

LAW OFFICES
KELLER AND HECKMAN

1150 17TH STREET, N.W.
SUITE 1000
WASHINGTON, D.C. 20036
(202) 457-1100

J. E. KELLER
JENNIFER M. HECKMAN
CHARLES M. HECKMAN
WILLIAM H. BOPPHESANI, JR.
MALCOLM D. MACARTHUR, JR.
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DEREK A. BLOOM
SANDRA J. DENNIS
KENNETH A. GRIGG, JR.

TELEX
49 95531
TELECOPIER
(202) 296 7692

CABLE ADDRESS: KELMAN
WRITER'S DIRECT DIAL NUMBER

(202) 457-1116

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April 1, 1985

FEDERAL EXPRESS

Ms. Meredith Scheck
The Society of the Plastics
Industry, Inc.
355 Lexington Avenue
New York, New York 10017

Re: EPA Vinyl Chloride Standard Rulemaking

Dear Meredith:

On March 29, 1985, we reviewed the Environmental Protection Agency's (EPA) docket for the proposed amendments to the vinyl chloride standard. Although the comment period ended on March 25, 1985, EPA typically accepts comments postmarked on the last day of the comment period. Thus it has been our practice to wait several days before reviewing the docket.

A total of 12 comments were filed. The commenting parties were:

Natural Resources Defense Council
(Environmental Defense Fund)
Delaware State Representative Jeffrey G. Mack
National Solid Wastes Management Association
Georgia Gulf Corporation
Chemical Manufacturers Association
Air Products and Chemicals, Inc.
Dow Chemical U.S.A.
Occidental Chemical Corporation
PPG Industries, Inc.
Shell Oil Company
Vista Chemical Company
SPI Vinyl Institute

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Comments by parties other than the Vinyl Institute and its members are enclosed. The Natural Resources Defense Council (NRDC) stressed the need for a zero emissions policy and opposed withdrawal of the 1977 proposal to amend the vinyl chloride standard. NRDC argued that Section 112 of the Clean Air Act is technology-forcing and that EPA should further limit discharges of vinyl chloride. Turning to the 1985 proposed amendments, NRDC contended that the use of a numerical limit grants the industry a "free" number of discharges. The comments also support the use of a gas holder systems to contain releases. NRDC supported retention of the current leak detection and elimination program under the vinyl chloride standard rather than the leak detection program under Subpart V of the hazardous air pollutant regulations. The Council opposed changing the the 10-day reporting requirement to a quarterly requirement and argued that any non-emergency, preventable release must be reported under CERCLA. The NRDC comments were filed jointly with the Environmental Defense Fund (EDF).

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Delaware State Representative Jeffrey G. Mack commented that EPA should withdraw its current proposal and replace it with one which provides added measures of risk reduction. Representative Mack noted that the State of Delaware and Formosa Plastics Corporation entered into a consent agreement under which Formosa agreed to design and construct a containment system for capturing releases of vinyl chloride monomer (VCM) from reactors and other vessels. His comments suggest that EPA impose similar obligations on the entire industry.

Comments by the National Solid Wastes Management Association (NSWMA) raise a concern with VCM contamination of ground water. The comments contend that the permissible VCM levels in resins could lead to ground water contamination. Thus, NSWMA argues, the vinyl chloride standard reflects a lack of coordination among EPA's various programs. The strong implication is that polyvinyl chloride resins be treated as hazardous waste.

Comments filed by the Chemical Manufacturers Association (CMA) are also enclosed together with those of Georgia Gulf Corporation. CMA made several additional suggestions for the leak detection and elimination provisions of Subart V as well as comments on Method 21.

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In addition to the comments, copies of the New York Times and Washington Post articles on the proposed vinyl chloride standard are also enclosed. Since the Manufacturing Practices Committee previously discussed inquiries by Representative Waxman, a Washington Post report on statements by Representative Waxman based his inquiry is enclosed. A Federal Register notice concerning a proposed consent decree in an emergency relief and manual vent valve case is also enclosed.

As you are aware, the United States Court of Appeals for the Fifth Circuit is reviewing whether the emergency relief valve provisions of the vinyl chloride standard are an impermissible work practice or an acceptable emission limitation. Copies of the EPA January 1985 proposed amendments were filed with the court which then asked for comments on whether the proposal mooted the lawsuits. A response filed by the industry defendants is enclosed for your information. It very aptly describes the impact of the EPA-proposed amendments. The governments' response is also enclosed.

If you have any comments or questions, please let me know.

Cordially yours,

Peter

Peter L. de la Cruz

Enclosures

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