FILE NAME: International Harvester (INTH)

DATE: 1979 Aug 10

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

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For your info
W. SALZMAN
M. WADE

OFFICE OF WATER AND HAZARDOUS MATERIALS

August 10, 1979

Mr. J. Mavri
International Harvester
5005 Crittenden Drive
Louisville, Kentucky 40221

Dear Mr. Mavri:

The Environmental Protection Agency is under court order to develop and/or revise effluent limitations and standards for twenty-one industrial categories, including the foundries industry; and to consider the application of effluent limitations for sixty-five classes of potentially toxic substances.

Asbestos is one of the compounds specifically named under the court order, and because of its nature, has unique sampling and analysis requirements. Therefore, in order to help determine the significance of asbestos discharges and the need for effluent limitations, the Agency has initiated an industry-participation program to screen for asbestos discharges, pursuant to Section 308 of the Federal Water Pollution Control Act.

Under this program, the Agency is requesting that a number of representative facilities nationwide conduct a self-sampling project. Samples will be shipped to and analyzed by EPA contract laboratories for asbestos fiber identification only, using transmission electron microscopy. For your information, we have included a statement which explains your legal rights to protection of confidential information, as well as EPA's statutory authority for requesting compliance in obtaining the needed data. (See Attachment I.)

All efforts have been made to design a program which will minimize any burden placed upon participating industry. The number of samples required is very limited, and the collection procedure, described in the attached protocol, can be readily accomplished by plant personnel. (See Attachment II.) All materials and equipment needed for sample collection will be provided by EPA.

To facilitate scheduling laboratory analysis of samples, it is necessary for EPA to establish specific sampling dates. As described in Attachment III, International Harvester has been scheduled for self-sampling on Tuesday, September 11, 1979. Please complete Attachment III as requested, and return the top two copies to EPA no later than August 24, using the pre-addressed envelope provided.

LVW0288

Upon receipt of self-sampling data confirmation, the Agency will forward to your facility a self-sampling kit that includes specially prepared sample containers, shipping carton and labels, sample tracking reports and the Asbestos Self-Sampling Protocol. We request that a staff member familiar with the facility layout supervise collection of samples and completion of the tracking sheets. The samples must then be shipped, at the Agency's expense, to the designated analytical laboratory. Results will be reported directly to EPA, and upon request, a copy transmitted for your records. Should you wish to arrange for duplicate collection and analysis, the Agency will, upon request, forward information regarding sample containers and proper cleaning, and preparation procedures.

Please note that it is your obligation to carefully follow directions provided by EPA regarding sample collection and shipment. Certification by the responsible staff member will be required on the tracking sheets to substantiate compliance with this effort.

We appreciate your cooperation and would be pleased to discuss with you any aspect of the Asbestos Self-Sampling Program. For further information, please contact Priscilla Holtzclaw at the letterhead address or phone (202) 426-7770.

Sincerely,

Robert B. Schaffer, Director
Effluent Guidelines Division (WH-552)

Attachments - a/s

Attachment I

This request for information is made under authority provided by Section 308 of the Federal Water Pollution Control Act, 33 U.S.C. §1318. Section 308 provides that; "Whenever required to carry out the objective of this Act, including but not limited to . . . developing or assisting in the development of any effluent limitation . . . pretreatment standard, or standard of performance under this Act" the Administrator may require the owner or operator of any point source to establish and maintain records, make reports, install, use and maintain monitoring equipment, sample effluent and provide "such other information as he may reasonably require." In addition, the Administrator or his authorized representative, upon presentation of credentials, has right of entry to any premises where an effluent source is located or where records which must be maintained are located and may at reasonable times have access to and copy such records, inspect monitoring equipment and sample effluents.

Information may not be withheld from the Administrator or his authorized representative because it is confidential. However, when requested to do so the Administrator is required to consider information to be confidential and to treat it accordingly if disclosure would divulge methods or processes entitled to protection as trade secrets. EPA regulations concerning confidentiality of business information

are contained in 40 CFR Part 2, Subpart B, 41 Fed. Reg. 36902-36924 (September 1, 1976). These regulations provide that a business may, if it desires, assert a business confidentiality claim covering part or all of the information furnished to EPA. The manner of asserting such claims is specified in 40 CFR §2.203(b). Information covered by such a claim will be treated by the Agency in accordance with the procedures set forth in the Subpart B regulations. In the event that a request is made for release of information covered by a claim of confidentiality or the Agency otherwise decides to make a determination whether or not such information is entitled to confidential treatment, notice will be provided to the business which furnished the information. No information will be disclosed by EPA as to which a claim of confidentiality has been made except to the extent and in accordance with 40 CFR Part 2, Subpart B. However, if no claim of confidentiality is made when information is furnished to EPA the information may be made available to the public without notice to the business.

Effluent data (as defined in 40 CFR §2.302(a)(2)) may not be considered by EPA as confidential. In addition, any information may be disclosed to other officers, employees or aurthorized representatives of the United States concerned with carrying out the Federal Water Pollution Control Act or when relevant in any proceeding under this Act.