

*1- justify why
not report on
waiver releases*

why not Banks

Dwight K. Wylie, P.E., Chief
Air Quality Division
Mississippi Department of Natural Resources
P. O. Box 20305
Jackson, Mississippi 39209

Dear Mr. Wylie:

You will recall that on January 5, 1984 Richard Frohreich of Conoco's Aberdeen PVC Plant telephoned Jerry Banks and advised him that in connection with the pending sale of Conoco's Chemicals Division to Vista Chemicals Co., Conoco had conducted an inquiry into the status of the plant's environmental files. During the inquiry it came to our attention that some plant operating logs contained several ambiguously-worded entries concerning incidents which might have been emergency relief valve discharges and for which no documentation could be located that would indicate that the incidents had been reported to the Environmental Protection Agency. The entries thus identified were logged during the time that the plant either had a pending waiver application, or was operating under an EPA waiver from the NESHAP requirements. Mr. Frohreich informed Mr. Banks that Conoco would provide additional information at the conclusion of its inquiry. Mr. Frohreich confirmed the telephone conversation by letter dated January 10, 1984.

*now!! did not
say anything
about this*

We have now concluded our review of the Aberdeen plant's logs for the period from October, 1976 through October, 1978¹. The review disclosed four incidents which, in the context of plant terminology and usage, might have been emergency relief valve discharges for which no evidence of reporting could be located. Two other incidents were also uncovered which are believed to have been reported but documentation to support this has not been located.

In reviewing the operating logs and preparing the list of incidents, Conoco did not investigate instances described in the log entry as leaks, since these are exempt from the reporting requirements of the NESHAP regulations. Also excluded from the list are those events which occurred at equipment covered by the waiver of compliance. Conoco's plan for compliance called for installation of three major systems that would minimize or eliminate ^{reduce the possibility} vinyl chloride emissions for process and storage equipment. Installation and operation of the incinerator, the emission recovery system and the in-process water stripping system was to be completed by August 1, 1978. It was understood that until these systems were operational, any vents or relief valves which ^{discharges} ~~were to be~~ ^{on equipment covered by the waiver} ~~could not be otherwise controlled.~~ ^{how get around what standard says about reporting all discharges}

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Conversations with EPA personnel during the pendency of the waiver application and during the waiver period, supported this impression. Dr. Wu, of EPA's region IV office, ^{really} advised the plant that releases from equipment scheduled to be controlled through one of the three systems need not be reported during the waiver period since it was understood by EPA that the plant was in the process of controlling emissions from such equipment.

did we ask if this was

RESULTS OF INQUIRY

In order to discuss the relevant log entries, it may be helpful to recapitulate the chronology of events surrounding EPA's publication of the vinyl chloride regulations and the plant's efforts to demonstrate compliance with the required ? work practices.

Oct-10
Nov-30
-31

EPA published the vinyl chloride NESHAP in final form on October 21, 1976; compliance was required by ^{*the standard did not apply until Jan 20, 1977*} January 19, 1977 unless a waiver was obtained. On December 20, 1976 Conoco's Aberdeen PVC plant applied to the Region IV office of EPA for a waiver of compliance and for additional time to complete installation of control equipment necessary to minimize vinyl chloride emissions. On February 10, 1977 EPA informed the

plant ~~of~~ its intent to deny the waiver request. On February 25, 1977 Conoco supplied EPA with additional information. EPA granted the waiver request on March 30, 1977. The waiver approval contained a schedule of interim milestones which the plant was to follow in order to achieve final compliance by August 1, 1978.

While its application for a waiver was pending, and during the period of the waiver (March 30, 1977 to August 1, 1978) the plant experienced some confusion about the applicability of the relief valve discharge reporting requirements. The overall impression was that the reporting obligation was not applicable to equipment covered by the waiver until the end of the waiver period, when full compliance was expected. It was unclear to the plant whether reporting was required for equipment not covered by the waiver.

Because of this uncertainty, some events may have been reported while others were not. It is my understanding that when EPA delegated the vinyl chloride NESHAP program to the Mississippi Department of Natural Resources (DNR), EPA provided the DNR with copies of all relevant documents pertaining to the vinyl chloride sources for which the DNR

no, we told us

already stated why a tall again?

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would be responsible. If this assumption is correct, may I ask that you review the EPA file to determine whether it contains any notices from Conoco about the events discussed in Attachment A.

Should you have any questions about the information we are providing, please do not hesitate to call me at (713) 965-3058.

Sincerely,

Bradley I. Raffle

Attorney

/acv

cc w/att.: E. Gilberg, EPA, Washington, D.C.

D. Hodges, EPA, Region IV

R. McQuade, Justice Department

*Wash. EPA attorney
why copy them*

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- 1 The log book for the period May 1977 to August 1977 has not been located.