ENVIRONMENTAL PROTECTION AGENCY
REGION VI
1600 PATTERSON, SUITE 1100
DALLAS, TEXAS 75201

PLAINTIFF'S EXHIBIT
tabbies
KM-408

May 8, 1973

OFFICE OF THE
REGIONAL ADMINISTRATOR

Owners and Operators
Demolition and Asbestos Spraying Companies
Arkansas, Louisiana, New Mexico, Oklahoma and Texas

Dear Sir:

Pursuant to Section 112 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq), the Administrator of the United States Environmental Protection Agency promulgated National Emission Standards for Hazardous Air Pollutants on April 6, 1973. These emission standards are applicable to certain sources of asbestos, beryllium and mercury emissions. We believe that your facility may be such a source.

The purpose of this letter is to notify the owners or operators of companies in the business of spraying asbestos materials and companies in the business of demolishing buildings, structures, facilities or installations of the requirements of the regulations. The emission standard for asbestos affects asbestos spraying and demolition operations (see pages 8820 to 8892 and §61.20 to 61.24, pages 8829 and 8830 of the enclosed April 6, 1973, Federal Register). The requirements include:

Prohibited Activities*

1. No person may construct any new source or modify any existing source to which a standard is applicable after April 6, 1973, without first obtaining approval from EPA. Asbestos spraying and demolition operations are exempt from this provision.

2. No person shall operate any new source in violation of any applicable standard after April 6, 1973. Demolition operations are considered new sources.

3. No person shall operate any existing source in violation of any applicable standard after July 4, 1973, except under a waiver granted by the EPA Administrator. Asbestos spraying operations are considered existing sources.

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* The President may exempt any source from compliance with the standards for a period of not more than two years (renewable) if he finds that the technology to implement such standards is not available and the operation of such source is required for reasons of national security. Inquiries regarding this exemption should be addressed to this office.

4. No person shall fail to report as required by these regulations except owners or operators of asbestos spraying and demolition operations are not required to report pursuant to Title 40, Code of Federal Regulations, §61.10(a) (40 C.F.R. 61.10(a)). However, owners or operators of firms conducting asbestos spraying or demolition operations must report information pursuant to 40 C.F.R. 61.22(e)(2) or 40 C.F.R. 61.22(d)(1), respecitvely, to this office at least 20 days prior to such operations except that buildings in imminent danger of collapse may report any time prior to demolition.

Penalties

Any person (including the owner or operator of the building being sprayed with asbestos or demolished and the owner or operator of the firm conducting the asbestos spraying or demolition) who knowingly violates the requirements of the regulations shall be punished by a fine of not more than $25,000 per day of violation or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than one year, or by both.

Additionally, any person who knowingly makes any false statement in any notification or other document filed under the Clean Air Act is subject to a fine of not more than $10,000 or by imprisonment for not more than six months, or by both.

If you do not own or operate an affected source as described in the regulations, please notify the Director of the Division of Enforcement, ATTN: Mr. Jack Divita, at this office. If you have questions concerning the regulations, do not hesitate to contact Mr. Divita at (214) 749-2142.

Sincerely yours,

Arthur W. Busch
Regional Administrator

Enclosure