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

OFFICE OF THE
REGIONAL ADMINISTRATOR

APR 20 1973

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Plant Manager
Sources of Asbestos, Beryllium, and Mercury Emissions
Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

Dear Sir:

Section 112 of the Clean Air Act, as amended, authorizes the Administrator of the Environmental Protection Agency (EPA) to promulgate and enforce regulations for hazardous materials. On April 6, 1973, National Emission Standards for Hazardous Air Pollutants (NESHAPS) were promulgated for asbestos, beryllium, and mercury. Notice of promulgation was published in the April 6, 1973, issue of the Federal Register (40 CFR Part 61). All existing affected facilities having emissions of the above materials must register with EPA, through the Regional Office, within 90 days of promulgation of NESHAPS, and must either be in compliance with the regulations, be operating under a waiver granted by EPA, or shut down after 90 days. No new source may be constructed or an existing source modified after the effective date of NESHAPS without EPA approval.

A copy of the April 6, 1973, Federal Register and a set of registration and waiver forms are enclosed with this notice. If applying for a waiver, you are encouraged to submit the application as soon as possible so that it may be processed before July 6, 1973. No source may operate out of compliance after this date without a waiver. New sources wishing to construct or existing sources wishing to modify must apply for approval through this office. For your reference a list of affected facilities is enclosed. If you are in doubt as to the applicability of the NESHAPS to your facility, you are encouraged to contact this office.

Since your facility is listed in our files as a potential hazardous material emission source, we are requesting that you state, in writing, whether or not you process asbestos, beryllium or mercury and give a brief description of the process(es). This information is requested under Section 114(a) of the Clean Air Act, as amended, which requires the owner or operator of any emission source to provide the information to EPA upon request.

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PLAINTIFF'S EXHIBIT
ASA-639

Under Section 113(a) (3) of the Act (42 U.S.C. §1857c-8(a)), failure to provide the information required by the NESHAPS regulations promulgated on April 6, 1973, pursuant to Section 112 of the Act (42 U.S.C. §1857c-7) or information requested under Section 114 (42 U.S.C. §1857c-9) may result in an order requiring compliance or in a civil action for appropriate relief. In addition, Section 113(c)(1) provides that any person who knowingly fails or refuses to comply with any such order shall be subject to a fine of not more than $25,000 per day of violation, or imprisonment for not more than one year, or by both.

Additionally, Section 113(c)(2) of the Act (42 U.S.C. §1857c-8(c)(2)) provides that any person who knowingly makes any false statement in any application, or other document filed under this Act shall be punished, upon conviction, by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both.

In order to aid sources in methods of controlling emissions, the following three documents may be obtained from the Region VI Office: (1) Control Techniques for Asbestos Air Pollutants, AP-117; (2) Control Techniques for Beryllium Air Pollutants, AP-116; and (3) Control Techniques for Mercury Emissions from Extration and Chlor-Alkali Plants, AP-118.

If you have any questions concerning this matter, please contact Mr. Jack Divita, Hazardous Emissions Program Officer, Enforcement Division, at (214) 749-2142.

Sincerely yours,

Arthur W. Busch
Regional Administrator

Enclosure