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Interoffice Memorandum

PLAINTIFF'S EXHIBIT

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SUBJECT: WASTE DISPOSAL OF ASBESTOS - NESHAPE REQUIREMENTS

SUMMARY

Removal of asbestos from DPMC is regulated by the EPA under National Emission Standards for Hazardous Air Pollutants (NESHAPE). Basically, the asbestos is to be "adequately wetted" when it is removed, collected, and disposed of. Onsite disposal requires that our disposal practices not create any visible emissions, cover the asbestos within 24 hours to prevent emissions, prevent the general public from entering the area, and notify the EPA prior to onsite disposal activities.

The following is information on the regulations and Environmental Conservation-Regulatory Affairs' proposed guidelines.

ACTIVE WASTE DISPOSAL SITES

Waste disposal sites must use one of the following emission controls:

- (a) No visible emissions to the outside, or
- (b) At the end of each operating day, or at least once every 24 hours, the asbestos material is covered with either 6 inches of compacted non-asbestos material or a resinous or petroleum-based dust suppressant is used, or
- (c) An alternative method that has received prior approval by the Administrator is used.

To prevent the general public from entering the waste disposal site, one of the following is required:

- (a) A natural barrier that adequately deters access, or
- (b) Warning signs and fences must be installed and maintained as follows: Signs at all entrances and at intervals of 100 feet or less (see Environmental Regulatory Affairs for specifics), or

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- (c) Cover the asbestos material every 24 hours with 6 inches of compacted non-asbestos material.

REPORTING

Reporting requirements for waste disposal sites are minimal and there are no record-keeping requirements. Only an initial report is required on the operation of the site, except that in our annual asbestos removal report we must specify where our asbestos waste material is to be disposed of (therefore we will be indirectly reporting the amounts of asbestos waste material per year that our sites will receive). The general provisions of NESHAP requires the following information to be initially reported for any new facility covered by its regulations (format as per Appendix A):

- (a) Name and address of the owner
- (b) Location of the source
- (c) Type of hazardous pollutants emitted
- (d) Brief description of the nature, size, design, and method of operation of the source. Include the operating design capacity.
- (e) Average weight per month processed by the source over the past 12 months.
- (f) Descriptions of existing controls for each emission point.
- (g) A statement by the owner as to whether he can comply with the standards.

Changes to the information provided to the Administrator shall be reported within 30 days.

The reporting provisions that are specifically for asbestos waste material require the following information:

- (a) A brief description of each process that generates asbestos waste material;
- (b) Average weight of asbestos waste material disposed of in kg/day.
- (c) Type of disposal site, name of the site operator, name and location of the disposal site.

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INACTIVE WASTE DISPOSAL SITES FOR ASBESTOS

NESHAP requires that inactive sites comply with one of the following:

- (a) Discharge no visible emissions to the outside air, or
- (b) Cover the asbestos with at least 6 inches of compacted non-asbestos material and grow and maintain a cover of vegetation on the area to prevent exposure, or
- (c) Cover the asbestos with 2 feet of compacted non-asbestos material and maintain it.

Also, proper deterrents must be in place to prevent the general public from accessing the area (if (b) or (c) are not followed). These include natural barriers, signs, and fences. Refer to Environmental Regulatory Affairs for the specifications on these items.

STANDARDS FOR WASTE DISPOSAL

The regulations require that all asbestos material be deposited at waste disposal sites that follow these regulations. The disposal of the asbestos must be performed so that there are no visible emissions (alternatives available, but they require processing of the asbestos material).

ASBESTOS WASTE DISPOSAL AT DPMC

To comply with the intent of these regulations and to ensure that we can meet all standards, the following guidelines are provided:

DPMC should continue to remove asbestos material per Safety Order S-35. Asbestos marked bags should be collected at a designated area and then periodically sent to the selected disposal site. To ensure that we have no visible emissions, the asbestos material should remain wet in its bags. After all asbestos materials have been moved to the site, they should be covered with at least 6 inches of landfill material (regulation requires coverage within 24 hours but not necessary if there are no visible emissions). When this site is to be no longer used for asbestos materials, careful consideration should be given to barriers and signs required, even if the proper covering is used.


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