

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PPG 23

OFFICE OF ENFORCEMENT

MEMORANDUM

SUBJECT: Relief Valve Discharges
PPG Facility at Guayanilla, Puerto Rico

FROM: Director
Division of Stationary Source Enforcement

TO: Stuart Roth, Attorney
Enforcement Division, Region II

This is in response to your memo of January 10, 1978, requesting guidance on enforcement options available to prevent relief valve discharges of VCM from vinyl chloride storage tanks at the Guayanilla PPG plant.

We believe that the most effective approach to eliminating emissions caused by relief valve discharges would be requiring that PPG take measures designed to prevent relief valve discharges and install equipment designed to contain discharges, should they occur in spite of any preventative efforts. We feel that this position is justified by the preamble to the proposed standards which states, with respect to relief discharges from equipment other than reactors, "...increasing pressure due to inert gases in the system can be relieved by manual venting to a gas holder or recovery system. The conditions which lead to discharges can also be prevented in most cases by proper handling and transfer of vinyl chloride or materials containing vinyl chloride". (Sec 40 FR 59539, December 24, 1975).

One possible option which could satisfy the above requirements and which combines options listed in your memo, would be installation of additional refrigeration units designed to serve as backups for the existing units in combination with a gas holding tank which could contain any releases resulting from total refrigeration failure or from other equipment failures or deficiencies, including any releases which occur during the time it takes to switch over from a malfunctioning refrigeration unit to a backup unit. Of course, PPG will be responsible for developing a plan for preventing relief discharges, including any necessary operation and maintenance requirements applicable to that.

CMA 015316

In your memo you request clarification of what constitutes an "emergency relief discharge". As stated in our memo of December 15, 1977, the preamble to the proposed vinyl chloride regulation describes an emergency discharge as one which cannot be avoided by taking preventative measures, such as those caused by natural disasters (40 FR 59539, December 24, 1975). Natural disasters include hurricanes, tidal waves, earthquakes, etc. Discharges which could have been prevented will not be considered "emergency discharges".

Finally, you request guidance on the enforcement approach to be used to require installation of equipment designed to minimize the amount and frequency of discharges. As you know, an administrative order (Section 113(a) order) is an inappropriate method to remedy a NESHAP violation unless the order requires immediate compliance with the standards. In some circumstances, a waiver of compliance may be issued which requires the installation of equipment necessary for compliance with the standard if the equipment can be operational and the source can be in compliance by October 21, 1978. Note that the issuance of a waiver of compliance is discretionary, and consideration should be given to both the source's good faith and whether we believe the terms of the waiver will be complied with and final compliance ultimately achieved. In addition to any requirements designed to protect public health during the period of the waiver (40 CFR 61.11(b)(3)) and any other requirements generally applicable, any such waiver should include very detailed incremental dates for design and installation of the equipment. The waiver should be structured so that the first increment will become due as soon after issuance as possible. This will ensure prompt action by the source while still allowing EPA sufficient time to act should VPC fail to comply. Violation of the waiver requirements could, of course, result in the commencement of civil or criminal action.

However, if the source has not requested a waiver to allow installation of the required equipment, if the source has not acted in good faith, or if the Region believes it is impossible for the equipment to be installed and the source to be in compliance by October 21, 1978, civil action should be commenced seeking injunctive relief for expeditious installation of the necessary control equipment. In light of the hazardous nature of the pollutant involved, we would urge quick preparation of any referral package (including any penalty calculations necessary to comply with the penalty policy). In addition, we can assure you that we would expedite our review and referral of the package to the Department of Justice.

If you require any further assistance on this matter,
please feel free to contact Doug Farnsworth (755-2570)
regarding any legal questions or Libby Scopino (755-2564)
regarding any technical questions.

William F. Johnson
for Edward E. Reich

cc: Susan Wyatt, ESED
Marcus Kantz, Region II

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