

minutes



PVC SAFETY COMMITTEE LEGAL COMMITTEE

Wednesday, June 15, 1977
9:30 A.M.

Hyatt Regency Hotel
Washington, D.C.

SUMMARY

- 1 - Although specific legal strategy was not defined, the committee resolved to prepare for an attack on the new proposed Vinyl Chloride Standard.
- 2 - Dates for meetings with EPA are set for June 22 (Engineering Staff in Durham) and July 19 (Public Hearing in Washington).
- 3 - Tentative date for next meeting of Legal Committee set for June 29.

ATTENDEES:

Gary H. Baise, Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, DC
Leonard Castillo, Dow Chemical, 2030 Dow Center, Midland, Michigan 48602
Harold J. Fast, B. F. Goodrich, 500 S. Main Street, Akron, Ohio 44318
Gary L. Ford, Stauffer Chemical Company, Westport, CT 06880
Joseph E. Hadley, Jr. Keller & Heckman, 1150 17th Street, N.W. Washington, DC 20036
Robert W. Hill, Diamond Shamrock Corp., 1100 Superior Avenue, Cleveland, Oh 44114
Harold Himmelman, Beveridge, Fairbanks & Diamond, One Farragut Square South, Wash. DC
John R. Lawrence, SPI, 355 Lexington Avenue, New York, NY 10017
James V. Murray, Union Carbide Corp. 270 Park Avenue, New York, NY 10017
Harvey A. Rosenzweig, Borden Inc. 180 E. Broad Street, Columbus, Ohio 43215
Allan J. Topal, Covington & Burling, 888 16th Street, N.W. Washington, D.C. 20006

1. Gary Baise called the committee's attention to upcoming meeting dates as follows:

June 16 - Meeting of PVC Safety Committee's Manufacturing Technology to review proposed Vinyl Chloride Standard.

June 22 - Meeting of above group with EPA's Engineering Staff in Durham.

June 24 - PVC Safety Committee's Steering Committee in Cleveland, Ohio.

July 19 - Date of EPA's Public Hearing in Washington.

2. It was agreed that the group would welcome participation of counsel from any of the member companies that may wish to take part in the committee's activities, however, it was regognized the desirability of keeping the group to a relatively small size to expedite procedures.
3. Mr. Castillo relayed Mr. Nuechterlein's question with respect to forecasting costs of pursuing various legal alternatives. It was agreed that this would be difficult to do but some idea of costs might be gained by looking at legal costs of specific previous actions of the VCM/PVC Producers Group.
4. Mr. Baise cautioned that extreme care should be taken in any ex parte contacts with EPA as all information communicated is likely to become part of the public record.
5. In discussing the type of hearing to be sought, the group could not reach agreement on the type of hearing (legislation or adjudicatory). This may be more easily decided after the meeting of the industry's technical committee.
6. A tentative date for another meeting of the legal committee was set for June 29.
7. The group entered into considerable discussions on the potential challenges to the proposed amendments covering the following:
 - . whether there is an evidentiary base for the proposed amendments
 - . whether there is legal authority for the
 - Process standard
 - Separate emission requirements for existing and new sources
 - Offset requirement
 - Three year compliance period
 - . whether there is adequate consideration of the environmental and economic inputs.

8. In conclusion, the committee unanimously resolved to make all preparations necessary for an attack on the proposal in general and in those specific areas of the proposal that the Technical Committee identifies as being ill founded.

Respectfully submitted,



John R. Lawrence
Technical Director

6/17/77

SPI-08524

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June 20, 1977

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Re: SPI-PVC Group Lawyers Committee Meeting

Gentlemen:

The purposes of this letter are to confirm our next meeting date and to provide you with the details therefor.

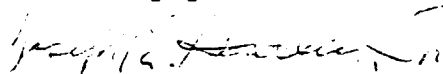
At our June 15, 1977 meeting it was agreed that another meeting of the Lawyers Committee would be held on Wednesday, June 29, 1977. That meeting has now been scheduled for that date at 9:30 a.m. in the Mayflower Hotel at 1127 Connecticut Avenue, N.W. in Washington, D.C. Arrangements similar to those made for the June 15, 1977 meeting will be provided by the Mayflower, and, again, we would expect the meeting to be concluded by 3 p.m.

Because the purpose of this meeting is to refine the tactics, if not the strategy, relative to the comments received from the Manufacturing Technology Committee and the Steering Committee concerning the recently initiated rule making to amend the National Emission Standard for Vinyl Chloride, an advance agenda cannot be distributed. Nevertheless, some document outlining suggested topics for the June 29 meeting will be available by the time that meeting commences.

SPI-08525

In the meantime, should you have any questions, comments or suggestions about any aspect of this meeting or about the rule making itself, please do not hesitate to let us know.

Cordially yours,



cc: Mr. Duane C. Nuechterlein
Mr. Ralph L. Harding, Jr.
Harvey A. Rosenzweig, Esq.

SPI-08526