Aerovox® INDUSTRIES, INC.

P. O. Box B-970
740 Belleville Ave.
New Bedford, Mass. 02741
617-994-9661

May 5, 1975

MAY 7 1975

PCB AD HOC COMMITTEE

On Monday, April 28 the following members of the Working Committee met at EIA headquarters in Washington, D.C.: Richard Rollins-Jard; Tom Browne-Sprague; Stu Richel-G.E.; Roger Wills-Westinghouse; and Cliff Tuttle-Aerovox. The meeting convened at 10:00 a.m. and the primary, pre-lunch discussions concernedthe approach to be taken at a meeting scheduled for that afternoon with Ken Ballentine of EPA. For your information, Mr. Ballentine is Chief of the Toxic Substances Branch. His office is located in the East Tower of the Waterside Mall at 401 M Street, S.W. His telephone number is (202)426-2663.

The balance of the morning was spent outlining the position paper which the Working Committee had agreed to prepare for submission to the full committee - fourteen capacitor companies using PCB's.

The session with Mr. Ballentine was most revealing. He was joined by Joseph Lewis, an engineer on toxic substances, who was the primary mover in putting together the preliminary Advance Notice issued last December. During the first part of our discussions, we gathered that this last Advance Notice would be essentially what would be issued (please note that this was an erroneous impression).

There seems to be considerable discussion within EPA as to how the various toxic substances should be handled, with three approaches being considered:

1. all by Advance Notice;
2. all by Proposed Rule Making;
3. some compounds by Advance Notice and some by Proposed Rule Making.

Those that are issued by Proposed Rule Making will be promulgated by July 1 with hearings being completed by the end of the summer and

DSW 310660

$$= \left(\frac{\text{Actual}}{\text{Theoretical}} \times 100 \right)$$

$$= \left(\frac{\text{Actual}}{\text{Theoretical}} \right) \times 100.$$

DSW 310661

the standards being issued and in effect by October 1. Although no formal decision has been made as yet, the complexity of the PCB situation will probably require that it be handled by Advance Notice. This is to our benefit since they probably won't even start Advance Notices until all the PRM's are completed.

HERE IS THE BLOCKBUSTER - EPA has done a complete about-face on PCB's and the new standard will be on a gross basis rather than net, meaning that background will be considered in establishing individual plant requirements. On top of this, the standards have been tightened dramatically, not only from the December draft, but even from the original standard on which hearings were held in 1974. Here are some of the requirements; remember these include background:

1. Chronic toxicity is .01 milligrams per liter times flow;

2. acute toxicity in fresh or salt water has been reduced from the previous 280 milligrams and 100 milligrams per liter respectively, to 10 milligrams per liter for both;

3. acute toxicity at the boundary of the immediate vicinity of the stream into which a plant discharges, as per the definition cannot exceed one milligram per liter.

In the sampling and data prepared by our Committee this winter, we only concerned ourselves with acute toxicity. Chronic was not considered since it varied so much from plant to plant depending upon the flow of the stream. These new standards indicate that almost none of the plants can now meet the acute, much less the chronic.

EPA has taken the position that it must prepare an "ultimate" standard to insure that the quality of water is such that animal life in it will not have toxic concentrations harmful to human life...even though these standards are unmeetable. Unfortunately, in setting these standards, it is drawing all its data from Aroclor 1254 and is now applying that material's performance to Aroclor 1016. Your Committee has notified Monsanto it must immediately generate comparison data with which we can attack EPA figures. Other points learned about the eventual PCB standard are as follows:

1. since no plant can meet the new standards, EPA is going to permit its regional office to negotiate initial standards;

STLCOPCB4070649

with each manufacturing plant. How far this will vary from region to region, or plant to plant is difficult to determine;

2. the maximum discharge of .24 kilograms per day, which will now be reduced, did not apply to multiple discharges from a single plant but, instead, to the cumulative discharges of two or more plants (generally different companies) discharging into the same body of water;

3. site studies may be conducted at various capacitor facilities in order to provide background information for regional offices to assist them in the establishment of initial PCB discharge standards;

4. it is EPA's present decision to provide a three year compliance period after the final standard has been set with or without new legislation;

Other points that came up are as follows:

1. EPA continues to believe that pentachlorbiphenyls are toxic although it thinks one or two chlorine molecules on the biphenyl radical are acceptable;

2. the recently announced white fish problem in Lake Michigan relative to PCB's is disturbing to EPA, even though it admits it cannot trace PCB's in this area to either capacitor or transformer plants;

3. EPA has some minor concern that PCB's may be carcinogenic although it admits evidence on this has not been conclusive;

4. apparently there is some importation of PCB's, perhaps of a very high toxicity, for investment casting waxes, which definitely disturbs EPA.

Your Working Committee is putting together a letter with the following basic outline. Each section is being handled by one individual as noted and then the five parts will be tied together at a meeting to be held during the weeks of May 12 or May 19:

DSW 310663

1. introduction and background - Tuttle

   a. industry's concern;
   b. industry's willingness to co-operate;
   c. total U.S. reduction in PCB usage.

2. presentation of data collected - Tuttle

   a. emphasize that discharges may be higher than actually measured since data was taken in 4th quarter when production was low;
   b. present summary of data as outlined at March 4 meeting;
   c. point out the present background levels;
   d. demonstrate industry's current success by citing efficiency factor;
   e. emphasize PCB problem is minor in terms of other EPA problems as demonstrated by total industry daily discharge.

3. corrective action - Rollins

   a. indicate improvements made to date;
   b. outline steps being taken for in-plant control to reduce discharges;
   c. cite problem of treatment plants at present;
   d. provide monitoring program that is being recommended for the entire industry to measure, test and record.

4. comparison of Aroclor 1016 vs. 1254 - Wills

   a. in general, stress the pentachlorbiphenyls low chlorine advantages of 1016;
   b. point out erroneous deductions by applying 1254 data to Aroclor 1016;
   c. hopefully present additional technical data from Monsanto.

5. industry's position vs. new proposals - Richel

   a. emphasize background including residual within plants as well as in streams;
   b. comment on method of calculating flow;
   c. present economic impact to both the U.S. and industry's economy.

DSW 310664

Once the Working Committee has completed the position paper and the fourteen companies have approved it, the following action is proposed:

1. presentation to the Parts Division of EIA on June 4;

2. Parts Division presentation to EIA's Board of Governors on June 5;

3. position letter from Jim Adduci to Donald Quarrels and Russell Train speaking not only for the fourteen capacitor companies, but the entire EIA membership;

4. copy of letter, with covering letter to OMB (note that OMB must be provided an economic impact study by EPA under the President's Executive Order to determine inflationary impact of legislation);

5. copies of letter, with covering letter from Adduci to the Secretary of the Department of Commerce;

6. copies of letter, with covering letter from Adduci to the head of the Federal Energy Office;

7. copies of letter to congressmen and senators by PCB Committee members.

Sorry these notes are so lengthy; obviously the situation is considerably worse than we were led to believe a few months ago. Hopefully our concentrated efforts will help in moving it back to a more favorable position. One thing we must all do is emphasize to Monsanto the need that technical data be generated immediately.

Clifford H. Tuttle

Distribution
Messrs.
Browne, Bergen, Buss, Butterworth, Butner, Clark, Dubilier, Etter, Hauser, Herger, Lopes, Nourse, Papageorge, Peterson, Richel, Rollins, Stenger, Wallis, White, Wills, Willy

DSW 310665