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Law Department
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Environmental Affairs

July 25, 1984

Mr. Thomas C. Coerver
Program Manager, Surveillance
Louisiana Department of Environmental Quality
P. O. Box 44066
Baton Rouge, LA 70804

Dear Mr. Coerver:

At our meeting of July 10, 1984, to discuss two 1984 vinyl chloride SRV releases at PPG's Lake Charles facility, we requested that we be permitted to summarize our comments in writing. You agreed and requested that PPG's comments be sent by July 27, 1984.

It is our understanding that DEQ is currently considering a recommendation to the Secretary on whether PPG should be assessed any penalty for SRV releases of vinyl chloride at Lake Charles on February 9 and May 18, 1984. Under applicable Louisiana regulations, a penalty would be appropriate only if these releases were preventable. For the reasons set out at our meeting and summarized below, it is PPG's opinion that these releases were not preventable within the meaning of the regulations and that a penalty assessment would be unreasonable and unwarranted.

As we said at our July 10 meeting, PPG assumes that the regulations envision a nonpreventable release which falls short of an act of God and that the appropriate inquiry is whether, considering the circumstances of which PPG was aware before the release, the plant had done all that could be reasonably expected to prevent such incidents. The Louisiana regulations themselves envision this kind of nonpreventable release. Section 76.19 provides for a report to the Commission whenever an emergency or preventable release occurs at a facility due to the same condition. The report must specify steps to be taken to remedy the situation. If the exception for nonpreventable SRV releases were limited to acts of God, this section of the Louisiana regulations would be rendered meaningless. Clearly the regulations are intended to allow for releases due to equipment failure and human error which could not be foreseen or prevented by reasonable means or procedures.

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The fact that procedures or technical changes were instituted after a release should also not be considered in determining a release's preventability. This is true for two reasons. First of all, the corrections or changes are often simply 20/20 hindsight and the preventability must be judged on pre-release knowledge and experience. Second, DEQ should not create a preventability test which would discourage additional actions after the fact to improve the level of control at a plant. These principles are especially applicable in the instant case in view of the plant's extensive overall efforts at controlling releases from its VCM SRVs and the particular facts of the releases in question. The vinyl chloride facilities alone at Lake Charles contain over 300 SRVs, approximately 120 of which are in vinyl chloride service.

Release No. 1 (February 9, 1984)^{1/}

This release occurred in the plant vinyl chloride storage area which is physically segregated from the production areas. One of the two spherical storage tanks in this area (S-1) was being monitored by means of a dp cell level transmitter which failed. The increase in the level above the maximum fill level from continued product transfer thus went undetected and the result was release of the SRV. The dp cell level transmitter is a redundant device to S-1's Varec level gauge. It is the primary level detector whenever the Varec is inoperable. After long periods of service, the Varec tapes break and the tape in S-1 was broken and scheduled for repair at the time of this release. There was no reason to suspect any inaccurate readings by the dp transmitter since it had been calibrated only two weeks before the malfunction, on January 26, 1984. In addition, there had been no previous transmitter failures leading to SRV releases. The problem was detected when the SRV released and transfer of VCM into the tank was stopped immediately. Subsequent testing of the transmitter showed it to be reading 23% low. There was simply no way of knowing or even suspecting that this backup system would fail in this fashion within such a short time of its calibration.

As we have said, corrective measures taken after the release should not be a factor in assessing preventability but you should note that PPG has elected to install another dp cell transmitter in each storage sphere as a third level of control.

^{1/} Although this release was originally listed as 2800 lbs., that figure was the result of a calculation error. As explained in a July 9, 1984, letter from PPG's Kenneth Komoroski to DEQ, the actual amount released was 1103 lbs.

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Release No. 2 (May 18, 1984)

This release occurred when operators made an error in judgment in responding to pressure building up in one of the vinyl chloride storage spheres. Basically, the operators, due in part to confusion during a shift change, did not act quickly enough to increase the venting rate from the sphere into the incinerator to relieve the pressure buildup.^{2/} PPG does not view this release as preventable because the operators receive comprehensive training and instruction pursuant to a PPG operations manual and had received specific written instructions from their supervisors on exercising caution in this particular filling operation. In putting the sphere back in service, PPG followed an established procedure which has been successfully used in the past without SRV releases. PPG had taken all of the reasonable steps it could, in view of its state of knowledge before the release. It is simply impossible to eliminate human error from the equation. Where the plant management has a good training program and the supervisors provide adequate and careful direction, a release caused by this kind of operator action should not be viewed as preventable.

Although the release report from PPG to the state says the release could have been prevented, this is from a technical and supervisory standpoint and not a regulatory one. Every release can be prevented in one way or another, as was the case here, but the regulation clearly envisions some range of activities where releases occur notwithstanding reasonable and thorough efforts by the operating facilities. Any other reading of the regulatory program would leave only acts of God as preventable (e.g. lightning, earthquakes). This is an unreasonably constricting approach.

As we explained at our meeting, PPG has now instituted a conservative procedure for filling this tank to narrow the range for judgment and human error. All transfers will be halted when the pressure gauges show a pressure of 75 psig which allows a good margin of safety. In this release, the SRV was set for 100 psig which is the current setting.

Conclusion

PPG does not believe that these releases are appropriate for enforcement or penalty and we will object to any attempt by DEQ to characterize these releases as preventable. There was no reason to foresee and take further

^{2/} The operators did receive written reprimands for this action. These formal reprimands were the strongest available under the plant's disciplinary policy and procedures.

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steps to prevent these releases. In addition, the circumstances are completely inappropriate for enforcement action.

These releases pose the risk of fire or explosion and there is accordingly a great deal of incentive for the plant to prevent them. The releases are also costly in product loss and disruptive to operations. The releases in question were not detected on any monitors, and the physical characteristics of vinyl chloride are such that it immediately dissipated into the atmosphere, posing no significant threat to health or the environment. PPG was not acting in indifference to or disregard of the regulations and has always had a diligent and good faith approach to controlling SRV releases and reporting them in the rare instances that they occur. This effort is further highlighted by the steps PPG has taken since the releases to eliminate the possibility of similar incidents in the future.

PPG is fully committed to safe and responsible operations and is confident that it is controlling its SRV releases to the extent feasible. The reported releases resulted from peculiar circumstances which are not expected to repeat themselves. Accordingly, enforcement is inappropriate and would reflect an incorrect application of the preventability standard.

I appreciate your attention to our comments. If you have any questions or need any additional information please call David Cannon in Pittsburgh at (412) 434-2406 or James Wyche in Lake Charles at (318) 491-4830.

Sincerely yours,



Leslie Carothers
Senior Counsel

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