Hi Eric,

Let's start with this data and information.

First, I've just moved to a new house and have been out of pocket. You and everyone at Tulane have my full permission to bug me to the max. We only have a couple weeks left, let's make the most of it. Call me anytime at 504-767-0991 and I'll fell free to call you at home too.

We need to discuss strategy here. I've talked with Lisa and Bob about it, and my position is this: We really need to try for the big crapshoot again; that being the public petition to the administrator phase. If either DEQ or EPA Region VI fixes the problems we lose all advantage. To get to the public petition phase we only need "reasonable specificity" in the public comments, see LAC 33:III 533.E.2. So, we need to minimize our comments to reasonable specificity and include only enough to get us there.

I would like to see our real comments, containing reasonable specificity, mixed with the comments from the first Tulane public comment letter, just to throw them off track. I mean just take the same comments from before and intersperse our new ones in. This sounds flaky, but that's the way this stupid game is played.

I want to do the above, even though there may not be a strategy problem. The DEQ will be trying to hold the CMA (Chemical Manufacturers Association) line and keep changes to a minimum. See the CMA letter dated Sept. 23, 1997, which I faxed to Lisa on Jan. 20. The CMA and DEQ want to maintain minimal changes to the permits, which plays to our hand.

We actually have a lot to work with in the new Shintech permits. The biggest problem is that DEQ didn't include everything the "the order" (as the EPA calls Carol Browner's letter of Sept. 10, 1997) stated as a deficiency. DEQ is currently calling these deficiencies "suggestions" now. The EPA still calls them deficiencies.

1. A lot of the changes to the EIQ's are illegible. They contain hand written comments, crossed out phrases, and have been copied so many times that they can't be read. This is not consistent with the requirements of 40 CFR 70.5(c) (see the attachments to the order page 2, General Comments #8) or LAC 33:III 517.D. The EIQ's are part of the permit and must be legible.

2. More importantly, the new emissions sources included in the new permits (for instance all the sources starting on page 14 of the PVC permit after P-27, which includes P-SS through P-WWS) don't contain adequate information. Specifically, 40 CFR 70.5(c) (see the Amendments to the order page 2, General Comments #8) or LAC 33:III 517.D, again. This includes LAC 33:III 517.D 3, 5, 6, 7, 9, 13, and 15; with the

calculations required in 9 being the most important. There were no calculations included with the changes to the permits for these new emissions sources. This is a real no-no. Shintech has publicly stated that the calculations for the stripper, P-SS on page 14 of the PVC permit, are incorrect. See Shintech's response to the LEAN public petition, page 14 paragraph 4, which I faxed to Lisa on Tuesday, Jan. 20. They state that the emissions are incorrect, but that they "will not result in significant reduction in methanol emissions". Bullshit, let them do the calculations and let the world decide what's significant and what's not. Besides, the state reg's specifically call for these calculations and the EPA delegated Louisiana Title V permitting authority based on LAC 33:III Chapter 5.

3. In a letter dated Sept. 4, 1997, Shintech sent the EPA copies of Shintch's response to the Tulane/Greenpeace EJ petition. On page 10 of the Shintech document they discuss the risk analysis. They state:
D: Shintech has analyzed the Risks of Accidental Releases.
....
(4) VCM: "worst case is the release and explosion of 8,440,000 pounds of VCM, which would define a vulnerability zone of 1700 yard radius." ... "Since the potentially affected population within the vulnerability zone is very small Shintech considers the potential for adverse impact to the general public very small".
Yeah, tell that to the people living there. This seems to define an explosion crater two miles in diameter. Whatever it is, there should be more info on this risk. Such as, does this include the explosion and fire of everything else in the "vulnerability zone"? What about off-site releases of the 8.44 million pounds and subsequent dioxins in the fires?
I'm not sure how much we can do about risk analysis though. This was discussed in the order, page 11, concerning Section 112 (r) (1). EPA said that this was deferred into the future, but agreed to something in footnote 9 on page 11. What about state regs. or PSD issues concerning safety?? The explosion of 8.44 million pounds of VCM would be the one of the biggest industrial disasters in the history of the U.S. There must be some requirement to assess the potential impact beforehand?

4. Not really your issue, but the PM/PM10 BACT analysis doesn't sit well with the EPA. They don't think the proposed cyclones can meet the 99.99% removal criteria and want baghouses instead. Shintech sent in new testing from their Texas plant to show that they meet the 99.99% removal criteria. But, these test didn't address the order, Amendments section, page 7, #7; which requires that particle size be taken into account. Shintech just didn't do this.
The BACT for NOX reduction is a little light too.

5. Also not yours. The VOC limits are really screwed. The order, page 12 and footnote 10, address this. They say that

since 1995 actual emissions are below projected emissions and so everything is O.K. But, in 1996 St. James Parish hit their VOC projected max. without Shintech's VOC emissions. So, by their own argument the EPA says that Shintech is screwed.

6. I still haven't found a statement in the permits or PSD permit stating that Shintech will meet future MACT requirements. See the order page 14 and the Attachment, page 3, #13. This would be easy to resolve, but DEQ refuses to talk with us. Check for this. This is also a CMA issue, as it could possibly invalidate all the Title V permits issued previously, as they too didn't contain this statement.

7. DEQ can't refuse to talk with us. As Bob pointed out to the EPA. When the EPA delegated Title V authority to the state, the state now has an obligation to conduct their business the same way the EPA would. This doesn't include shutting out our team while allowing Shintech free and complete access to the permitting process. DEQ won't talk to us, and has refused to put this in writing. They have not answered our written correspondence asking for a meeting and have instead called us to say they won't talk and for us to go to h-e double toothpicks.

There must be a couple other points, but it's number 2 above that will trip them up in the end.

Gary