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EIA Brief for
EPA 307 (a) hearings

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COMPANY CONFIDENTIAL

I attach a Xerox of the Covington and Burling brief prepared for the EPA 307 (a) hearings. The original is in our master file. I also attach a review of the hearings.

I am obtaining copies of the EPA, NRDC, and EDF briefs.

The major thrust of the EIA brief is as follows:

1. PCB's should not be regulated under 307 (a) of FWPCA because this action is pre-empted by specific rules on PCB under Toxic Substance Control Act.

2. If regulations are set under 307 (a), they should a) be local rather than national and b) deal separately with Aroclor 1016 which is substantially different to other PCB's.

3. The evidence supports a discharge limit for 1016 of 100 ppb versus the original proposal of 1 ppb.

4. Any discharge limit should be net and take into account PCB levels in influent water.

Please note specifically page 3 where the brief suggests that the TSCA timetable should prevail. If this point is agreed then we should be alert to the claim that we, Monsanto, are then the only people causing an earlier phase out than industry wants. This can, I believe, be contained by our inventory provisions in the phase out plan.

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