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November 17, 1986

Charles E. O'Connell
President
The Society of the Plastics
Industry, Inc.
1025 Connecticut Ave., N.W.
Washington, D.C. 20036

Re: Judicial Challenge of EPA Revision
to Vinyl Chloride Standard

Dear Chuck:

This letter follows our discussion on November 14, 1986 concerning a judicial challenge to revisions of the Environmental Protection Agency's (EPA) vinyl chloride standard published on September 30, 1986. 51 Fed. Reg. 34,904 (Sept. 30, 1986). The Executive Board of the Vinyl Institute has authorized the filing of the Petition for Review with the United States Court of Appeals for the District of Columbia Circuit. The petition must be filed by November 28, 1986. Since approval by the Executive Committee of the Society is also required, and since this activity is consistent with SPI policy and will be separately funded by the Vinyl Institute, I recommend that you permit us to file the petition for review to preserve our rights to appeal pending ratification by the Executive Committee at its meeting in December. Since the litigation follows a long history of Vinyl Institute involvement on this issue, SPI Executive Committee approval is necessary but probably more in the nature of a formality.

A letter outlining the objectionable provisions of the revised standard is attached. As you are aware, the relief valve discharge provisions of the existing standard have been the primary point of dispute between EPA and industry. Although EPA proposed a numerical limitation in

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1985 that was supported by industry, in the final rule EPA failed to make any change to this vague and arbitrary provision. In addition, changes to key definitional provisions would have the effect of expanding the scope of the rule, creating new penalties, and imposing double or treble penalties for a single release or event. Finally, changes to the leak detection and elimination provisions would present a costly burden to most Vinyl Institute members and unnecessarily so because effective leak detection and elimination programs have been in effect for a decade.

I trust that this letter and the attachment will provide sufficient information for Executive Committee approval. If you have any comments or questions or need additional information, please let me know.

Cordially yours,



Peter L. de la Cruz

Enclosures

cc: Roy T. Gottesman, Ph.D. ✓
Lewis R. Freeman, Jr.

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