



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF ENFORCEMENT

Mr. Harold Himmelman
Beveridge, Fairbanks and Diamond
One Farragut Square South
Washington, D. C. 20006

Dear Mr. Himmelman:

I have reviewed your letter of September 30, 1976, and found it to be in general agreement with our approach for implementing the regulations for the control of vinyl chloride. I would like to take this time to clear up some of the outstanding unresolved issues raised in your letter. I will use the same order presented in your letter to address these issues.

1. I concur.
2. I concur.
3. I concur. However, seeking equivalent methods after compliance is achieved is acceptable provided that the source remains in compliance during the installation or initiation of equivalent methods.
4. I concur.
5. I concur.
6. I concur.
7. You are correct that EPA has no information as to which state and local agencies may request enforcement responsibilities for vinyl chloride. As to the waiver process, EPA has not to date delegated this to state and local agencies. However, we are currently reviewing whether the Agency should consider delegation in the future. I do not expect a decision in the next 90 days which would affect the vinyl chloride waiver process.
8. Section 61.68 requires the use of a vinyl chloride monitoring system on a continuous basis for the purpose of monitoring emissions from sources for which emission limits are prescribed (i.e., the 10 ppm limit). Any emissions recorded in excess of this limit must be reported to EPA (961.70(c)(1)). This data will be used by EPA as a method for determining

when on-site inspections or compliance tests should be conducted. Excess emissions obtained pursuant to this section will not in themselves be a violation of the standard.

Section 61.70(c)(2) requires that the owner or operator of a polyvinyl chloride plant who elects to use the stripping operation to attain the emission level in §61.64(e) must report a record of the vinyl chloride content in the polyvinyl chloride resin. Since this is a means for achieving compliance with the standard, any emissions in excess of the standard will be considered a violation and may be enforced directly.

Similarly §61.70(c)(3) requires that the semiannual report include a record of the emissions from each reactor opening for which an emission limit is prescribed in §61.64(a)(2). Again, since this is a means for determining compliance with the standard, any emissions in excess of the standard will be considered a violation and may be enforced directly.

9. I concur.

10. The entire research and development issue surrounding these regulations is under investigation by the Office of Air Quality Planning and Standards in Durham, N.C. Any notification regarding this issue will come from that office. In the meantime these regulations will be enforced as they appear in the Federal Register.

11. I concur.

12. I concur.

13. I concur.

14. If a state should adopt its own regulations and enforce them rather than enforcing EPA's regulations, it may reach different conclusions. However, these conclusions must be at least as stringent as EPA's interpretation of the regulations.

15. I concur.

16. I concur. However, EPA must act to ensure compliance as expeditiously as practicable.

If you have any additional questions, please contact Rich Biondi (202-755-2564) of my staff.

Sincerely yours,



Edward E. Reich
Director, Division of Stationary
Source Enforcement