

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Paul Mostek
Lucent Technologies
555 Union Boulevard
Allentown, Pennsylvania 18103

OCT 14 1999

RE: Allentown XL Project Addendum

Dear Mr. Mostek:

I look forward to meeting with you and other representatives of Lucent Microelectronics in Philadelphia on October 21, 1999. The Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (PADEP) have reviewed the XL proposal for Allentown that was submitted by Ralph McMurry under cover of a letter dated June 30, 1999. This letter will provide you with some advance information about how we can move ahead quickly in completing an Allentown Addendum to the Final Project Agreement (umbrella FPA) dated August 19, 1998 for Lucent's Project XL.

As stated in the umbrella FPA, there were six specific objectives of the Lucent Microelectronics project. Those include:

- ▶ to identify and demonstrate the characteristics of a high-quality environmental management system (EMS) (see pages 3-4 in the umbrella FPA) that achieves superior environmental performance (SEP);
- ▶ to test whether a high-quality, third party certified EMS can deliver superior environmental performance in both regulated and non-regulated areas, and lead to continuous improvement;
- ▶ to integrate, over time, regulatory agencies into the EMS process of identifying significant Environmental Aspects, setting Objectives and Targets, and lead to the identity of models for the most efficient use of agency resources and staff;
- ▶ to test various concepts (see pages 35-37 in the umbrella FPA) and develop and demonstrate indicators to measure the performance of a high-quality EMS over the long term;
- ▶ to explore whether and to what extent a high-quality EMS can be used as a basis to identify and implement regulatory flexibility projects which arise in the normal course of the operation of the EMS and which will lead to SEP; and

Customer Service Hotline: 1-800-438-2474

- ▶ to test whether and how a high-quality EMS can generate a single, multimedia, governing document which will help to integrate environmental protection and sustainable goals with business goals, procedures and management structures in a way that enhances environmental progress as competitiveness is improved.

These are laudable and ambitious goals that EPA and PADEP hope can guide the FPA Addendum development process for Allentown. While Lucent has achieved some progress in all of these areas, we are optimistic that continuous environmental improvement toward the above goals can be demonstrated and explicitly addressed in this Addendum. The following sets forth what EPA and PADEP believe would be the basis for an XL project at the Allentown, Pennsylvania facility.

1. To the extent possible, the Addendum should showcase how Allentown's EMS demonstrates the characteristics of a high-quality EMS outlined in the umbrella FPA.
2. The matrix format suggested in the umbrella FPA can be used to identify and highlight the multimedia nature and specifics of both the SEP and the flexibilities (as outlined in Lucent's June 30, 1999 letter and as discussed below). This can be used as a first step in moving toward the single governing document referenced in the umbrella FPA and can help demonstrate the characteristics of a high-quality EMS.
3. The Addendum should discuss the timing of agency participation in the next round of Allentown's EMS process, as laid out in the "guiding principles" as attached to our June 8, 1999 letter to Ralph McMurry.
4. In terms of specifics on SEP and flexibilities, EPA and PADEP are prepared to go forward with the following, should Lucent concur:

Air Emissions

As was discussed with Lucent representatives during a September 10, 1999 meeting in Allentown, EPA and PADEP are prepared to provide flexibility through the setting of a plant-wide applicability limit (PAL) of 65 tons per year (TPY) volatile organic compounds (VOC). This limit is approximately 25 tons above the current actual emissions at the Allentown plant. As a result, this limit would allow expansion to occur without triggering major new source review permitting requirements, as long as emissions do not exceed the PAL. In order to expedite the paperwork involved in making preapproved changes under the PAL, EPA and PADEP offer the following options for your consideration:

1. We could issue a plan approval with the PAL, to preauthorize specific changes and the best available technology (BAT) required to control emissions. Lucent could update the BAT determination as necessary to address technology developments.
2. We could commit to working with Lucent to determine de minimis changes that could be exempted completely from any plan approval requirements.

The experimental value to EPA and PADEP of developing and offering this PAL would be to take lessons learned from this and work with stakeholders to develop a general plan approval for the entire industry sector in Pennsylvania. This generic approval could cover a range of possible changes that could occur at any microchip manufacturer, and could address de minimus changes that, based on the Allentown experience, could be exempted completely from any general plan approval requirements. PADEP could update the general plan approval as necessary to stay current with control technology.

Solid Waste

Lucent has proposed "minimization of solid waste" and conserving landfill space as superior environmental performance and its resulting environmental benefit. While Lucent's previous proposals asked for delisting of F006 waste, this waste stream will be eliminated in December 1999. No additional flexibility for this waste stream was requested by Lucent in its June 30 proposal.

Not included in Lucent's proposal is a planned waste minimization study for Persistent, Bioaccumulative, and Toxic (PBT) chemicals that are used at the facility. The results of this study may identify some recommendations that could be considered for implementation to demonstrate SEP.

Building on that study, EPA and PADEP propose that Lucent perform a comprehensive pollution prevention study of the entire site, including solid and hazardous waste, with an agreement to incorporate the recommendations that are economically and technically feasible into the continual improvement aspects of the EMS.

EPA will evaluate providing flexibility to Lucent to increase the allowable storage time for certain hazardous wastes from 90 days to 180 days. Increasing the allowable storage time could make recycling and management of some of the hazardous wastes generated by Lucent (chromic acid etc.) more economically feasible.

EPA will also evaluate flexibility of reporting Lucent's hazardous waste generation information. Biennial reporting of hazardous waste could be tied to Lucent's EMS reporting system rather than taking additional time to input this information into Biennial Reporting System forms. This flexibility could result in paperwork reduction and labor savings for Lucent. PADEP will investigate the possibility of providing state flexibility for residual waste reporting.

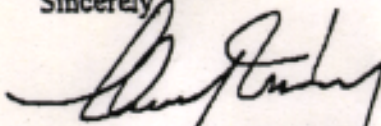
Water

Lucent has proposed a comprehensive water conservation program. EPA and PADEP are interested in including such a program into an addendum XL document. EPA and PADEP are willing to investigate possibilities for reducing the monitoring frequencies of certain parameters in the NPDES permit. EPA does have guidance on "Performance-Based Reduction of NPDES Permit Monitoring Frequencies," which establishes eligibility criteria.

As a final issue, EPA, PADEP and Lucent should discuss and articulate which concepts under the umbrella FPA are being tested in the Allentown Addendum and how the results of these actions can be measured to demonstrate the performance of a high-quality EMS.

I believe our primary goal for our October 21, 1999 meeting is to determine what is feasible for proceeding with the Allentown XI addendum for all parties, and to commit to completing an addendum in an expeditious manner. I look forward to meeting you on October 21, 1999 in Philadelphia, and to discussing the above proposals in greater detail. Thank you.

Sincerely



Thomas J. Maslany, Director
Water Protection Division

cc: R. McMurry
M. Barton
D. Lameraux