UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 16 2017

OFFICE OF
AIR AND RADIATION

The Honorable Blake Farenthold
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Farenthold:

Thank you for your letter of May 18, 2017, to the U.S. Environmental Protection Agency regarding the reconsideration of the final action entitled, "National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production," 77 Fed. Reg. 22,848 (April 17, 2012), which establishes maximum achievable control technology (MACT) standards for PVC and copolymer production facilities (PVC MACT rule).

Following issuance of the final PVC MACT Rule, Mossville Environmental Action Now, et al. (Environmental Petitioners) and Mexichem Specialty Resins and the Vinyl Institute (Industry Petitioners) submitted petitions for reconsideration and petitions for review. The EPA granted the petitions for reconsideration in letters dated September 28, 2012. That reconsideration focused on requirements related to process vents, process wastewater and stripped resins for which the public was not afforded an opportunity to comment. As part of the administrative reconsideration process, the EPA sought additional data from PVC and copolymer industry manufacturers pursuant to Section 114 of the Clean Air Act. The EPA issued surveys between November 2012 and June 2014 that required PVC manufacturers to test process vents, process wastewater and stripped resins. The EPA received the last of the survey test results in September 2015. Unfortunately, the EPA became aware that one of the laboratories contracted by some PVC and copolymer manufacturers may have deviated from EPA test methods, raising concerns about whether these data are valid for use in reconsidering the rule.

The Industry Petitioners' case was heard in the U.S. Court of Appeals for the D.C. Circuit. on May 29, 2015, and the Court denied the petitions for review, Mexichem Specialty Resins, Inc. v. EPA, 787 F.3d 544 (D.C. Cir. 2015). The Court is holding litigation brought by the Environmental Petitioners in abeyance, pending agency action on petitions for administrative reconsideration. The next litigation deadline is July 17, 2017, when parties must file motions to govern further proceedings.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Matthew Davis in the EPA' s Office of Congressional and Intergovernmental Relations at *davis.matthew@epa.gov* or at (202) 564-1267.

Sincerely,

Sarah Dunham
Acting Assistant Administrator