

NOV 30 1988

MEMORANDUM

SUBJECT: Remand of the OCPSF Effluent Limitations Guidelines for
Bis (2-Chloroisopropyl) ether

FROM: Cynthia C. Dougherty, Director
Permits Division (EN-336)

Ruth G. Bell
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TO: Regional Water Management Division Directors
Regional Counsels
NPDES State Directors
Director, NEIC

On November 5, 1987, the Environmental Protection Agency ("EPA") promulgated a final regulation establishing effluent limitations guidelines, pretreatment standards, and new source performance standards for the organic chemicals, plastics, and synthetic fibers (OCPSF) point source category (the "guideline"). The regulation became effective on December 21, 1987.

On June 7, 1988, EPA and Dow Chemical Company filed a joint motion ("joint motion for voluntary remand") in the U. S. Court of Appeals for the Fifth Circuit requesting that the Court remand for reconsideration the guideline for the pollutant Bis (2-Chloroisopropyl) ether, promulgated in 40 C.F.R. 414.91 and 414.101 (52 Fed. Reg. 42522, 42581-82; Nov. 5, 1987). On June 27, 1988, the Court granted the joint motion for voluntary remand. Copies of the Court's action and the joint motion for voluntary remand are attached.

This means that, as of June 27, 1988, best available technology economically achievable ("BAT") and new source performance standards ("NSPS") for Bis (2-Chloroisopropyl) ether are no longer effective and that the permit writer must develop technology-based permit limits for this pollutant based on the permit writer's best professional judgment ("BPJ").

If you have any questions on this matter, please contact James D. Gallup, Chief of the Technical Support Branch (202 or FTS 475-9541) or Dov Weitman, Office of General Counsel (202 or FTS 382-7700).

Attachments

cc: Thomas O'Farrell (WH-552)
J. William Jordan (EN-338)

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