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July 17, 1987

Richard Roos-Collins, Esq.
U.S. Environmental Protection Agency
Office of the General Counsel
Room 529
401 M Street, S.W.
Washington, D.C. 20460

Re: The Society of the Plastics Industry v. EPA,
D.C. Cir. No. 86-1640; 1986 Amendments to the
Vinyl Chloride Standard

Dear Mr. Roos-Collins:

The suggested revisions to the vinyl chloride NESHA, attached to your letter of June 3, 1987 were circulated among members of the Vinyl Institute, a division of The Society of the Plastics Industry, Inc. (SPI). We believe that this document can serve as the basis for a settlement agreement. While we have several recommendations that clarify the language to better express the principles underlying the revisions, this should not delay the drafting of appropriate settlement documents or court pleadings.

We understand that the procedural framework for settlement will be the same as that outlined at our May 5, 1987 meeting. While EPA cannot agree to promulgate any particular revisions to the standard, SPI would agree to dismiss the above-captioned action if EPA initiates a rulemaking and if the adopted revisions to the vinyl chloride standard are substantially equivalent to those upon which we have based settlement.

SPI-07844

On July 17, 1987, I spoke with Steve Samuels concerning the development of the settlement agreement. He did not consider a meeting necessary at this point. Rather, he will draft the necessary documents over the next few weeks so that we can review them in early August.

Suggested points of clarification follow.

1. Pump Seal Monitoring Method -- The reference in Section 61.242-2(d)(4)(i) should be changed from § 61.245(d) to § 61.245. The purpose of the citation is to cross-reference the appropriate method for monitoring liquid dripping from pump seals. We believe that EPA intended to refer to the provisions concerning Reference Method 21 found in subsection (b) rather than ASTM Method D-2267 in subsection 2(d). In any event, the broader reference would prove more helpful in indicating the various test methods and procedures applicable to this situation.

2. Section 61.242-2(d)(6) -- During the course of the negotiations, we have been uncertain as to the scope and meaning of this subsection. Upon further reflection, it appears that external leaks, that is leaks from pump seals, are regulated under subsection 4 of this provision while subsection 6 should apply to sensor and internal seal failures. We believe less confusion would exist if references to drips from pump seals were deleted from section 6. The language of subsection 6(i) and (ii) might be changed as follows.

(i) The owner or operator determines, based on design considerations and operating experience, criteria applicable to the sensor that indicates failure of the seal system, the barrier fluid system, or both.

(ii) If the sensor indicates failure of this seal system, the barrier fluid system, or both, based on the criteria determined in paragraph (6)(i), a leak is detected.

The concern with external drips from pump seals presents different issues than seal failure and internal sensor readings. Since external drips are covered under subsection 4, the references to drips in section 6 should be deleted.