FILE NAME: EPA National Emission Standards

DATE:1974 Apr 9

DOC#: EPA007

DOCUMENT DESCRIPTION: Letter to US Dept of Justice from Environmental Defense Fund RE EPA Actions on Asbestos

ENVIRONMENTAL
DEFENSE
FUND

1525 18th STREET, NW, WASHINGTON, D.C. 20036/202 833-1485

April 9, 1974

Patrick A. Malloy, Esq.
U. S. Department of Justice
Room 2631
Pollution Control Section
Washington, D. C. 20930

Dear Pat:

The purpose of this letter is to confirm those matters with respect to which EPA, by its letter of March 6, 1974 and at our meeting of March 11, 1974, has agreed to recommend that proposed regulations be published extending the coverage of the national emission standards for the hazardous air pollutants asbestos, beryllium, and mercury.

It is our understanding that EPA will take the following actions:

(1) A standard similar to that now applicable to asbestos manufacturing operations, which would prevent visible emissions to the outside air or require the use of specified gas cleaning equipment, will be recommended for the following sources: central fabricating shops for asbestos cement boards for the molten metal industry, marine industry, ventilation hoods, baking ovens, electric panels, and laboratory furniture; asbestos cement building products; asbestos friction products.

(2) A prohibition on the use of molded asbestos insulating products will be recommended, with the possible exception of a small number of products used in special applications, such as very high temperature insulation, where substitutes for asbestos are not available. It is assumed that an investigation of available substitutes will be undertaken prior to recommending that this exemption be included in the proposed regulations. It will also be recommended that shotgun shell manufacturers, and asphalt concrete plants which occasionally use asbestos in special pre-paving

material be included under the existing manufacturing regulations.

(3) Regulations covering the disposal of friable and dusty asbestos waste materials, from site of generation to ultimate disposal will be recommended. In this connection, the term "friable materials" means materials that are easily crumbled or crushed into powder. The disposal standards to be recommended will apply to sources covered by the manufacturing regulations, operations covered by the demolition regulations, and central fabricating shops. Transportation of fabricating plant materials will not be included. The disposal regulations will consist of specified work practices, a standard of no visible emissions to the outside air, or a combination of these two requirements.

(4) Since tailings from asbestos mining and milling operations are acknowledged as a major source of asbestos emissions, a standard requiring minimum emissions, use of specified control technology, or a combination of both will be proposed. A recommendation will also be made that public access to inactive waste piles from asbestos manufacturing operations be controlled by means of fencing and posting.

(5) Active waste disposal piles resulting from asbestos manufacturing operations will be covered by the regulations to be recommended for disposal of wastes from asbestos manufacturing operations.

(6) An emission standard covering emissions of mercury from sewage sludge incinerators will be recommended.

(7) According to a letter from Sims Roy to Dr. Lucile Adamson, dated January 25, 1974, EPA is considering setting a new source performance standard for mercury emissions from the chlor-alkali industry which would prevent the future construction of a mercury cell type plant, although such regulation must await the results of an investigation presently under way to gather the necessary information to determine if such a standard is technically and economically feasible.

On the basis of the foregoing understanding, EDF is prepared to settle the case without the necessity of going into court. However, because of the nature of the administrative process which precedes the publication of new regulations, we realize that EPA cannot guarantee that the final regulations will be as presently anticipated. For this reason we will ask the court to retain jurisdiction over the suit pending publication of the new regulations. If at that time EDF is satisfied that they are consistent with our expectations based upon the foregoing statement of understanding, we will withdraw the suit. In the interim we will ask the court for a 90-day extension pending publication of the proposed regulations.

Sincerely yours,

Jacqueline M. Warren
Washington Counsel

JMW:drf

cc: Richard Denney