1101 asbestos

PLAINTIFF'S EXHIBIT
CHV-626

June 4, 1973

Mr. F. Colen
Chemical Reference Laboratory
NIOSH
Morgantown, West Virginia 26505

Dear Mr. Colen:

In your excellent presentation on the Proficiency Analytical Testing program at the American Industrial Hygiene Conference in Boston you indicated that private laboratories could obtain individual samples for proficiency testing. We would very much like to receive one of your artificial samples, or a set of samples if available, of asbestos. We wish to evaluate the proficiency of the laboratory that is performing our asbestos analyses. Your assistance will be greatly appreciated.

If there is a charge for these samples, please let me know.

Sincerely yours,

Stanley L. Dryden
Industrial Hygienist

San Francisco, CA
May 18, 1973

DEMOLITION NO. 2 BATTERY THERMAL UNIT
EL SEGUNDO

MEMO TO FILE:

On May 15, Mr. Russ Tilley, Superintendent, Purchase and Stores in El Segundo, called regarding a new EPA regulation concerning National Emission Standards For Hazardous Air Pollutants. Under these regulations, a Notice of Intention To Demolish shall be provided to the Administrator at least 20 days prior to commencement of demolition if the facility being demolished is insulated or fireproofed with friable asbestos material. The question which El Segundo asked was who had the responsibility to prepare this Notice of Intention to the EPA. According to the regulation, the notice is the responsibility of the owner or operator of the demolition operation. In the case of El Segundo, the No. 2 battery of the thermal unit is being demolished and removed. El Segundo has arranged for a contractor to perform the work. In effect, the contractor has become the owner of the facility from the ground up. It was felt, then, by El Segundo, that the contractor had the responsibility to notify the EPA.

In addition, there was a question as to whether the OSHA regulations affected the performance of the demolition of this plant.

I called Mr. Stan Judd of the Personnel Safety Division to discuss the OSHA implications. Mr. Judd indicated that to his knowledge the OSHA requirements did not call for notification from an owner or operator prior to demolition. Of course, the OSHA requirements are in force regarding the personnal hazards which may be involved due to asbestos emissions. Mr. Judd further indicated that a copy of the OSHA requirements and a copy of the EPA regulations and California standards had been sent to the El Segundo Safety Engineer.

I then called Mr. Hawkins and asked his opinion regarding the question of whether the company or the contractor should notify the EPA. He indicated that in his opinion, because this was a sensitive period due to the announced plan to expand the El Segundo Refinery, the refinery should prepare the Notice of Intention To Demolish to the EPA just to be sure that it was done promptly and correctly. I raised a question regarding the statement that the application should be made by the owner or operator and Mr. Hawkins said he felt it was quite likely in this case that the company was both the owner and operator.

I called Mr. Tilley again and passed along the information which I had obtained from Messrs. Judd and Hawkins. Mr. Tilley gave me the impression that he did not necessarily agree with our advice. However, he has all the information that he needs to make the decision and does not expect any further contact from this office.

WRL:mg

W. R. LEIX

cc: Mr. F. H. Hawkins
Mr. S. H. Judd

Original signed by

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