Message

From: Mark Strynar Personal Matters / Ex. 6
Sent: 6/13/2017 11:39:46 AM
To: Strynar, Mark [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5a9910d5b38e471497bd875fd329a20a-Strynar, Mark]; Lindstrom, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=04bf7cf26aa44ce29763fbc1c1b2338e-Lindstrom, Andrew]
Subject: Fwd: Consent order

Detlef,
I am not sure. They say they are making GenX there. How can it be considered a byproduct of HFPO?
---------- Forwarded message ----------
From: "Detlef Knappe" <knappe@ncsu.edu>
Date: Jun 11, 2017 2:36 PM
Subject: Consent order
To: < Personal Matters / Ex. 6 >
Cc:

Mark,

The reporter found this:

"Found this little nugget in the EPA consent order:

> (3) Byproducts. The requirements of this Order do not apply to the PMN substances when they are produced, without separate commercial intent, only as a "byproduct" as defined at 40 CFR 720.3(d) and in compliance with 40 CFR 720.30(g).

Here are those federal register entries:

> 40 CFR 720.3(d) Byproduct means a chemical substance produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance or mixture.
>
> 40 CFR 720.30(g) Any byproduct if its only commercial purpose is for use by public or private organizations that (1) burn it as a fuel, (2) dispose of it as a waste, including in a landfill or for enriching soil, or (3) extract component chemical substances from it for commercial purposes. (This exclusion only applies to the byproduct; it does not apply to the component substances extracted from the byproduct.)"

My question: If GenX (the PMN substance) is produced as a byproduct (for example in their HFPO area), the capture requirement does not apply???

Detlef

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