

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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 File: NPCD/FOB:CHRON-READING;AUTHOR:Letter to DuPont  
 RE: DuPont's status as an end user of natural gas

Stephen R. Hastings  
 Air Permit Technician  
 DuPont Chambers Works (G)  
 Building 654  
 Route 130  
 Deepwater, NJ 08023

Dear Mr. Hastings:

This letter is in response to your inquiry of June 28, 1999 regarding the status of DuPont as an end user of natural gas in a facility where other business entities reside. My staff has reviewed your letter and our response follows.

The use authorization provisions for PCBs in natural gas pipeline systems appear at 40 CFR Part 761.30(i). PCBs at concentrations <50 ppm are authorized for use in natural gas pipeline systems. Additionally, PCBs at concentrations ≥50 ppm are authorized for use in natural gas pipeline systems that are not owned or operated by sellers or distributors of natural gas. Otherwise, if PCBs at concentrations ≥50 ppm exist in a natural gas pipeline system owned or operated by a seller or distributor of natural gas, certain provisions must be followed in order for the use to be authorized. The intent behind these provisions, was to exempt the "end user" (i.e., the homeowner or business that receives the gas) from having to follow the requirements at §761.30(i). These requirements are intended for those that actually sell or distribute natural gas (i.e., the transmission and local distribution companies).

You are correct in stating that the regulations do not define the term "end user", other than to state in the preamble, "Because end users are not sellers or distributors of natural gas, they are not subject to the regulations at §761.30(i)." The facility at DuPont Chambers Works in Deepwater, New Jersey has four different business arrangements on site. The operation of each of these arrangements has an affect on DuPont's status as an end user. Each arrangement is discussed below.

DuPont operations, which use natural gas, are owned and operated solely by DuPont. Your letter indicates that the natural gas supply pipeline for the Chamber Works site passes to DuPont control just inside the fenceline and that two to six inch diameter pipe comes aboveground a short distance into the plant and remains aboveground throughout the site. There are no other pipeline interconnects within the entire facility, no compressors or scrubbers (i.e., potential sources of PCB introduction) and pipeline filters are restricted to a single DuPont

operating area at the end of the transmission line.							
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DATE	7/15/99	7/15/99					

DuPont-Dow Elastomers is a 50/50 joint-venture. This entity does not use natural gas, nor does it have any natural gas lines available to use. The natural gas pipeline regulations do not apply to this entity.

DCV Incorporated is a separate company with no business affiliation to DuPont. This company does not use natural gas, nor does it have any natural gas lines available to use. The natural gas pipeline regulations do not apply to this company.

DuPont Pharmaceuticals Company is a wholly-owned subsidiary with DuPont as the parent company. Therefore, EPA does not consider DuPont Pharmaceuticals Company as a separate entity in this situation.

Since DuPont Pharmaceuticals and DuPont operations only receive and use natural gas and do not sell or distribute natural gas to other companies at the site, both companies are considered end users of natural gas and are not subject to the use authorization regulations at 761.30(i). Therefore, the facility at DuPont Chambers Works is also considered as an end user of natural gas. Please be advised that if the operations at the Chambers Works facility, or any other DuPont facility change from what was stated in your letter of June 28, 1999, we will need to reevaluate the situation in order to make a determination on DuPont's status as an end user of natural gas, as well the status of any other companies that may be located within the facility.

Regardless of DuPont's status as an end user, proper management and disposal of PCBs and PCB containing materials is still required. For example, any liquids containing PCBs that are removed from a natural gas pipeline system or any pipe or pipeline equipment containing PCBs must be managed and disposed of in accordance with 40 CFR Part 761. Therefore, even though DuPont is considered an end user of natural gas and is not subject to the regulations at §761.30(i), if PCBs or PCB containing materials are discovered, they must be managed and disposed of in accordance with the appropriate regulations.

We appreciate your inquiry on this matter. If you have any further questions, please contact Sara McGurk at (202) 260-1107.

Sincerely,

John W. Melone, Director  
National Program Chemicals Division

cc: M.L. Press, DuPont Engineering