



May 16, 2017

*Hand Delivered to EPA*

Ms. Samantha Dravis  
Assistant Administrator  
Office of Policy  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460-0001

**RE: Completion of PVC MACT Reconsideration, Docket ID No.: EPA-HQ-OAR-2002-0037**

Dear Ms. Dravis:

The Vinyl Institute (VI)<sup>1</sup> and the VI PVC MACT Working Group<sup>2</sup> write today to respectfully request that U.S. Environmental Protection Agency (EPA) Administrator Pruitt direct the EPA Office of Air Quality Planning and Standards to prioritize the reconsideration rulemaking for the PVC MACT (National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production, 40 C.F.R. Part 63 Subparts DDDDDD and HHHHHH).

The PVC MACT was finalized in April 2012.<sup>3</sup> In September 2012, EPA granted industry and environmentalist petitions for reconsideration of all emission limits in the final rule, agreeing that the public was not afforded a reasonable opportunity to comment.<sup>4</sup> EPA deferred action and industry was forced to proceed with a legal challenge to the PVC MACT when it became apparent that a reconsidered PVC MACT rule would not even be proposed prior to its April 2015 compliance date. The D.C. Circuit held in part that the Court could not review the merits of the challenged limits until EPA completed the

---

<sup>1</sup> The Vinyl Institute (VI), a U.S. trade association founded in 1982, represents vinyl resin, monomer, and additive producers. The VI serves as the collective voice for the vinyl industry, engaging industry stakeholders in shaping the future of the vinyl industry. More information about the Vinyl Institute can be found on our website: [www.vinylinfo.org](http://www.vinylinfo.org).

<sup>2</sup> The VI PVC MACT Working Group includes VI members Formosa Plastics Corporation, U.S.A., Shintech Inc., OxyVinyls LP, Westlake Chemicals, Mexichem Specialty Resins, Wacker Chemical Corporation, and Lubrizol Corporation.

<sup>3</sup> 77 Fed. Reg. 22,848 (Apr. 17, 2012).

<sup>4</sup> Letter from Gina McCarthy, Assistant Administrator EPA, to Mr. Jean-Cyril Walker, Keller and Heckman LLP (Sept. 28, 2012), Docket Document No. EPA-HQ-OAR-2002-0037-0564.

reconsideration of the PVC MACT.<sup>5</sup> Thus, a rule which the Agency has admitted must be corrected remains in place until EPA acts.<sup>6</sup>

It is a manifest injustice that the PVC industry has been forced to adhere to a rule that even EPA admits is flawed. PVC manufacturers spent millions of dollars to comply with limits that will be substantively changed once EPA completes its reconsideration of the rule. The prospect of citizen suits against facilities under this flawed rule adds additional costs. These are in addition to the millions of dollars that the industry has already spent on gathering test data requested by EPA, both before and after the rule was finalized. EPA has had the last group of data in hand for over 15 months. Finally, the emission limits in the final rule effectively preclude the construction of completely new PVC facilities at a time when low-cost and abundant natural gas makes increased domestic manufacture of PVC a fantastic opportunity.

The VI appreciates the effort of EPA staff over the course of this rulemaking. VI members have had productive meetings with OAQPS on several occasions since the PVC MACT was finalized. A continual issue raised by OAQPS staff, however, is a lack of resources and conflicting management priorities. We ask that Administrator Pruitt provide OAQPS with the direction and resources necessary to swiftly address industry's petitions for reconsideration.

Enclosed with this letter is a compendium of 26 letters from the VI's PVC MACT Working Group to EPA on this rule. This collection was summarized and provided last November to OAQPS to assist new staff assigned to the rulemaking. The 9 highlighted items are included with this communication as they encompass the most relevant changes suggested by the Working Group.

We have asked our members to follow up with your office with additional information on the need for EPA to prioritize the PVC MACT reconsideration. In the interim, please feel free to contact me with questions or for further information.

Sincerely,

Richard Krock  
Vice President, Regulatory and Technical Affairs

Attachments:

VI Letter to OAQPS, November 1, 2016  
Highlighted Compendium of Letters to EPA submitted by PVC MACT Working Group  
Copies of 9 most relevant letters with attachments to EPA submitted by PVC MACT Working Group

---

<sup>5</sup> *Mexichem Specialty Resins, Inc. v. Environmental Protection Agency*, 787 F.3d 544 (D.C. Cir. 2015).

<sup>6</sup> EPA corrected two limits, for area sources, as part of a partial settlement of the industry's challenge of the PVC MACT. 80 Fed. Reg. 5,938 (Feb. 4, 2015). However, an equivalent limit for new major sources remains in effect, as well as numerous other flawed limits for existing and new major and area sources.



November 1, 2016

Sent via Electronic Mail

Ms. Penny Lassiter  
Associate Director  
Sector Policies and Programs Division  
U.S. EPA - Office of Air Quality Planning and Standards  
109 T.W. Alexander Drive  
Mail Code: E143-01  
Research Triangle Park, NC 27711  
[Lassiter.penny@Epa.gov](mailto:Lassiter.penny@Epa.gov)

**RE: Follow-up to PVC MACT Working Group September 26, 2016 Meeting**

Dear Ms. Lassiter:

Thank you meeting with the Vinyl Institute PVC MACT Working Group.<sup>1</sup> Our members appreciated the opportunity to discuss the Environmental Protection Agency's ("EPA") ongoing reconsideration of the PVC MACT final rule emission limits,<sup>2</sup> and issues raised in the industry's Petition for Reconsideration and other submissions. As promised, we enclose a compendium of all Working Group submissions for review and consideration by LCDR Jennifer Caparoso, PE, the rule's new Project Lead.

We appreciate the entire staff's efforts over the years, and recognize that budget, resource allocation, and rulemaking priorities may be outside your department's control. As stressed at our meeting, however, Working Group members remain highly concerned about the limited staffing and resources available to complete this important rule and intend to communicate this to OAQPS management in the near future.

---

<sup>1</sup> The VI PVC MACT Working Group includes VI members Formosa Plastics Corporation, U.S.A., Shintech Inc., OxyVinyls LP, Westlake Chemicals, Mexichem Specialty Resins, Wacker Chemical Corporation, and Lubrizol Corporation, and industry participants Axiall Corporation. CertainTeed and Daikin, which also were present during the meeting, are not members nor do their comments or statements reflect the views or positions of the VI or the Working Group.

<sup>2</sup> *National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production*, 77 Fed. Reg. 22,848 (April 17, 2012) (Codified at 40 C.F.R. Part63, subparts DDDDDD and HHHHHH).

VI PVC MACT Working Group Follow Up Letter to September 26, 2016 Meeting  
November 1, 2016

We are grateful that your team will continue to provide informal implementation guidance and clarifications pending revisions to the rule. You indicated that an Agency guidance on implementing pressure relief device requirements for the other MACT rules could relate to the PVC industry. We would appreciate it if you could share a copy of this guidance document with the PVC MACT Working Group.

Based on the constructive discussion at the meeting, we are developing additional clarification/implementation questions we will submit to your team for their informal review and comment at the earliest opportunity. This includes brief comments on the continued viability of the TOHAP approach (as opposed to a HAP by HAP approach) within the context of the PVC MACT rule, and further elaboration of a few issues raised during our meeting. In the interim, please contact me with any questions.

Sincerely,

Richard P. Krock  
Vice President, Regulatory and Technical Affairs  
e-mail: rkrock@vinylinfo.org  
phone: (202) 765-2287  
cell: (b) (6)

cc: LCDR Jennifer Caparoso, PE, OAQPS  
Mark Kataoka, OGC  
Marcia Mia, OC/AB  
J.C. Walker, Keller and Heckman

COMPENDIUM OF SELECT LETTERS FROM VINYL INSTITUTE PVC MACT WORKING GROUP TO EPA RE FINAL RULE (AS AT SEPTEMBER 26, 2016)

No.	Date	To	Subject	Content	No. of Pages	Category
1	July 8, 2011	Jodi Howard	PVC Resin Morphology and Stripping Practices	Oxy (Ron Davis) Resin Stripping and Morphology Presentation delivered to EPA on June 30, 2011	42	Stripped Resins
2	July 12, 2011	Jodi Howard	PVC-Only Facilities to Use for Process Vent MACT Floor Calculations	Information and groupings on process vents	3	Process Vents
3	February 27, 2012	Jodi Howard	Vinyl Institute Recommended Corrections to Final PVC MACT rule	15 technical corrections and citation errors in pre-publication version of final rule	4	Clarifications
4	June 18, 2012	Lisa Jackson	Petitions of the VI for Reconsideration and Request to Stay the Rule	Keller and Heckman letter - 10 Petitions for Reconsideration and request to stay rule.	102	Petitions
5	April 5, 2013	Andrea Siefers	Clarification on Certain Provisions of the PVC MACT	31 clarifications requested with recommendations	28	Clarifications
6	August 16, 2013	Andrea Siefers	Reconsideration of PVC MACT	July 23, 2013 meeting follow up and data for recommendations on each petition	160	Petitions
7	October 13, 2013	Andrea Siefers	Supplemental Process Wastewater Data for Reconsideration	Further explanation on 13 month vinyl chloride data for WW database	3 - letter Updated VC WW Database	Wastewater
8	January 15, 2014	Jodi Howard	Supplemental Information for Reconsideration	New source stripped resin limit proposals, new and existing wastewater proposals, new and existing process vent proposals	29	New Source Stripped Resins, New and Existing Wastewater, New and Existing Process Vents
9	October 1, 2014	Marcia Mia	Batch Pre-compliance reporting	E-mail responses from Marcia Mia on PVC MACT WG batch pre-compliance reporting questions	3	Clarifications
10	November 11, 2014	Jodi Howard	Process WW Information	Responses to questions from Jodi Howard on WW stripping	3 - letter 1 - attachment	Wastewater

COMPENDIUM OF SELECT LETTERS FROM VINYL INSTITUTE PVC MACT WORKING GROUP TO EPA RE FINAL RULE (AS AT SEPTEMBER 26, 2016)

No.	Date	To	Subject	Content	No. of Pages	Category
11	November 13, 2014	Jodi Howard	Polyvinyl Chloride and Copolymers Resins – Definitions and Process Information	Revised proposals using input from Oct 27 2014 conference call with EPA to redefine resin types and create latex subcategory	5	Stripped resins
12	December 11, 2014	Jodi Howard	Draft Agenda for PVC MACT Working Group December 15, 2014 Call	Discuss facility extensions and review attached WG draft bypass guidance	2 - Letter 12 - Bypass Guidance Attachment	Agenda, Extensions, Clarifications
13	February 18, 2015	<u>From</u> Marcia Mia	Bypass Clarificatitons	E-mail response from Marcia Mia to WG questionnaire	1	Clarifications
14	March 4, 2015	Jodi Howard	Clarification Request for PVC MACT Bypass	Response to EPA Questions on closed-end lines and closure devices posed in February 18, 2015 conference call	5	Clarifications
15	March 10, 2015	Jodi Howard	Polyvinyl Chloride and Copolymers Resins – Revised Definitions	Revised resin definitions and new latex definition	4	Stripped resins
16	March 16, 2015	Jodi Howard	Clarification on Performance Specifications Required for pH Calibration Monitoring Equipment	Follow up to March 9, 2015 conference call to respond to Steff Johnson concepts on pH meter calibration frequency	10	CPMS, Process Vents
17	March 17, 2015	Jodi Howard	Supplemental Information for WW Limit Reconsideration - Draft	E-notation corrections to March 9, 2015 letter; otherwise letter is same. Approaches for WW Limit and Compliance Options - Draft submitted for Conference Call Discussion on March 9, 2015	11	Wastewater
18	March 19, 2015	Jodi Howard	Supplemental Information for Process Vent Subcategorization Reconsideration	Provides detailed information on 39 control devices operating in the industry and proposes approach for establishing process vent limits	6	Process Vents

COMPENDIUM OF SELECT LETTERS FROM VINYL INSTITUTE PVC MACT WORKING GROUP TO EPA RE FINAL RULE (AS AT SEPTEMBER 26, 2016)

No.	Date	To	Subject	Content	No. of Pages	Category
19	March 25, 2015	Jodi Howard	Clarification Request for PVC MACT Bypass	Response to EPA Questions posed in March 16, 2015 conference call on bypass guidance	5	Clarifications
20	April 4, 2015	Jodi Howard	Revisions to VI PVC MACT Copolymers Subgroup Proposed Definitions, March 10, 2015	E-mail to Jodi Howard with highlighted changes to make monomer plural for allowing multiple monomers in definitions	2	Stripped resins
21	April 8, 2015	Jodi Howard	PVC and Copolymer Resins Revised Definitions	Proposed definitions for latex resin and changes to dispersion and copolymer resins	4	Stripped resins
22	April 8, 2015	Jodi Howard	Proposed Process Vent Definitions	Proposed changes to process vent definitions and subcategorizations	4	Process Vents
23	April 9, 2015	Jodi Howard	Proposed Approach for Reconsideration of Wastewater Limits and Compliance Options	Proposed strippable vs. non-strippable HAPs, Updated WW database, revision of draft proposal submitted on March 9, 2015	19 - Letter WW Excel Database	Wastewater
24	April 27, 2015	Jodi Howard	pH Calibration Requirements Under NESHAP	Keller and Heckman letter - Argues for less frequent pH calibrations supported by industry data from 4 devices over 12 weeks	10	CPMS, Process Vents
25	June 4, 2015	Jodi Howard	Revised and Additional Supplemental Information for Process Vent Subcategorization Reconsideration	Adds 1 data point to Table 1 originally submitted in March 19, 2015 letter	6	Process Vents
26	December 9, 2015	Jodi Howard	Revised Process Vent Definitions and Subcategories	Proposes criteria and definitions for 3 new process vents subcategories	5	Process Vents