FILE NAME: Calaveras (CALV)

DATE: 1980 July 30

DOC#: CALV011

DOCUMENT DESCRIPTION: Government Order from EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

CERTIFIED MAIL NO. 0550167
RETURN RECEIPT REQUESTED

In Reply Refer to: E-3-1
ENF 3-5-5
Docket No. 9-80-14

Mr. Gordon Coats
President
Calaveras Asbestos, Ltd.
P.O. Box 127
Copperopolis, CA 95228

30 JUL 1980

Dear Mr. Coats:

Pursuant to Section 113(a)(3) of the Clean Air Act, as amended (42 U.S.C. §7401, et seq.), attached is an Order requiring compliance immediately and in the future by Calaveras Asbestos, Ltd. with 40 CFR Part 61, Subpart B - National Emission Standard for Asbestos. The Order is based upon the Finding of Violation attached thereto. Any violation of this Order may subject Calaveras Asbestos, Ltd. to a civil action for appropriate relief under Section 113(b). Section 113(c) provides for criminal penalties for knowing violation of an Order. In addition, sources which are in violation after August 7, 1979, may be subject to noncompliance penalties under Section 120 of the Act.

If you have any questions concerning this matter, please contact Paula Bisson of my staff at (415)556-6150.

Sincerely yours,

Clyde B. Eller
Director
Enforcement Division

Attachments

cc: California Air Resources Board
Calaveras County Air Pollution Control District

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | Order |
| Calaveras Asbestos, Ltd. | ) | Docket No. 9-80-14 |
| Copperopolis, California | ) | |
| | ) | |
| Proceeding under Section 113(a)(3) | ) | |
| Clean Air Act, as amended | ) | |

## Order

The following Order is issued this date pursuant to Section 113(a)(3) of the Clean Air Act, as amended, 42 U.S.C. §7413 (hereinafter referred to as the "Act").

On the basis of the Findings attached hereto and made a part of this Order, the Director, Enforcement Division, Region IX, Environmental Protection Agency, pursuant to authority delegated by the Administrator and redelegated by the Regional Administrator, finds that Calaveras Asbestos, Ltd. located near Copperopolis, California has violated Section 112 of the Act, National Emission Standards for Hazardous Air Pollutants, in that Calaveras Asbestos, Ltd. failed to comply with 40 CFR §61.22(a) which requires that there be no visible emissions to the outside air from any asbestos mill except as provided in paragraph (f) of this section. In addition, Calaveras Asbestos, Ltd. has failed to comply with §61.22(k) dealing with waste disposal.

Taking these findings into consideration, and after a thorough investigation of all relevant facts, including the

seriousness of the violation and any good faith efforts to comply, it has been determined that compliance in accordance with the schedule hereinafter set forth is reasonable.

Ordered

That Calaveras Asbestos, Ltd. shall comply forthwith and in the future with all of the requirements of 40 CFR Part 61, Subpart B - National Emission Standard for Asbestos.

Dated: 29 JUL 1980

Clyde B. Eller

Clyde B. Eller
Director
Enforcement Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | Finding of Violation |
| Calaveras Asbestos, Ltd. | ) | Docket No. 9-80-14 |
| Copperopolis, California | ) | |
| | ) | |
| Proceeding under Section 113(a)(3) | ) | |
| Clean Air Act, as amended | ) | |

## Finding of Violation

I. The Director, Enforcement Division, Region IX, Environmental Protection Agency (EPA), pursuant to authority delegated by the Administrator and redelegated by the Regional Administrator, makes the following findings:

A. On April 6, 1973, May 3, 1974, and October 14, 1975, pursuant to Section 112 of the Clean Air Act, as amended, 42 U.S.C. §7412 (hereinafter referred to as the "Act"), the Administrator of the U.S. Environmental Protection Agency promulgated National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61.

B. The National Emission Standards for Hazardous Air Pollutants (NESHAPs) contain certain general and specific provisions applicable to national emission standards for asbestos, including the following:

1. 40 CFR §61.22(a), Emission standard states the following:

"Asbestos mills: There shall be no visible emissions to the outside air from any asbestos mill except as provided in paragraph (f) of this section."

Paragraph (f) allows the use of a fabric filter to clean emissions before they are vented to the outside air.

2. 40 CFR §61.22(k) states in part as follows:

"(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.

* * *

"(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. ..."

C. Calaveras Asbestos, Ltd. (hereinafter referred to as the "Company") has failed to comply with the aforementioned provisions in that:

1. On May 14, 1980, the California Air Resources, Board (CARB) conducted an on-site inspection of the Calaveras Asbestos, Ltd. facility near Copperopolis, California. The CARB inspectors observed visible emissions emanating from the feed to the horizontal ore dryer. Such emissions are in violation of 40 CFR §61.22(a).

2. During the inspection visible emissions were also observed from the end of the tailings conveyor as the tailings fell onto the tailings pile. These emissions are in violation of §61.22(k).

3. On June 16, 1980, the Calaveras County Air Pollution Control District inspected the Calaveras Asbestos, Ltd. facility and observed visible emissions from the MK 3 and 4 baghouse which control emissions from the horizontal dryer. This is a violation of 40 CFR §61.22(a). In addition, visible emissions were observed from the conveyor transfers in violation of §61.22(k).

II. On the basis of the facts enumerated above, the Director, Enforcement Division, Environmental Protection Agency, Region IX finds that:

A. Calaveras Asbestos, Ltd. has violated 40 CFR §61.22(a) and (k) in that visible emissions were observed being emitted from the feed to the horizontal ore dryer, from baghouse MK 3 and 4 and from the tailings conveyor.

Dated: 29 JUL 1980

Clyde B. Eller
Director
Enforcement Division