

# Campaign for Responsible Technology

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## Action Alert

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### PROJECT XL PERMIT AT ARIZONA INTEL PLANT WOULD SET DAMAGING ENVIRONMENTAL PRECEDENT

Intel, the world's largest semiconductor chip maker with 1995 profits in excess of \$3.5 billion, is rapidly pushing forward to become the first company certified under EPA's new Project XL, a high profile experiment in "reinventing regulatory flexibility". If the proposed Facility Performance Agreement (FPA) is approved, Intel would be able to build a huge new chip plant in suburban Phoenix without having to even apply for a new permit!! What's worse, this new brave new world of regulatory flexibility doesn't even come close to meeting the promised increase in accountability to the community and the Intel workers. And it would offer less protection than existing permits!

Listed below are specific problems with the proposed Facility Performance Agreement that EPA is leaning toward approving this summer. These deficiencies brand the Intel FPA as a very bad precedent for other permits across the nation and for the future. They also mirror the deficiencies in other companies that have volunteered to participate in the XL process. We need your help to make EPA slow down the FPA process until the Agency and this huge manufacturer overcome severe shortcomings in public participation, environmental performance and enforceability. If Intel is allowed to build a \$1.5 billion chip plant without having to apply for a new permit, it would give the world's largest chip maker an enormous competitive advantage over all of its competitors, who would all insist on comparable treatment.

Project XL has eight specific criteria that must be met before EPA issues a permit: 1.) Superior environmental results with explicit definitions and measures to be negotiated between stakeholders, 2.) cost savings and paperwork reduction, 3) stakeholder involvement and support, 4.) innovation and pollution prevention, 5.) transferability, 6.) feasibility, 7.) ease of monitoring, reporting and evaluation and 8.) prevention of shifting the risk burden, consistent with the Executive Order on Environmental Justice.

Silicon Valley Toxics Coalition's critique of the draft FPA follows. We base it on a site visit on May 21, plus our experience in Silicon Valley and our many consultations with organizations, experts and activists in Arizona and across the U.S. We measure the FPA against the XL criteria and EPA's own Common Sense Initiative theme of "cleaner, cheaper, smarter.

**The draft FPA is not cleaner than the current Arizona permit that lasts for two more years**

The draft FPA does not even identify Hazardous Air Pollutants (HAPs), while the existing permit does. Under the proposal, the public would not know what chemicals Intel discharges until after the fact.

The existing permit limits Intel's emissions for individual HAPs. The proposed new permit only lumps them together, allowing for an increase in acutely toxic air emissions.

The existing permit allows the plant to discharge 51 tons/year of HAPs. The draft new FPA would allow 10 tons of organic HAPs and 10 tons of inorganic HAPs from an even less comprehensive list than the Arizona permit already does.

The draft has no special provisions for highly dangerous HAPs. Intel can store up to five tons of any dangerous HAP, no matter how volatile or toxic it is. An alternative system based Materials Hazards Index exists in Silicon Valley and is supported by the local Fire Department. It should be included.