^{NO TIME WOULD BE} ~~none is~~ left for one's determining his status under the new procedure in order to make informed comments.

Of even greater concern to Vinyl Institute members is that the new rules are to become effective only six months from the date of promulgation. It is only on that date, the date of promulgation, that the necessary comprehensive waste stream evaluation and definitive planning for compliance can begin.

In that relatively short time span, overall site profiles must be developed determining which product, waste, and wastewater streams are Hazardous Wastes.

This will have to address all the questions raised previously about representative sampling, precision, and reproducibility of results, etc.; the economic choice of building the apparatus for testing in-house or contracting a commercial test facility will have to be ~~made~~ INVESTIGATED.

The many elements of compliance as a Generator will have to be made ready: Training of a far greater body of the work force; expansion of Contingency Plans; physical additions and changes in plants for containment, temporary storage, labeling, or signs; arranging for financial liability coverage; etc.

At least a preliminary engineering study for some waste management will have to be made for a decision on whether to ship a waste off-site after the effective date or to accept the many requirements of becoming a Treating, Storage, or Disposal Facility operator.

Finally, Part A Permit applications must be filed and capital programs prepared for those plant additions and changes required for compliance with the final rules.

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