Monsanto

PCB file

FEB 09 1977

J. A. Alley - B2SD

DATE: February 8, 1977

SUBJECT: EIA PCB AD HOC COMMITTEE MEETING FEBRUARY 7 IN WASHINGTON, D. C.

REFERENCE: 307a

TO: D. Wood

C. Paton
J. C. Weber
Xerox [redacted]
P S Park
R S Tolz
R S Nelson
K W Easley

1. The following were represented at the meeting:

Aerovox
Cornell-Dubilier
EUC
General Electric
Jard
Mallory
Monsanto
Sangamo
Sprague
Universal
Westinghouse

Three members of the Covington and Burling law firm were also present.

2. The main purpose of the meeting was to discuss the appeal of the EPA administrator's decision banning PCB discharge after February 2, 1978 (the date issued in the Federal Register instead of January 18, 1978). **The committee voted to appeal the decision.** Covington and Burling will file the appeal with the Third Circuit **in Philadelphia** because they think the chances of success are better than in Washington, D. C. The reasoning behind the committee decision to appeal was that **with an appeal pending it will be easier to put off effective dates for discharge permits.**

3. Covington and Burling circulated the attached memo at the meeting. This identifies four issues that would be used in an appeal. They think issue No. 1 has better chances of success and will therefore be the basis for the appeal.

4. My impression from the members of the committee and the Covington and Burling representatives is that they think the appeal will not be successful. The cost of the appeal will be about $25M.

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5. If the appeal fails, in my judgement all capacitor manufacturers affected by 307A must convert to non-PCB by the end of 1977. This has obvious effects on forecasts received from the industry. Tuttle made the point in the meeting that the appeal must be resolved before May 1, 1977 when final orders for 1016 must be placed on Monsanto.

6. Roger Wills reported that the EPA's Rules for PCB Labeling and Disposal draft was not issued on February 4 and that the date will slip about four weeks. Rich Rollins advised that ANSI C107 will not be revised until these EPA regulations are finalized.

7. Steve Rosenthal of Covington and Burling opined that EPA regulation 307B will be issued in about two months. It was also reported that the February 2 issue of the Federal Register contains pre-treatment standards.

8. The next PCB Ad Hoc Committee meeting will be 9:00 AM, March 15 at the Mayflower Hotel, Washington, D. C. The EIA Spring Conference meeting will also be going on at this time in Washington.

J. A. Alley

/sb

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