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September 22, 1976

Mr. John Lawrence
Technical Director
Society of the Plastics Industry
355 Lexington Avenue
New York, NY 10017

Dear John:

On Wednesday, September 22, 1976, several members of the Technical Committee met in our offices to discuss a proposed agenda for an informal conference with EPA's Enforcement Office in Washington which we have arranged. The purpose of the meeting is to discuss the plans the Agency has for enforcement of the Vinyl Chloride Standard. In attendance at the meeting, in addition to myself and Gary Baise, were Joe Hadley, Bob Landrie, W.C. Holbrook, Jim Mullens and Bill Madden. Other members were invited, but were unable to attend because of scheduling conflicts.

The meeting with EPA will be held in the office of Mr. Ed Reich, 3202 Mall Building, 401 M Street, S.W., on Wednesday, September 29 at 10:00 a.m.

It was agreed that the following items would constitute the tentative agenda:

1. When will EPA's Vinyl Chloride enforcement guide be available? (EPA is beginning work on one to instruct regional offices on how to enforce the new Standard.)
2. What is EPA's policy regarding plant compliance when the Agency does not reach a decision on a waiver request within the required 90 day period.
3. EPA needs to clarify its procedure on accepting "equivalent methods" of complying with the Standard.
(a) We should confirm that equivalency can be applied for not only at the outset but at any time. Additional questions are (b) What is EPA policy if it fails to act on a request

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for equivalency within 90 days. Would waiver become automatic or not; (c) If the equivalency request is rejected within 90 days or later, will EPA automatically grant a waiver or will additional information have to be submitted.

4. Advise EPA of industry's view that since the Standard Support document says EPA does not regard vinyl chloride emissions as posing any "imminent endangerment" to health, plants seeking waivers should not have to prove the absence of such a danger in seeking waivers as required by Section 112. If EPA agrees, then the only burden on companies would be to show they need time to install controls.

5. What procedure does EPA follow if it decides to terminate a waiver prior to the time specified in the waiver? Will there be notice and opportunity to be heard?

6. What is EPA's standard operating procedure with respect to enforcement personnel visiting plants? How often will they come? Will there be notice? How will the Agency determine whom to visit first? What will they request?

7. Ask EPA to indicate which states, if any, have expressed an interest in taking over the main brunt of enforcement as allowed by Section 112.

8. Ask EPA to explain the sentence at the bottom of page two of the Memorandum of the Assistant Administrator for Air and Waste Management to the Administrator (July 16, 1976) that "During malfunctions, we do not believe plants should be allowed to emit excess emissions, and therefore are requiring them to shut down immediately." Ask the Agency to reconcile this language with its response to comment 3 on page 2-68 of the Standard Support and Environmental Impact Statement, Volume II.

9. For those plants which do not request a waiver, and therefore initiate required emission tests, what will EPA's policy be if at the end of the testing period it is determined that the plant may be in violation of a part of the Standard? Will notice and opportunity to be heard be provided? Will the plant be permitted to apply for a waiver?

10. Request EPA to grant an automatic, blanket waiver to all companies re research and development in light of

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recent developments.

11. Is there an EPA standard operating procedure on the question of holding companies or individuals responsible for "operator error"?

12. Is there an SOP on holding conciliation conferences and seeking voluntary enforcement with respect to alleged violations of a Section 112 standard before formal enforcement action is undertaken?

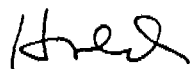
13. Will regional offices be required to clear proposed enforcement action with the enforcement and general counsel's office in Washington or will they be permitted to act autonomously?

14. How binding on the regional offices is any advice issued from Washington? How binding would any agreements between Washington and the industry be?

15. How will each company's required standard operating procedure be evaluated by the regional offices? Who will do the evaluating and what standards will they apply in measuring the acceptability of a company's plans?

We suggest you give this tentative agenda appropriate circulation. Anyone who has suggestions for deletions or additions should get in touch with me during the next few days so that we can continue to revise the agenda prior to the meeting.

Sincerely yours, JLD



Harold Himmelman

HH:lp

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