

SHELL OIL COMPANY

DEER PARK
MFG COMPLEX
MAY 19 1976

DATE MAY 17 1976

GENL MGR
SUPT CHEM
SUPT ENGR

TO GENERAL MANAGER - CHEMICAL
PLANTS AND REFINERIES

FROM MANAGER - MANUFACTURING
ENVIRONMENTAL CONSERVATION
DEPARTMENT - HEAD OFFICE

SUPT ENGR

SUBJECT ACTIVITIES REPORT -
MARCH 1976

SUPT ENGR

The March 1976 Activities Report is attached. Items of major significance are summarized below.

ENG SUPT CHEM

SUPT ENV CON

The Southern California Air Pollution Control District have proposed rule amendments which would require vapor emission control devices on storage of all organic liquids having a vapor pressure of 1.5 psia. They also propose to prohibit construction of crude petroleum storage facilities which emit more than 150 pounds per day of non-methane, non-ethane hydrocarbons. A Shell comment to the proposal is being prepared.

SUPT TECH

MGR E&S

Further to the remand of the Organic Chemical Guidelines, twelve major chemical companies including Shell have undertaken effort to jointly assess the analytical problem confronting the industry as regards the development of new regulations.

MGR MAINT

SPV SECURITY

SUPT MAINT

CHIEF TECH.

SUPT OPER E

EPA have amended the NPDES permit program regulations to extend the permit requirement to discharges of storm water run-off in urbanized areas. It is expected that this amendment will necessitate "General Permitting" at a number of Manufacturing locations.

SUPT OPER W

SUPT UTILITIES

EPA and three environmental groups have proposed an unprecedented agreement whereby four toxic pollutant related suits would be dismissed if EPA proceeds to establish effluent limitations not only for the previously identified "toxics" but for an additional sixty odd substances and chemical classes. The proposed agreement has been submitted to the Court for approval. However, a number of parties including API have intervened. The Organic Guidelines suit litigants have also requested leave to intervene. No action has been taken on the request. The case has been set over to April 21.

MGR DISPATCH

MGR E&S

MGR ENG FIELD

CONTROLLER

The US District Court for the Northern District of California has dismissed Shell's action against the EPA regarding the Martinez NPDES permit. A petition for review before the State Water Resources Control Board is still pending.

MGR EMP REL

SUPT MAINT PROJ

MEDICAL DIR

MGR FINCH/GS

MGR SAFETY/IN

Denver Plant personnel have met with appropriate governmental groups regarding planned disposal of effluent incinerator solid wastes.

HANDLE

DATE

BY

Attachment

cc to R. E. Van Ingen
" M. H. Brasley
" R. P. Frutiger
" C. H. Rives
" D. G. Reno / D. Latje

for R. E. Van Ingen



DFMC-07041

LAM 010656

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DPMC-07042

LAM 010657

Distribution - Continued

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DPMC-07043

LAM 010658

Environmentalists - EPA Suit Settlement (Proposed) (VWW)

On March 19, a new development in the regulatory situation surfaced with the emergence of a draft of a proposed settlement agreement between EPA and three environmental groups which would obviate trial in four cases now pending before the US District Court for the District of Columbia. These cases are:

(1) Natural Resources Defense Council, et.al. vs Russell E. Train.

This suit sought an order of the Court to add certain substances (including petroleum refinery effluents and organic chemical manufacturing plant effluents) to the list of toxic pollutants published by the EPA. The action was dismissed by the US District Court on May 23, 1974, but upon appeal by the NRDC the US Circuit Court of Appeals for D. C. remanded the case to the District Court with instructions that the Lower Court "consider the entire administrative record and reconsider its decision". The remand was made on September 15, 1975. However, EPA has not filed the administrative record, and apparently would prefer to settle the suit out of court.

There were no intervenors in this case.

(2) Environmental Defense Fund et.al. vs Russell E. Train.

This suit seeks to compel the defendant to perform his statutory duty in promulgating final toxic pollutant standards for nine substances on the list published September 7, 1973.

In this suit the American Iron and Steel Institute, the National Coal Association, American Cyanamid, and the American Petroleum Institute, with four oil companies, including Shell Oil Co. filed as Intervening Defendants.

(3) Citizens for a Better Environment, et.al. vs Russell E. Train.

Same complaint as the action above, but not consolidated by the Court.

There are no intervenors in this suit.

(4) Natural Resources Defense Council, Inc. vs James I. Agee, et.al.

Plaintiff alleges that the Administrator has not satisfied a statutory duty of timely promulgation of pre-treatment standards under Section 307(b) of PL 92-500.

There are no intervenors in this suit.

DFMC-07044

LAM 010659

EPA and the plaintiffs in each of these suits propose to postpone court action, and ultimately to drop these suits under an unprecedented type of agreement as summarized below:

1. EPA will propose standards pursuant to Section 307a of PL 92-500 for aldrin/dieldrin, DDT (DDD, DDE), endrin and toxaphene on or before May 31, 1976; for benzidine on or before June 15, 1976 and for polychlorinated biphenyls (PCBs) on or before June 30, 1976. Not later than six months after the proposal, the Administrator shall promulgate final standards for each of such pollutants.

2. Except for the specific provisions of paragraph 1 above, all other effluent limitations and guidelines for point sources in 21 listed categories (appended) will detail the limitations expressly applicable to each of the pollutants listed in the agreements Appendix A (also attached). As used in the agreement, point sources applies also to the introduction of pollutants into treatment works which are publicly owned.

3. In addition to the pollutants for which regulations are to be established, the Administrator will "identify the categories or category of point sources which discharge into navigable waters or introduce into publicly owned treatment works the following pollutants": acetone, n-alkanes, biphenyl, chlorine, dialkyl ethers, dibenzofuran, diphenyl ether, methyl ethyl ketone, nitrites, secondary amines, styrene and terpenes.

4. The Administrator is directed to use contractors in accordance with a stringent schedule to develop the data necessary to issue the regulations. All twenty-one contract categories must be covered by October 31, 1977. Contractors reports are required in 12 months or less after award of the contract, and the Administrator is allowed up to three months additional for a related economic study.

5. The regulations required under the agreement shall be proposed by publication in the Federal Register not later than six months following the completion of performance of the contracts, and shall be finally promulgated not later than six months following proposal. The regulations finally promulgated shall be effective not later than 30 days following their publication in the Federal Register.

6. Whenever the Administrator decides to exclude any point source category or any specific pollutant from coverage, the Administrator shall file with the Court, and serve upon the parties to the cases, a statement under oath designating the point source category or sub-category or the specific pollutant to be excluded together with the reasons for such exclusion. If the plaintiffs file objections to the proposed exclusion the Court shall determine whether such exclusions shall be permitted.

7. The Administrator shall provide the plaintiffs with quarterly oral briefings on the progress of the Agency and its contractors and shall provide the plaintiffs with pertinent documents and written materials supporting such progress reports.

8. The regulations developed pursuant to this agreement shall be applicable to all NPDES permits issued or renewed after January 1, 1978, but prior to promulgation of the applicable regulations. Each permit issued will contain a provision that it shall be revised or modified to require compliance with any more stringent effluent limitation which may be established for the point source.

9. Pretreatment requirements for sources discharging into publicly owned treatment plants will be promulgated on a strict schedule for eight categories of point sources. Significantly, petroleum refining is included with a promulgation date of February 15, 1977.

10. Upon completion of performance by the Administrator of all the undertakings to be performed by him under the agreement, the four cases shall be dismissed.

The development of the above proposed settlement had been carried out between the principals over some period of time without consulting the intervenors. When the proposed agreement first became available (week of March 15), reactions by the defendant intervenors were mixed. One, the National Coal Association, accepted and agreed to sign the proposal. American Cyanamid Company refused to participate in the agreement, but did not propose to take an active part in opposition to the proposal. The American Iron and Steel Institute elected to oppose the agreement. The American Petroleum Institute, et. al, at a meeting of the W-14 Committee on Toxics, also elected to oppose and so instructed their outside counsel. The Ad Hoc Organics group also suggested that Cleary, Gottlieb, Steen and Hamilton petition the Court for leave to intervene on behalf of a number of members. Such a petition was filed in Civil Action 2153-73, the NRDC et. al. vs. EPA on behalf of nine companies, including Shell, on March 29.

The above prompt actions were necessitated because the proposed agreement was to be submitted to the U. S. District Court (Judge Flannery) on March 31, asking for court approval. No action was taken on the leave to intervene petition during the March 31 hearing. The EPA pointed out the advantages of the four case settlement. The intervenor objectors stated their opposition to the proposed settlement, and a number of company representatives in the audience but not party to this suit made informal presentation to Judge Flannery in opposition to the proposal.

Judge Flannery then set the case over to April 21, and while continuing to hold judgement on leave to intervene, invited the interested parties to submit their views for consideration by the Court.

ATTACHMENTS

Point Source Categories to which proposed EPA
Suit Settlement would Apply

1. Timber Products Processing	(12)
2. Auto and other Laundries	(9)
3. Organic Chemicals Manufacturing	(2)
4. Iron and Steel Manufacturing	(5)
5. Petroleum Refining	(1)
6. Inorganic Chemicals Manufacturing	(4)
7. Textile Mills	(2)
8. Leather Tanning and Finishing	(1)
9. Non-Ferrous Metals Manufacturing	(7)
10. Paving and Roofing Materials (Tars and Asphalts)	(3)
11. Paint and Ink Formulation and Printing	(18)
12. Soap and Detergent Manufacturing	(1)
13. Steam-Electric Power Plants	(1)
14. Plastic and Synthetic Material Manufacturing	(1)
15. Pulp and Paper board Mills, and Converted Paper Products	(19)
16. Rubber Processing	(8)
17. Miscellaneous Chemicals	(10)
18. Machinery & Mechanical Products Manufacturing	(177)
19. Electroplating	(1)
20. Ore Mining and Dressing	(10)
21. Coal Mining	(4)

The number in parenthesis indicate the identified sub-categories affected in each of these major categories.

APPENDIX A

Acenaphthene
Acrolein
Acrylonitrile
Aldrin/Dieldrin
Antimony and compounds*
Arsenic and compounds
Asbestos
Benzene
Benzidine
Beryllium and compounds
Cadmium and compounds
Carbon tetrachloride
Chlordane (technical mixture and metabolites)
Chlorinated benzenes (other than dichlorobenzenes)
Chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane, and hexachloroethane)
Chloroalkyl ethers (chloromethyl, chloroethyl, and mixed ethers)
Chlorinated naphthalene
Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)
Chloroform
2-chlorophenol
Chromium and compounds
Copper and compounds
Cyanides
DDT and metabolites
Dichlorobenzenes (1,2-, 1,3-, and 1,4-dichlorobenzenes)
Dichlorobenzidine
Dichloroethylenes (1,1- and 1,2-dichloroethylene)
2,4-dichlorophenol
Dichloropropane and dichloropropene
2,4-dimethylphenol
Dinitrotoluene
Diphenylhydrazine
Endosulfan and metabolites
Endrin and metabolites
•Fluoranthene
Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis(dichloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers)

Halomethanes (other than those listed elsewhere; includes methylene chloride, methylchloride, methylbromide, bromoform, dichlorobromomethane, trichlorofluoromethane, dichlorodifluoromethane)

*As used throughout this Appendix A the term "compounds" shall include organic and inorganic compounds.

Heptachlor and metabolites
Hexachlorobutadiene
Hexachlorocyclohexane (all isomers)
Hexachlorocyclopentadiene
Isophorone
Lead and compounds
Naphthalene
Nickel and compounds
Nitrobenzene
Nitrophenols (Including 2,4-dinitrophenol, dinitrocresol)
Nitrosamines
Pentachlorophenol
Phenol
Phthalate esters
Polychlorinated biphenyls (PCBs)
Polynuclear aromatic hydrocarbons (including benzantracenes, benzopyrenes,
benzofluoranthene, chrysenes, dibenzan-
tracenes, and indenopyrenes)

Selenium and compounds
Silver and compounds
2,3,7,8 - Tetrachlorodibenzo-p-dioxin (TCDD)
Tetrachloroethylene
Thallium and compounds
Toluene
Toxaphene
Trichloroethylene
Vinyl chloride
Zinc and compounds