Sam Chamberlain

than 1 percent asbestos on a dry weight basis.

(1) Sources subject to this paragraph are exempt from the requirements of § 61.05(a), § 61.07, and § 61.09.

(2) Any owner or operator who intends to spray asbestos materials which contain more than 1 percent asbestos on a dry weight basis to insulate or fireproof equipment and machinery shall report such intention to the Administrator at least 20 days prior to the commencement of the spraying operation. Such report shall include the following information:

[40 FR 48292, October 14, 1975]

(i) Name of owner or operator.

(ii) Address of owner or operator.

(iii) Location of spraying operation.

(iv) Procedures to be followed to meet the requirements of this paragraph.

(f) Rather than meet the no-visible-emission requirements as specified by paragraphs (a), (c), (d), (e), (h), (j), and (k) of this section, an owner or operator may elect to use the methods specified by § 61.23 to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to, the outside air.

(g) Where the presence of uncombined water is the sole reason for failure to meet the no-visible-emission requirements of paragraphs (a), (c), (d), (e), (h), (j), or (k) of this section, such failure shall not be a violation of such emission requirements.

(h) Fabricating: There shall be no visible emissions to the outside air, except as provided in paragraph (f) of this section, from any of the following operations if they use commercial asbestos or from any building or structure in which such operations are conducted.

(1) The fabrication of cement building products.

(2) The fabrication of friction products, except those operations that primarily install asbestos friction materials on motor vehicles.

(3) The fabrication of cement or silicate board for ventilation hoods; ovens; electrical panels; laboratory furniture; bulkheads, partitions and ceilings for marine construction; and flow control devices for the molten metal industry.

(i) Insulating: Molded insulating materials which are friable and wet-applied insulating materials which are friable after drying, installed after the effective date of these regulations, shall contain no commercial asbestos. The provisions of this paragraph do not apply to insulating materials which are spray applied; such materials are regulated under § 61.22(e).

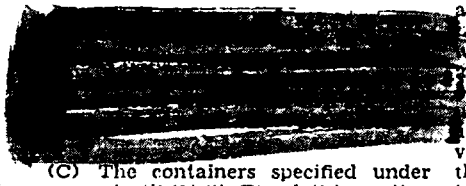
(j) Waste disposal for manufacturing, fabricating, demolition, renovation and spraying operations: The owner or operator of any source covered under the provisions of paragraphs (c), (d), (e), (h) of this section shall meet the following standards:

(1) There shall be no visible emissions to the outside air, except as provided in paragraph (j)(3) of this section, during the collection; processing, including pulverization; packaging; transporting; deposition of any asbestos-containing waste material which is generated by such source.

(2) All asbestos-containing waste material shall be deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(3) Rather than meet the requirement of paragraph (j)(1) of this section, an owner or operator may elect to use either of the disposal methods specified under (j)(3)(i) and (ii) of this section, or an alternative disposal method which has received prior approval by the Administrator:

(A) Control device asbestos waste shall be thoroughly mixed with water into a slurry and other asbestos-containing waste material shall be adequately wetted. There shall be no visible emissions to the outside air from the collection, mixing and wetting operations, except as provided in paragraph (f) of this section.



(C) The containers specified under paragraph (j)(3)(i)(B) of this section shall be labeled with a warning label that states:

CAUTION

Contains Asbestos
Avoid Opening or Breaking Container
Breathing Asbestos is Hazardous
to Your Health

Alternatively, warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.-93a(g)(2)(ii) may be used.

(ii) Processing of asbestos-containing waste material into non-friable forms:

(A) All asbestos-containing waste material shall be formed into non-friable pellets or other shapes and deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(B) There shall be no visible emissions to the outside air from the collection and processing of asbestos-containing waste material, except as specified in paragraph (f) of this section.

(4) For the purposes of this paragraph (j), the term all asbestos-containing waste material as applied to demolition and renovation operations covered by paragraph (d) of this section includes only friable asbestos waste and control device asbestos waste.

(k) Waste disposal for asbestos mills: The owner or operator of any source covered under the provisions of paragraph (a) of this section shall meet the following standard:

(1) There shall be no visible emissions to the outside air, except as provided in paragraph (k)(3) of this section, during the collection, processing, packaging, transporting or deposition of any asbestos-containing waste material which is generated by such source.

(2) All asbestos-containing waste material shall be deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(3) Rather than meet the requirement of paragraph (k)(1) of this section, an owner or operator may elect to meet the following requirements in paragraphs (k)(3)(i) and (ii), or use an alternative disposal method which has received prior approval by the Administrator:

(i) There shall be no visible emissions to the outside air from the transfer of control device asbestos waste to the tailings conveyor, except as provided in paragraph (f) of this section. Such waste shall be subsequently processed either as specified in paragraph (k)(3)(ii) of this section or as specified in paragraph (j)(3) of this section.

(ii) All asbestos-containing waste material shall be adequately mixed, with a wetting agent recommended by the manufacturer of the agent to effectively wet dust and tailings, prior to deposition at a waste disposal site. Such agent shall be used as recommended for the particular dust by the manufacturer of the agent. There shall be no discharge of visible emissions to the outside air from the wetting operation except as specified in paragraph (f) of this section. Wetting may be suspended when the ambient temperature at the waste disposal site is less than −9.5°C (ca. 15°F). The ambient air temperature shall be determined by an appropriate measurement method with an accuracy of ±1°C (±2°F) and recorded at least at hourly intervals during the period that the operation of the wetting system is suspended. Records of such temperature measurements shall be retained at the source for a minimum of two years and made available for inspection by the Administrator.

(l) The owner of any inactive waste disposal site, which was operated by sources covered under § 61.22 (a), (c) or (h) and where asbestos-containing waste material produced by such sources was deposited, shall meet the following standards:

(1) There shall be no visible emissions to the outside air from an inactive waste disposal site subject to this paragraph, except as provided in paragraph (l)(5) of this section.

(2) Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material was deposited, at intervals of 100 m (ca. 330 ft) or less, except as specified in paragraph (l)(4) of this section. Signs shall be posted in such a manner and location that a person may easily read the legend. The warning signs required by this paragraph shall conform to the requirements of 20" x 14" upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

In accomplishing this objective, EPA conducted more than 100 field inspections in 1975, and initiated 36 enforcement actions.

As additional new source categories received regulatory coverage, and as additional sources now under construction commence operations the NSPS program will assume increasing relative importance within the framework of attaining, and maintaining, ambient air quality standards.

In view of this, as well as in view of the expected growth in the associated workload, EPA is undertaking efforts to delegate enforcement authority to State and local air pollution control agencies for maximum effective coverage. By December 1975, authority to carry out the NSPS program had been officially delegated to 15 States and 12 local agencies, and proposals for delegation were being discussed with many others.

SECTION 112 — NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

On October 14, 1975, EPA promulgated amendments to NESHAPS regulations for [redacted]nd mercury. These regulations establish asbestos emission standards for the manufacturing of shotgun shells and asphalt concrete, the fabrication of various asbestos products including cement building products and friction products, the disposal of asbestos wastes, as well as standards for mercury emissions for sewage sludge incineration and drying operations.

On December 24, 1975, EPA also proposed standards for the control of vinyl chloride emission from ethylene dichloride, vinyl chloride, and polyvinyl chloride plants.

By December 1975, EPA had determined that 770 industrial sources are subject to promulgated NESHAPS requirements. Ninety-six percent of these sources are in compliance either with the standards or with increments of progress specified in EPA approved schedules. Also by the end of 1975, twelve States and twelve local agencies had requested and were delegated enforcement authority for NESHAPS.

First Criminal Conviction for NESHAPS violation -- In April of 1976, a Florida [redacted] superintendent were found guilty [redacted] Court in New Orleans of violating [redacted] regulations for the removal of [redacted] sulation from a building being demolished. Big Chief Wrecking Company of Fort Lauderdale, Florida, and its foreman in charge of the demolition leading to the enforcement action thus became the first violators to be criminally convicted under Section 112 of the Clean Air Act.

The complaint leading to conviction of Big Chief Wrecking Company was filed at EPA's request on January 6, 1975, by U.S. Attorney Gerald J. Gallinghouse's office in New Orleans. The EPA procedures, issued in 1973, require the wetting of asbestos materials and their removal in dust-tight containers prior to the general destruction of a building. Numerous studies by medical researchers had shown an association between occupational exposure to asbestos in the air, and a higher-than-expected incidence of bronchial cancer. Asbestos is also considered a causal factor in cancers occuring in the membranes lining the chest and abdomen.

Some of the demolition workers at the site at the time the violation occurred — the destruction of the Old Hotel Dieu Hospital in New Orleans — testified during the trial that they were never warned of the asbestos hazards by the foreman, despite a visit by EPA inspectors. Under the Clean Air Act, the maximum allowable penalties are one year imprisonment and a $25,000 fine per day of violation.

It is estimated that some 3,300 major demolition operations occur nationwide each year. EPA will continue to press for compliance with these important public health protection measures.

SECTION 119 — ENERGY RELATED AUTHORITY

The Energy Supply and Environmental Coordination Act (ESECA) of 1974 (42 U.S.C. 1857, Supp. 1975) amended the Clean Air Act, adding Section 119 to "....provide a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment....."

Under ESECA's provisions, the Federal Energy Administration is empowered to prohibit the use of petroleum products and natural gas at power plants and other major fuel-burning installations in order to further the primary goal of fuel savings. In recognition of the increase in emissions which result from conversions to coal, EPA is provided an integral role to insure that primary standards are not exceeded while FEA prohibition orders are in effect and to insure expeditious compliance with applicable SIP requirements.

Whenever the FEA Administrator issues an order to a fuel burning source under Section 2(a) of ESECA which will apply after June 30, 1975, the Administrator of EPA is required to notify FEA if the source can burn coal and comply immediately with all applicable air pollution requirements without compliance date extension. If such notification is not given, then the EPA Administrator must certify to FEA: (1) when a source which is receiving a compliance date extension can comply with primary standard conditions and/or regional limitations: or (2) when a source not receiving a compliance date extension can comply with all air pollution control requirements.

As of January 1, 1976, the Administrator of EPA has notified FEA that four plants can burn coal and comply immediately with all air pollution control requirements without a compliance date extension. The plants are: (1) Ames Station, Unit 7, Ames Electric Utility, Ames, Iowa; (2) Maynard Station, Unit 14, Iowa Public Service Company, Waterloo, Iowa; (3) Des Moines Station, Unit 11, Iowa Power Light Company, Des Moines, Iowa; and (4) Weston Station, Unit 2, Wisconsin Public Service Corporation, Rothchild, Wisconsin.

In January of 1975, temporary suspensions of applicable stationary source fuel and emissions limitations became effective for three facilities in Massachusetts: these included the New England Power