



June 13, 1980

Mr. Douglas Costle
Administrator
Environmental Defense Fund
Room 1200 West Tower
401 M Street, S.W.
Washington, D.C. 20460

Re: Vinyl Chloride

Ref.: (1) Letter, Corcoran to Costle, dated April 18, 1980.
(2) Letter, Reich to Corcoran, dated May 12, 1980.
(3) Letter, Rauch to Hawkins, dated August 15, 1979.
(4) Letter, Rauch to Costle, dated February 3, 1978.

Dear Mr. Costle:

It is time to promulgate proposed regulations and to enforce existing ones for the control of vinyl chloride emissions.

On April 18, 1980, we wrote you requesting stricter enforcement of the regulations requiring prevention of vinyl chloride emergency releases. Ref. (1). (On May 12, Edward E. Reich, Director of Stationary Source Enforcement, responded. Ref. (2).) In our April 18 letter, we also promised a letter addressing promulgation of the pending regulations which will lower the emission limits for resin stripping, 42 Fed. Reg. 28154 (June 2, 1977). This is that letter.

On June 2, 1977, EPA published proposed amendments to the National Emission Standards for Vinyl Chloride (40 C.F.R. § 61.60 et seq.). These amendments were proposed under the terms of a settlement agreement of EDF's challenge to the final vinyl chloride standards. As part of the same settlement agreement, EPA was to make every effort to take final action on the amendments by January 1, 1978. EPA has not done so. Two years ago, the U.S. Court of Appeals permitted EPA a reasonable period of time to act on this matter as part of its overall policy concerning all airborne carcinogens. Order, EDF v. Train, No. 76-2045, August 29, 1978. Now, two years later, EPA has still not taken action. The "reasonable period of time" granted EPA by the Court of Appeals has expired.

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We ask that EPA promulgate the proposed amendments now. This is appropriate not only because of the continuing health hazard vinyl chloride represents (see Ref. (1) pp. 1-2), but also because th hazard is unnecessary. Data contained in the industry reports regarding compliance with the standards shows that the industry is capable of compliance with the proposed amendments to the standards. (These industry reports were obtained from EPA in response to an August 15, 1979 request by EDF under the Freedom of Information Act.) We have reviewed industry semi-annual reports to EPA Regions I through III. These reports show at least one plant in each region we examined has reached substantial compliance with the emission standards, both as they are and as they will be amended. These examples are listed below.

Region I. Borden Chemical, Leominster, MA. Semi-annual report of March 14, 1979. For over half of the days in each month the suspension resin residual vinyl chloride monomer (VCM) was well under 100 ppm, the limit specified in the proposed amendments.

Region II. B.F. Goodrich, Pedricktown, NJ. Semi-annual report of March 15, 1978. In the six months between September 1, 1977, and February 28, 1978, the suspension resin residual VCM was under 100 ppm for all but seven (7) days (the excesses all being less than 200 ppm).

Region III. Union Carbide Corporation, South Charleston, WV. Semi-annual report dated March 16, 1979, as supplemented by letter dated April 4, 1979. For January and February of 1979, for all but seven (7) days, the residual VCM in stripped resin was under 100 ppm. For the seven days in excess the values (in ppm) were 287, 153, 148, 139, 121, 114, and 106.

Diamond Shamrock, Delaware City, Del. Semi-annual report dated September 11, 1978. For the six months, March 1978 through August 1978, there were an average of only four days each month in which the residual VCM in stripped resin exceeded 100 ppm, the limit specified in the proposed amendments. In June 1978, there was only one day in which the proposed limit of 100 ppm was exceeded.

There would, of course, be many more examples of one were to examine the reports from the other regions, especially Region VI. However, the examples listed above are sufficient to demonstrate that compliance with the proposed amendments is technically feasible with current industry practices.

The promulgation of the proposed amendments is especially appropriate in view of the fact that they apply only to new resins.

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The amendments will not impose a burden on those manufacturers who have not met the new limits in current production because current resin formulas will not be subject to the new limits. The new limits of the amendments will apply only to new resins. It is both reasonable and legally required that residual vinyl chloride monomer in new resins be no greater than that found in the least contaminated resins currently produced.

The need for promulgation of the amendments in order to assure adoption of best available technology is suggested by a review of subsequent semi-annual reports of two of the above listed companies. The semi-annual reports for the periods immediately following those discussed above show poorer compliance (and fewer days with residual resin VCM under 100 ppm) at the plants of Diamond Shamrock in Delaware City and B.F. Goodrich in Pedricktown.*

As we stated in our April 18, 1980 letter, accumulating evidence demonstrates that vinyl chloride is a toxic chemical for which no safe exposure limit has been established. Section 112 of the Clean Air Act, 42 U.S.C. § 7412(b)(1)(B) requires you to establish a vinyl chloride emission standard which provides an ample margin of safety. There having been established no safe exposure limit for vinyl chloride, the lowest possible emission limits must be set. Compliance with the proposed amendments has been shown by industry practice to be possible. Section 112 and your court approved settlement agreement with EDF require that the amendments be promulgated.

Industry and EDF representatives met recently to discuss regulation of vinyl chloride emissions. Although industry and we disagree as to the need for stricter regulations, we and industry representatives with whom we have spoken are in agreement that, if there are to be stricter regulations, it would be most fruitful to direct them at restricting emergency discharges and at lowering the limits for residual vinyl chloride in stripped resins.

We believe that promulgation of the proposed amendments, along with more vigorous enforcement of the ban on emergency releases of vinyl chloride, will substantially reduce emissions from the most readily controllable sources of vinyl chloride in the environment.

* Our April 18, 1980 letter, in a footnote on page 4, noted that the total absence of emergency discharge reports from Region II appeared to be an administrative error in the Region. In reviewing the semi-annual reports, we note a similar absence of required reports. For example, we did not receive the Spring 1979 semi-annual report for the B.F. Goodrich Pedricktown, N.J., facility.

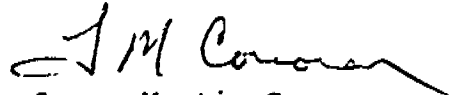
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As always, we would be happy to discuss these matters further with you or your staff if you believe it would be helpful.

Sincerely,


Larry Martin Corcoran

cc: Gary Baise, Esq.
R.N. Wheeler

LMC:rlb

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