



Interoffice Communication

To Doug Erlich - Houston
From M. G. Hayes - Westlake
Date October 30, 1981
Subject Alleged NPDES Permit Violation

In January, 1981, the National Enforcement Inspection Center (NEIC) inspected the Lake Charles Conoco VCM, Chemical, Refining, and Carbon Black Plants. The inspections were performed for Region 6, and included the Laboratories for records and lab practices.

Based on the draft report submitted by NEIC to Region 6, the VCM received a letter of notice of violations of the NPDES Permit for laboratory practices. Our letter of response and the EPA response are attached with the original letter.

The list of violations are based on perceived deviances from Standard Methods of Water and Wastewater Analysis and ASTM test methods. With the exception of TSS, the methods of performing the analyses are not in question. The violations are based strictly on recommended means of standardization and practice for quality assurance. The results were not questioned for any analysis. The VCM Lab has a QC/QA program on-going.

It is our contention that Standard Methods and ASTM Methods are guidelines and not regulations. The EPA contends, due to the reference in the NPDES Permit (attached), these must be followed precisely. EPA has published in the FR "Guidelines Establishing Test Procedures for the Analysis of Pollutants" (10/16/73, 38FR28758; 12/1/76 41FR52780). They have not, as in the Air Program, published test methods for specific pollutants. Neither Standard Methods nor ASTM test methods are available for review and comment from revision to revision.

This precedent of regulation through incorporation by reference and specific guideline cannot be allowed. The potential ramifications are serious for all Conoco facilities, should application of this policy extend into other areas. In any case, Lake Charles Conoco facilities will receive extensive lists of N.O.V.'s based on the guidelines.

Please examine the attachments and respond as quickly as is practical as to the next step to be taken. If you wish, we may discuss; all of those on the distribution feel quite strongly about this. The immediate impact,

VVC 000013557

Doug Erlich
Page 2
October 30, 1981

if the EPA position is upheld, will be the installation of (unnecessary) equipment, and the addition of Lab personnel at the VCM, LCCP, and Refinery to run spike samples (recommended practice). This will yield no appreciable change in test results. We may also wish legal interpretation of certain language in Standard Methods.

M. G. Hayes

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Enclosures

cc w/o enc.: G. L. Foshee (VCM)
P. L. Fetzer (VCM)

cc w/enc.: J. C. Ledvina (Houston)
H. J. Neeld (Houston)
C. R. Hampton (Denver)
Richard Fuller (Ponca City)

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