

INTER-OFFICE MEMO

TENNECO CHEMICALS, INC. ENV. SCIENCE

XEROX: DR. GOTTESMAN

MAY 5 REC'D

TO	R. T. Gottesman D. C. Coldiron	AT	DATE	May 4, 1977
FROM	G. S. Flint	AT	COPY TO	W. P. Anderson ✓ F. X. Dwyer J. Fath M. R. Haymon W. J. Klingebiel P. A. Lobo R. H. Marks F. X. Ritter S. R. Sheeran
SUBJECT	EPA/EDF SETTLEMENT - VINYL CHLORIDE REGULATIONS			

Since I believe it contains a number of misunderstandings of the law and the standard as developed by the EPA, I feel constrained to respond to Mr. Fath's memorandum to you of April 26, 1977.

Although I agree that there is no logic in the reduction of the 10 ppm standard to 5 ppm as proposed by EDF as a settlement with EPA, I believe it is fundamentally foolish to draw attention to the relatively large emissions from the drier vents to the atmosphere. I think this approach is absolutely unnecessary and would tend to emphasize EPA's rather liberal interpretation of Section 112 of the Clean Air Act of 1970. That Section does not by its terms call for standards based on "best available technology" and, in fact, directs the EPA Administrator to promulgate an emission standard which provides an "ample margin of safety" to the public health and the environment. If the focus is on the total pounds of VCM emitted by a plant or plants, the EDF argument would be that any VCM reaching the population poses a hazard to public health.

Mr. Fath's suggestion that we "explore the merits of a ton or pound per year emission standard" shifts the focus from a performance standard based on available technology to a potential requirement that no emissions whatever be permitted, regardless of source. Although this might be appropriate in some ideal sense, I don't think either our plants or the industry in general is capable of preventing all emissions from PVC plants.

What I believe is appropriate in arguing against the arbitrary changes negotiated by EDF in the vinyl chloride standard is a technical approach that will show that no possible benefit to the public health or environment is gained by reducing the 10 ppm to 5 ppm (or to zero, for that matter) based upon EPA's own developed dispersion models and biostatistical data. As I have already suggested to Dr. Gottesman, this could be done through an updating of work which we have already accomplished in connection with the Texas Air Control Board proceeding on the PVC expansion. This approach, it seems to me, is both consistent with Section 112 and does not unnecessarily emphasize the greater emissions coming from the drier exhaust.

GSF:ob

George S. Flint
G. S. Flint

COLORITE 009045

Allen Sugar

6/3/77

Presumably Republican - SPI

EDF Press release said they would
challenge agency on its interpretation
of the act - filed last day permissible.

Quess

Legal 1 - Proposed before court. Appeared
by SPI on basis that agency made decision
according to law - Court arbitrarily change.
Won't fly. If court drops out, July 1 date
probably be upheld.

Procedure Available: At the least agency will
publish a proposal and allow written sub-
missions - may have public hearing. SPI
voted to ask for a hearing. May have some
meeting with RTP People.

EPA is now manned by those who were
outside.

Outlining industry case.

Put in terms of a cost-benefit analysis -
Stay away from health case

cont 11, 5 & 10 -

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Terms of technology. View cost
broadly in terms of \$ and energy - go back to
energy from source.

Various cases - cost

\$ Capital

\$ Op. Cost.

Energy considerations including loss of K
Possible shut down? and economic
impact

Benefit side

Must argue that no benefit to
public can arise.

What is difference in VC in atmosphere
as a result of regulation

Try for a month.

3 Plants - now

+ EPA

+ 5%