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PLAINTIFF'S EXHIBIT WRG - 707

SPECIAL BULLETIN - APRIL 17, 1973

On March 30, 1973 the United States Environmental Protection Agency distributed a news release entitled, "E.P.A. Sets Final Air Standards For Asbestos, Mercury, Beryllium."

We are only concerned with the asbestos part of the news release and new standards, and will not discuss mercury or beryllium.

The news release states in part:

> "A large number of studies have shown an association between occupational exposure to asbestos and a higher-than-expected incidence of bronchial cancer. Asbestos also has been identified as a causal factor in the development of cancers of the membranes lining the chest and abdomen.
>
> "The new asbestos standards prohibit visible emissions from asbestos mills, selected manufacturing operations, and spray-on applications. The use of asbestos tailings for roadway surfacing generally is prohibited. Certain work practices are specified for the demolition of buildings in order to control asbestos emissions. These practices generally prohibit the dropping of asbestos debris from buildings and require the wetting of asbestos materials before removal."

A partial summary of the asbestos standards in the news release states:

> "There shall be no visible emissions from the spray-on application of materials containing more than one percent asbestos, on a dry weight basis, used to insulate or fireproof equipment and machinery. Spray-on materials used to insulate or fireproof buildings, structures, pipes and conduits must contain less than 1 percent asbestos dry-weight basis."

The new standards were printed in the Federal Register, April 6, 1973.

As with many standards promulgated by a federal bureaucracy, these are difficult to analyze and interpret. So at this time the best we can do for you is to give you direct quotes from the Standards.

The new Standards are 16 pages of fine print so the following quotes are of necessity out of context.

GENERAL PROVISIONS

20038856

The standards promulgated below are applicable to new, modified, and existing sources. Any new or modified source must comply with the standards upon beginning operation. Any existing source must comply

with the standards within 90 days after promulgation, unless a waiver of compliance is granted.

The standards promulgated below do not require the owner or operator to request a waiver of compliance before a specific date. However, the owner or operator should submit the request within 30 days after the effective date of the regulation to be assured that action will be taken on the waiver application prior to the 90th day after the effective date. Continued operation in excess of a standard after the 90th day without a waiver is a violation of the act.

The Administrator may grant an existing source a waiver, permitting a period of up to 2 years for compliance, provided that steps will be taken during the waiver period to assure that the health of persons will be protected from imminent endangerment and provided that such period is necessary for the installation of controls. To be granted a waiver of compliance, a source must submit a written request to the Administrator and provide certain information to assist the Administrator in making a judgment.

Although the demolition of buildings or structures containing asbestos material and the spraying of asbestos material will in many cases be modifications of existing stationary sources, the Administrator's approval is not required before beginning such operations. Section 112(c)(1) of the act specifies that no person may construct any new source or modify any existing source "*** unless the Administrator finds that such source if properly operated will not cause emissions in violation of such standard." The demolition and spraying provisions are expressed in terms of procedures to be followed. Therefore, if the source is properly operated, it will be complying with the standard, and there is no need for the Administrator to make a finding with respect to each new source subject to these provisions.

Each source covered by these standards is required to submit to the Administrator within 90 days after promulgation certain information pertaining to its operation. Changes in the information must be submitted within 30 days after the change, except where the change is considered a modification. Then the requirements for a modified source are applicable.

Subpart A - General Provisions

61.05 Prohibited Activities

(c) Ninety days after the effective date of any standard prescribed under this part, no owner or operator shall operate any existing stationary source in violation of such standard, except under a waiver granted by the Administrator in accordance with this subpart or under an exemption granted by the President under section 112(c)(2) of the act.

(d) No owner or operator subject to the provisions of this part shall fail to report, revise reports, or report source test results as required under this part.

61.10 Source reporting and waiver request.

(a) The owner or operator of any existing source, or any new source to which a standard prescribed under this part is applicable which had an initial startup which preceded the effective date of a standard prescribed under this part shall, within 90 days after the effective date, provide the following information in writing to the Administrator:

(1) Name and address of the owner or operator
(2) The location of the source.
(3) The type of hazardous pollutants emitted by the stationary source.
(4) A brief description of the nature, size, design, and method of operation of the stationary source including the operating design capacity of such source. Identify each point of emission for each hazardour pollutant.
(5) The average weight per month of the hazardous materials being processed by the source, over the last 12 months preceding the date of the report.
(6) A description of the existing control equipment for each emission point.
(i) Primary control device(s) for each hazardous pollutant.
(ii) Secondary control device(s) for each hazardous pollutant.
(iii) Estimated control efficiency (percent) for each control device.
(7) A statement by the owner or operator of the source as to whether he can comply with the standards prescribed in this part within 90 days of the effective date.

Subpart B - General Provisions

61.22 Emission standard

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

(1) Sources subject to this paragraph are exempt from the requirements of 61.05(a), 61.07, and 61.09.

(2) Any owner or operator who intends to spray asbestos materials to insulate or fireproof buildings, structures, pipes, conduits, equipment, and machinery shall report such intention to the administrator at least 20 days prior to the commencement of the spraying operation. Such report shall include the following information:

(i) Name of owner or operator.
(ii) Address of owner or operator.
(iii) Location of spraying operation.
(iv) Procedures to be followed to meet the requirements of this paragraph.

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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 $ft^3/min/ft^2$; 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/yd^2, the minimum thickness in inches, and the airflow permeability in $ft^3/min/ft^2$.
(c) Such information shall accompany the information required by 61.10. The appropriate form is contained in appendix A to this part.

As we stated earlier, we are not attempting to interpret these standards. We are merely reporting their promulgation. We do not know what the penalties are for violations.

For further information we suggest you contact the official representative of the EPA who is:

Paul DeFalco
Regional Administrator
EPA
100 California Street
San Francisco, CA 94111

Telephone: 415-556-2320

We further suggest that you obtain a complete copy of the Federal Register, Vol. 38, No. 66--Friday, April 6, 1973. This can be obtained from your local branch of the Government Printing Office or you can write directly to the Superintendent of Documents, Washington, D.C. 20402. Enclose 20 cents for each copy you request.

As the air clears (pun intended) we will send you more information as it becomes available.

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