

*File! EPA: Vinyl Chloride
Emissions / Proposed Rule*

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November 17, 1986

FEDERAL EXPRESS - 11/18

Roy T. Gottesman, Ph.D.
The Vinyl Institute
Wayne Interchange Plaza II
155 Route 46 West
Wayne, New Jersey 07470

Re: EPA Revisions to the Vinyl
Chloride Standard

Dear Roy:

Enclosed is the draft Petition for Review, Motion for Stay, and Memorandum in Support of Motion for Stay developed in response to the Environmental Protection Agency's (EPA) revisions to the Vinyl Chloride Standard published on September 30, 1986. 51 Fed. Reg. 34,904 (Sept. 30, 1986). The materials should be consistent with the recommendations of the Health Safety and Environment Committee as well as the Task Force that met on November 4, 1986. In reviewing these materials, please remember that they are intended to address only the issues for which a stay is being requested. Thus, we do not address EPA's failure to revise the relief valve discharge provisions and substitute a numerical standard. That issue will be addressed in our brief on the merits. Similarly, the new Section 61.61(2)(2) which defines the term "leak" will also be challenged.

If your schedule and the agenda permits, I would like to discuss this with you and the Legal Committee at our meeting on Wednesday.

I have informed EPA's Office of the General Counsel that we intend to challenge the standard. As a technical matter, we must request the stay from EPA before requesting a stay from the Court of Appeals. However, there is no

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need to await a decision from EPA on the stay before requesting one from the Court of Appeals. I am hoping that the discussions on the stay will provide an opportunity to determine whether EPA will take corrective action independently.

I look forward to seeing you at the Legal Committee meeting later this week. In the interim, if you have any comments or questions, please give me a call.

Cordially yours,



Peter L. de la Cruz

Enclosures

cc: Legal Committee	(w/encs.)
W. C. Holbrook	"
Charles E. O'Connell	"
Lewis R. Freeman, Jr.	"
Robert Brager, Esq.	"

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