



U.S. Department of Justice

MNS:SLS
90-5-2-3-1679

Washington, D.C. 20530

November 22, 1988

Constance L. Dupre, Clerk
United States Court of Appeals
United States Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866

Re: The Society of the Plastics Industry,
Inc. v. EPA, No. 86-1640

Dear Ms. Dupre:

Enclosed for filing in the above-captioned case are an original and three copies of EPA's status report.

If you have any questions, I can be reached at 633-3179.

Sincerely,

Assistant Attorney General
Land & Natural Resources Division

By: *Stephen L. Samuels*
Stephen L. Samuels, Attorney
Environmental Defense Section

Enclosures

cc: Peter L. de la Cruz
Robert Brager

CTL017608

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

THE SOCIETY OF THE PLASTICS
INDUSTRY, INC., THE DOW CHEMICAL
COMPANY, GEORGIA GULF CORPORATION
and VISTA CHEMICAL COMPANY,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and LEE M.
THOMAS, Administrator,

Respondents.

No. 86-1640

STATUS REPORT

Respondents United States Environmental Protection Agency and Lee M. Thomas, Administrator, ("EPA") submit this status report on the implementation of the Settlement Agreement in the above-captioned case. EPA states as follows:

1. On June 30, 1988, petitioners The Society of the Plastics Industry, Inc., et al. ("SPI") and EPA entered into a Settlement Agreement in which EPA agreed to propose revisions to the national emissions standard for vinyl chloride under section 112 of the Clean Air Act, 42 U.S.C. § 7412.

2. Also on June 30, 1988, EPA and SPI filed a joint motion in this proceeding requesting that the Court stay this action pending further order of the Court, in order to permit implementation of the Settlement Agreement.

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3. On July 18, 1988, the Court entered an order staying further proceedings and directing counsel to "file status reports of the settlement negotiations at sixty-day intervals." Because "settlement negotiations" have already been concluded, the parties interpret the July 18, 1988 order to require status reports on the implementation of the Settlement Agreement.

4. EPA's Office of Air Quality Planning and Standards has taken the following actions pursuant to the Settlement Agreement:

a. review of the docket for the final rule revising the vinyl chloride standard, 51 Fed. Reg. 34,904-34,915 (Sept. 30, 1986), which rule is the subject of the present petition for review;

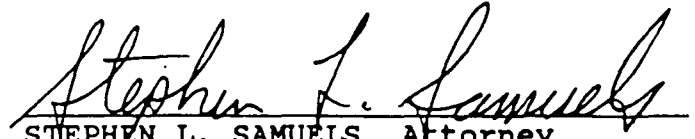
b. establishment of a work plan for proposing the revisions to the vinyl chloride standard described in Attachment A to the Settlement Agreement; and

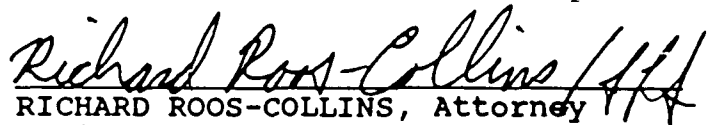
c. commencement of the drafting of the rulemaking notice proposing such revisions.

Respectfully submitted,

ROGER J. MARZULLA
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Counsel for EPA

Dated: November 22, 1988

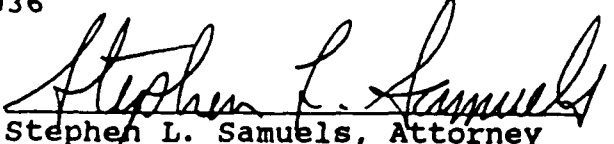
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing status report were sent by United States mail, postage prepaid, this 22nd day of November 1988 to the following:

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