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COST CONTROL SERVICES
WORKMEN'S COMPENSATION
UNEMPLOYMENT COMPENSATION
OCCUPATIONAL SAFETY

May 14, 1973

CX-3000-114

Mr. Charles M. Harvey
Jim Walter Corporation
1500 N. Dale Mabry Highway
Tampa, Florida 33604

Dear Mr. Harvey:

We have been sending you much information about the fact that asbestos has been highlighted as one of the dangerous substances to which employees in this country are exposed. We are herewith enclosing further information for your reading.

You know that we had Dr. Thomas Mancuso examine your plant for a year and although we hate to say it, his recommendation was to tear down the plant that had been built about a hundred years ago and rebuild it so as to enclose all the exposures to asbestosis, not only for your employees, but for the renters and homeowners around the plant.

We believe that you are incurring a substantial liability which would almost require that you substitute some other substance for asbestos, such as fiber glass or other products.

We are in a position to help you in this area, and we hope that sometime in the future you will return to us as a client.

Yours very truly,

JOHN T. CANTLON & ASSOCIATES, INC.

John T. Cantlon, President

JTC/bsm
cc: Mr. Karl F. Krieg
Mr. R. J. Preston
Mr. L. J. Knippa

EXHIBIT
Blumberg No. 5116
W158

[illegible] test and analytical [illegible]

[illegible] 101, 102, and 103 in ap- [illegible] this part shall be used for [illegible] is required under this part, [illegible] equivalent method or an al- [illegible] method has been approved by [illegible] ator.

[illegible] 103 in appendix B to this [illegible] approved by the Admin- [illegible] an alternative method for [illegible] to § 61.32(a) and § 61.42

[illegible] Administrator may, after no- [illegible] owner or operator, withdraw [illegible] of an alternative method [illegible] under paragraph (a) or (b) of [illegible] Where the test results using [illegible] method do not adequately [illegible] whether a source is in compli- [illegible] a standard, the Administrator [illegible] the use of the reference [illegible] its equivalent.

[illegible] Availability of information.

[illegible] data provided to, or oth- [illegible] tained by, the Administrator in [illegible] with the provisions of this [illegible] be available to the public.

[illegible] records, reports, or informa- [illegible] than emission data, provided [illegible] otherwise obtained by, the Admin- [illegible] in accordance with the provisions [illegible] shall be available to the pub- [illegible] that upon a showing satisfac- [illegible] the Administrator by any person [illegible] records, reports, or informa- [illegible] particular part thereof (other [illegible] emission data), if made public, [illegible] divulge methods or processes en- [illegible] protection as trade secrets of [illegible] person, the Administrator will con- [illegible] such records, reports, or informa- [illegible] particular part thereof, confi- [illegible] in accordance with the purposes [illegible] 1905 of title 18 of the United [illegible] Code, except that such records, re- [illegible] information, or particular part [illegible] may be disclosed to other officers, [illegible], or authorized representatives [illegible] United States concerned with car- [illegible] the provisions of the act or [illegible] relevant in any proceeding under [illegible]

[illegible] State authority.

[illegible] The provisions of this part shall [illegible] in any manner to pre- [illegible] any State or political subdivision [illegible] from:

[illegible] Adopting and enforcing any emis- [illegible] limiting regulation applicable to a [illegible] source, provided that such [illegible] limiting regulation is not less [illegible] than the standards prescribed [illegible] this part.

[illegible] Requiring the owner or operator [illegible] source, other than a sta- [illegible] source owned or operated by the [illegible] States, to obtain permits, licenses, [illegible] prior to initiating construc- [illegible] modification, or operation of such

[illegible] for Asbestos

§ 61.20 Applicability.

The provisions of this subpart are applicable to these sources specified in § 61.22.

§ 61.21 Definitions.

Terms used in this subpart are defined in the act, in subpart A of this part, or in this section as follows:

(a) "Asbestos" means actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite.

(b) "Asbestos material" means asbestos or any material containing asbestos.

(c) "Particulate asbestos material" means finely divided particles of asbestos material.

(d) "Asbestos tailings" means any solid waste product of asbestos mining or milling operations which contains asbestos.

(e) "Outside air" means the air outside buildings and structures.

(f) "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate asbestos material.

§ 61.22 Emission standard.

(a) 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. Outside storage of asbestos materials is not considered a part of an asbestos mill.

(b) Roadways: The surfacing of roadways with asbestos tailings is prohibited, except for temporary roadways on an area of asbestos ore deposits. The deposition of asbestos tailings on roadways covered with snow or ice is considered "surfacing."

(c) Manufacturing: There shall be no visible emissions to the outside air, except as provided in paragraph (f) of this section, from any building or structure in which the following operations are conducted or directly from any of the following operations if they are conducted outside of buildings or structures.

(1) The manufacture of cloth, cord, wicks, tubing, tape, twine, rope, thread, yarn, roving, lap, or other textile materials.

(2) The manufacture of cement products.

(3) The manufacture of fireproofing and insulating materials.

(4) The manufacture of friction products.

(5) The manufacture of paper, millboard, and felt.

(6) The manufacture of floor tile.

(7) The manufacture of paints, coatings, caulks, adhesives, sealants.

(8) The manufacture of plastics and rubber materials.

(9) The manufacture of chlorine.

(d) Demolition: Any owner or operator of a demolition operation who intends to demolish any institutional, commercial, or industrial building (including apartment buildings having more than four dwelling units), structure, facility, [illegible] contains any boiler, pipe, or load supporting structural member that is insulated or fireproofed with friable asbestos material shall comply with the requirements set forth in this paragraph.

(1) Notice of intention to demolish shall be provided to the Administrator at least 20 days prior to commencement of such demolition or anytime prior to commencement of demolition subject to paragraph (d)(4) of this section.

Such notice shall include the following information:

(i) Name of owner or operator.

(ii) Address of owner or operator.

(iii) Description of the building, structure, facility, or installation to be demolished.

(iv) Address or location of the building, structure, facility or installation.

(v) Scheduled starting and completion dates of demolition.

(vi) Method of demolition to be employed.

(vii) Procedures to be employed to meet the requirements of this paragraph.

(2) The following procedures shall be used to prevent emissions of particulate asbestos material to outside air:

(i) Friable asbestos materials, used to insulate or fireproof any boiler, pipe, or load-supporting structural member, shall be wetted and removed from any building, structure, facility, or installation subject to this paragraph before wrecking of load-supporting structural members is commenced. The friable asbestos debris shall be wetted adequately to insure that such debris remains wet during all stages of demolition and related handling operations.

(ii) No pipe or load-supporting structural member that is covered with friable asbestos insulating or fireproofing material shall be dropped or thrown to the ground from any building, structure, facility, or installation subject to this paragraph, but shall be carefully lowered or taken to ground level.

(iii) No friable asbestos debris shall be dropped or thrown to the ground from any building, structure, facility, or installation subject to this paragraph or from any floor to any floor below. For buildings, structures, facilities, or installations, 50 feet or greater in height, friable asbestos debris shall be transported to the ground via dust-tight chutes or containers.

(3) Sources subject to this paragraph are exempt from the requirements of §§ 61.05(a), 61.04, and 61.05.

(4) Any owner or operator of a demolition operation who intends to demolish a building, structure, facility, or installation to which the provisions of this paragraph would be applicable but which has been declared by proper State or local authority to be structurally unsound and which is in danger of imminent collapse is exempt from the requirements of this paragraph other than the reporting requirements specified by paragraph (d)(1) of this section and the wetting of friable asbestos debris as specified by paragraph (d)(3)(i) of this section.

Spraying: There shall be no visible ... to the outside air from the ...-on application of materials con... more than 1 percent asbestos, on ... weight basis, used to insulate or ... roof equipment and machinery, ex... as provided in paragraph (f) of this ...on. Spray-on materials used to insu... or fireproof buildings, structures, ... and conduits shall contain less ... 1 percent asbestos on a dry weight ...

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

... Any owner or operator who intends ... asbestos materials to insulate or ... roof buildings, structures, pipes, con... equipment, and machinery shall ... such intention to the administra... least 20 days prior to the com...ment of the spraying operation. ... report shall include the following ...mation:

Name of owner or operator.

Address of owner or operator.

... Location of spraying operation.

... Procedures to be followed to meet ...quirements of this paragraph.

Rather than meet the no-visible-... requirements of paragraphs (a), ...d (c) of this section, an owner or ... may elect to use the methods ...ed by § 61.23 to clean emissions ...ining particulate asbestos material ... such emissions escape to, or are ... to, the outside air.

...3 Air-cleaning.

...r-cleaning is elected, as permit-... § 61.22(f), the requirements of this ... must be met.

Fabric filter collection devices ... used, except as noted in para... (b) and (c) of this section. Such ... must be operated at a pressure ... no more than 4 inches water gage, ...ssure across the filter fabric. The ... permeability, as determined by ...Method D737-69, must not exceed ...min/ft² for woven fabrics or 35 ...n/ft² for felted fabrics, except that ...'/min/ft² for woven and 45 ft³/ ...² for felted fabrics is allowed for ... air from asbestos ore dryers. ...square yard of felted fabric must ... at least 14 ounces and be at least ...teenth inch thick throughout. ...ic fabrics must not contain fill ...ther than that which is spun.

... the use of fabric filters creates ... explosion hazard, the adminis... may authorize the use of wet col... designed to operate with a unit ... the energy of at least 40 inches ... pressure.

The Administrator may authorize ... of filtering equipment other than ...scribed in paragraphs (a) and (b) ... section if the owner or operator ...trates to the satisfaction of the ...nistrator that the filtering of par... asbestos material is equivalent ... of the described equipment.

... air-cleaning equipment au... by this section must be properly ..., used, operated, and maintained. ... devices may be used only during ... emergency conditions and then only for so long as it takes to shut down the operation generating the particulate asbestos material.

§ 61.24 Reporting.

The owner or operator of any existing source to which this subpart is applicable shall, within 90 days after the effective date, provide the following information to the administrator:

(a) A description of the emission control equipment used for each process;

(b) If a fabric filter device is used to control emissions, the pressure drop across the fabric filter in inches water gage.

(1) If the fabric filter device utilizes a woven fabric, the airflow permeability in ft³/min/ft²; and, if the fabric is synthetic, indicate whether the fill yarn is spun or not spun.

(2) If the fabric filter device utilizes a felted fabric, the density in oz/yd², the minimum thickness in inches, and the airflow permeability in ft³/min/ft².

(c) Such information shall accompany the information required by § 61.10. The appropriate form is contained in appendix A to this part.

Subpart C—National Emission Standard for Beryllium

§ 61.30 Applicability.

The provisions of this subpart are applicable to the following stationary sources:

(a) Extraction plants, ceramic plants, foundries, incinerators, and propellant plants which process beryllium ore, beryllium, beryllium oxide, beryllium alloys, or beryllium-containing waste.

(b) Machine shops which process beryllium, beryllium oxides, or any alloy when such alloy contains more than 5 percent beryllium by weight.

§ 61.31 Definitions.

Terms used in this subpart are defined in the act, in subpart A of this part, or in this section as follows:

(a) "Beryllium" means the element beryllium. Where weights or concentrations are specified, such weights or concentrations apply to beryllium only, excluding the weight or concentration of any associated elements.

(b) "Extraction plant" means a facility chemically processing beryllium ore to beryllium metal, alloy, or oxide, or performing any of the intermediate steps in these processes.

(c) "Beryllium ore" means any naturally occurring material mined or gathered for its beryllium content.

(d) "Machine shop" means a facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

(e) "Ceramic plant" means a manufacturing plant producing ceramic items.

(f) "Foundry" means a facility engaged in the melting or casting of beryllium metal or alloy.

(g) "Beryllium-containing waste" means material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to this subpart.

(h) "Incinerator" means any furnace used in the process of burning waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

(i) "Propellant" means a fuel and oxidizer physically or chemically combined which undergoes combustion to provide rocket propulsion.

(j) "Beryllium alloy" means any metal to which beryllium has been added in order to increase its beryllium content and which contains more than 0.1 percent beryllium by weight.

(k) "Propellant plant" means any facility engaged in the mixing, casting, or machining of propellant.

§ 61.32 Emission standard.

(a) Emissions to the atmosphere from stationary sources subject to the provisions of this subpart shall not exceed 10 grams of beryllium over a 24-hour period, except as provided in paragraph (b) of this section.

(b) Rather than meet the requirement of paragraph (a) of this section, an owner or operator may request approval from the Administrator to meet an ambient concentration limit on beryllium in the vicinity of the stationary source of 0.01 $\mu g/m^3$, averaged over a 30-day period.

(1) Approval of such requests may be granted by the Administrator provided that:

(i) At least 3 years of data is available which in the judgment of the Administrator demonstrates that the future ambient concentrations of beryllium in the vicinity of the stationary source will not exceed 0.01 μg m^3, averaged over a 30-day period. Such 3-year period shall be the 3 years ending 30 days before the effective date of this standard.

(ii) The owner or operator requests such approval in writing within 30 days after the effective date of this standard.

(iii) The owner or operator submits a report to the Administrator within 45 days after the effective date of this standard which report includes the following information:

(a) Description of sampling method including the method and frequency of calibration.

(b) Method of sample analysis.

(c) Averaging technique for determining 30-day average concentrations.

(d) Number, identity, and location (address, coordinates, or distance and heading from plant) of sampling sites.

(e) Ground elevations and height above ground of sampling inlets.

(f) Plant and sampling area plots showing emission points and sampling sites. Topographic features significantly affecting dispersion including plant building heights and locations shall be included.

(g) Information necessary for estimating dispersion including stack height, inside diameter, exit gas temperature, exit velocity or flow rate, and beryllium concentration.

(h) A description of data and procedures (methods or models) used to design the air sampling network (i.e., number and location of sampling sites).