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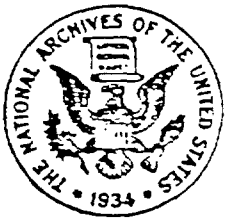

PART V:

ENVIRONMENTAL PROTECTION AGENCY

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NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Asbestos and Mercury

PLAINTIFF'S EXHIBIT
KM-399
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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 431-2]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Amendments to Standards for Asbestos and Mercury

On October 25, 1974 (39 FR 38064), pursuant to section 112 of the Clean Air Act, as amended, the Administrator proposed amendments to national emission standards for the hazardous air pollutants asbestos and mercury. The Administrator also proposed amendments to Appendix B, Test Methods, of this part.

Interested persons representing industry, trade associations, environmental groups, and Federal, State and local governments participated in the rulemaking by sending comments to the Agency. Commentators submitted 40 letters, many with multiple comments. The comments have been considered, and the proposed amendments have been reevaluated. Each comment, some of which were submitted by more than one party, has been separately addressed in writing by the Agency. The Freedom of Information Center, Room 202 West Tower, 401 M Street, SW, Washington, D.C. has copies of the comment letters received and a summary of the issues and Agency responses available for public inspection. In addition, copies of the issue summary and Agency responses may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street, S.W., Washington, D.C. 20460 (specify Public Comment Summary—Proposed Amendments to National Emission Standards for Hazardous Air Pollutants—Asbestos and Mercury). Where determined by the Administrator to be appropriate, changes have been made to the proposed amendments, and the revised version of the amendments to the national emission standards for asbestos and mercury is promulgated herein. The principal changes to the proposed amendments and the Agency's responses to the major comments received are summarized below.

Copies of *Background Information on National Emission Standards for Hazardous Air Pollutants—Proposed Amendments to Standards for Asbestos and Mercury* (EPA-450/2-74-009a) which explains the basis for the proposed amendments are available on request from the Emission Standards and Engineering Division, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin.

Asbestos

CHANGES TO PROPOSED AMENDMENTS

Manufacturing. The Agency received numerous comments stating that the proposed amendments should apply only to asphalt concrete manufacturing plants that use asbestos. This was the Agency's intent. Section 61.22(c) has been revised by the addition of the wording, "that use commercial asbestos."

Demolition and Renovation. A comment was received during review of the amendments within the Agency that ducts can be insulated with amounts of friable asbestos material similar to those on boilers, tanks, reactors, turbines, furnaces and structural members, and should be covered by the demolition and renovation regulations. Since demolition and renovation operations can involve ducts insulated with appreciable quantities of friable asbestos material, "ducts" has been added to the list of apparatus that are covered by the amendments.

The comment was made that the quantity of friable asbestos material proposed as the minimum amount for establishing renovation operations as major sources of asbestos subject to the proposed amendments was arbitrary, but should also apply to demolition operations. The Agency explained in the preamble to the proposed amendments that this amount of asbestos is typically contained in a four-unit apartment building, which is the maximum size for apartment buildings excluded from the demolition provisions. Therefore, the minimum quantity of friable asbestos material covered by the demolition and renovation provisions is essentially equivalent. The Agency considered applying regulations only to demolition operations in which more than a specified amount of friable asbestos material was involved, prior to promulgation of demolition provisions on April 6, 1973 (38 FR 8820). This approach was rejected primarily because it would complicate enforcement procedures. However, the Agency realizes that certain commercial buildings contain smaller amounts of friable asbestos material than the lower size cutoff limit proposed for renovating operations. On reevaluation, the Agency concluded that the available information justifies changing the proposed amendment to allow exemption of demolition operations involving less than 80 meters of friable asbestos pipe insulation and less than 15 square meters of friable asbestos material used to insulate or fireproof any duct, boiler, tank, reactor, turbine, furnace or structural member. The owner or operator of a demolition operation desiring this exemption must notify the Administrator, at least 20 days prior to beginning demolition, of the measured or estimated amount of friable asbestos material involved in the demolition. This will permit the exception to be implemented without requiring prior inspection of every site by Agency personnel, which would be an excessive enforcement burden. This differs from the reporting requirements of the renovation provisions of the amendments. The nature of renovation operations necessitates a greater familiarity on the part of the operator with the quantities of friable asbestos materials present than for demolition operations. For this reason, the Agency believes that it is not necessary to require reports from all renovation operations in order to ensure effective enforcement of the renovation provisions that apply to only larger renovation operations.

Several comments were received which stated that operating machinery could be damaged by wetting procedures during certain renovation operations. The wetting during renovation of a heated boiler, near sensitive electric equipment, and over operating machinery in an industrial plant were mentioned as specific examples. One comment also stated that portable local exhaust ventilation systems are effective alternatives to wetting. The proposed amendments have been changed to allow the use of local exhaust ventilation systems when damage to equipment from wetting is unavoidable, provided that the system captures the asbestos particulate material produced during the removal of friable asbestos material and discharges no visible emissions from its exhaust. The Administrator will make determinations, upon request, of whether damage to equipment from wetting would be unavoidable.

Several comments were received which stated that the proposed frequency for submitting to the Agency written notices of intention to perform repetitive renovation work at a single facility was excessive. One commentator suggested that definitions for "emergency renovation" and "routine maintenance renovation" be included, and that a yearly filing of intention to renovate should be allowed for each industrial plant. It is evident from the comments received that some plants perform renovation operations very frequently, such as twice a week. The proposed reporting requirements for such plants would be excessive. The proposed amendment has been changed so that these requirements are reduced, and the applicability of the requirement is more clearly defined by adding more detailed language and definitions for "planned renovation" and "emergency renovation" operations. Additionally, the applicability of the amendment has been clarified by specifying how the quantities of asbestos involved in "planned renovation" and "emergency renovation" are to be determined. The basic characteristic that distinguishes the two types of renovation operations is the degree of predictability of their occurrence. The amount of friable asbestos material that will be removed or stripped within a given period of time can be predicted for planned renovation operations, including both scheduled and non-scheduled operations, whereas no such prediction can be made for emergency renovation operations. The given period of time for predicting purposes has been specified to be between 30 days and one year for planned renovation operations involving individually non-scheduled operations. A reporting time shorter than 30 days would require the submission and review of a large number of reports, and predictions over periods longer than one year could give inaccurate predictions of friable asbestos material to be removed. In emergency renovation operations, the amount of friable asbestos material that is subject to the amendment is the total amount of such mate-

rial that will be removed or stripped as a result of the individual emergency.

One commentator stated that the proposed amendment covering renovation could be circumvented by the carrying out of small portions, which are individually not subject to the amendment, of a larger operation. Section 61.17 has been added to the General Provisions to explicitly prevent this potential circumvention and to apply in general to circumvention of all standards promulgated under this part.

One commentator stated that a requirement in § 61.22(d)(2)(vi) of the proposed amendments was inconsistent and should be revised. This section required that friable asbestos material removed from buildings greater than 50 feet in height be transported to the ground via dust-tight chutes or containers. The cited inconsistency arises because this requirement applied at all heights, including those less than 50 feet, for a building 50 feet or gretaer in height, whereas it did not apply to buildings less than 50 feet in height. The requirement has been changed so that it applies only to materials that have been removed or stripped at more than 50 feet above ground level.

Several minor changes have been made in response to comments. Language has been added to allow delivery of notices of intention to renovate or demolish to the Administrator by means other than the U.S. mail. There is a minor clarifying language change between § 61.22(d)(2)(i) of the proposed demolition provisions and the corresponding provision, § 61.22(d)(4)(i), of the regulations promulgated herein. A comment suggested the term "adequately wetted" should be defined and differentiated from "thoroughly wetted," since both terms appeared in the proposed amendments. The use of these terms has been reevaluated, and a definition of "adequately wetted" has been added. The term "thoroughly wetted" has been deleted and the term "adequately wetted" has been used throughout.

The Agency has made a revision in the proposed requirement [§ 61.22(d)(1)] for notification of intention to perform renovation or demolition operations. An additional reporting requirement for the name and location of the waste disposal site where demolition and renovation waste will be deposited has been added to assist in enforcing the waste disposal provisions of the amendments.

Spraying. During review of the amendments within the Agency, a question arose concerning whether the waste generated by operations that use spray-on materials which contain less than one percent of asbestos by weight to insulate or fireproof buildings, structures, pipes and conduits was covered by the asbestos waste disposal amendment [§ 61.22(j)]. The spraying provisions do not apply to such operations, though reports of the operations were required by the standard promulgated on April 6, 1973. Therefore, the waste disposal processes associated with these operations are not regulated by the waste disposal amendments. Based on Agency enforcement experience since promulgation of the standard on April 6, 1973, the required reporting of spraying operations where less than 1 percent asbestos material is used is felt to be unnecessary. Accordingly, the Agency has revised the reporting requirements of paragraph 61.22(e) to apply only to spray-on insulation and fireproofing material that contains more than one percent asbestos by weight.

Waste Disposal. The proposed amendments would have applied directly to all waste disposal sites that accept asbestos waste from any emission source covered under the asbestos standard. The Agency estimated that approximately 2500 disposal sites would be covered. Review of these proposed amendments within the Agency indicated that enforcement would have required a disproportionate commitment of Agency resources. Alternative means of controlling asbestos emissions from waste disposal sites were therefore examined.

The number of acceptable waste disposal sites that meet the criteria in § 61.22(j)(3) of the proposed amendments, which are similar to the criteria for sanitary landfills, has increased significantly within the past several years and the trend is continuing in that direction. This trend is noted in a recent publication ("Waste Age," January 1975). This indicates that acceptable sites (i.e., private and municipal sanitary landfills) which follow practices that reduce asbestos emissions will be available for disposal of asbestos-containing waste. Therefore, it was determined that an effective means of reducing emissions from waste disposal sites without undue enforcement burdens would be to require already-regulated asbestos waste generators to dispose of asbestos-containing wastes at properly operated disposal sites. This is provided for in the amendments herein promulgated.

The Agency's greatest concern is with disposal sites which accept large quantities of asbestos waste. In most cases, companies which generate large quantities of asbestos-containing waste also own and operate their own disposal sites because of convenience and economics. For example, all domestic asbestos mills operate their own tailings disposal sites. The Agency anticipates that these large waste generators will operate their disposal sites in the future in compliance with the proposed § 61.22(l) in order to meet the requirement that they dispose of their waste at a acceptable sites.

Inactive disposal sites may also be major emission sources if they contain large amounts of asbestos waste. It is likely that at inactive sites containing small amounts of asbestos waste the asbestos is covered by non-asbestos waste, and the chance of significant asbestos emissions is small. It was decided to require that those inactive sites which are known to contain large quantities of asbestos comply with the standards specified in section 61.22(l) to reduce asbestos emissions. This category of asbestos waste disposal sites is usually operated by the sources that generate the asbestos-containing wastes, as noted above. Accordingly, the amendments promulgated herein apply to inactive disposal sites that have previously been operated by certain sources covered by the asbestos standard. The owner of such an inactivated site must comply with the amendments regardless of whether or not he generated the waste or operated the disposal site when it was active. This category of sites includes asbestos mill tailings disposal sites, and the large disposal sites at asbestos manufacturing and fabricating plants which have caused concern in the past. The owners or operators of spraying, demolition and renovation operations have not operated disposal sites in the past and are not expected to do so in the future. Due to the nature of such operations, the wastes generated are deposited at waste disposal sites which accept mostly non-asbestos-containing waste. As a result, the asbestos waste is effectively covered, thereby preventing emissions even in open dumps. For these reasons, inactive waste disposal sites that have been used by spraying, renovation and demolition are not regulated.

The amendments promulgated herein will control inactive asbestos waste disposal sites that contain large quantities of asbestos waste. The Agency's enforcement resources will be more effectively utilized since approximately 2000 waste disposal sites will not be directly regulated by the promulgated amendments. This should facilitate enforcement and protection of the public health.

The comment was made that the proposed permanent posting of warning signs at inactive asbestos waste disposal sites would be overly restrictive. The warning signs were intended primarily to warn the general public of the potential hazards that could result from creating dust by such disturbances as walking on exposed asbestos waste. If the disposal site is properly covered over as required by the alternative methods of complying with the proposed amendment for waste disposal sites, such minor disturbances will not generate asbestos emissions. Accordingly, the proposed amendment has been changed, and warning signs are not required if an inactive disposal site applies and properly maintains a covering of compacted non-asbestos-containing material at least 60 centimeters (ca. 2 feet) in depth, or at least 15 centimeters (ca. 6 inches) in depth with a cover of vegetation. The proposed amendment would have also required that active asbestos waste disposal sites post warning signs. The amendments promulgated herein do not apply directly to active disposal sites, and the specified operating practices for acceptable disposal sites do not require the posting of warning signs provided an appropriate cover of at least 15 centimeters (ca. 6 inches) of non-asbestos-containing material is applied to the active portion of the site at the end of each operating day. Comments were received that suggested the Agency should allow the use of existing natural barriers as substitutes for fences that are intended to deter access to some types of asbestos waste disposal sites. The Agen-

cy agrees that certain natural barriers, such as deep ravines and steep cliffs, can be as effective as fences in deterring access. The proposed amendment has been changed to suspend the requirements for fences, and also warning signs, when a natural barrier provides an adequate deterrent to public access. Upon request and supply of appropriate information, the Administrator will determine whether a specific type of fence or a natural barrier adequately deters access to the general public. In response to another comment, the proposed amendment for fencing of asbestos waste disposal sites has been revised to allow fences to be placed either along the property line of an affected source that contains a waste disposal site or along the perimeter of the disposal site itself. Either type of fence provides the necessary deterrent to public access to the disposal site.

Several comments were received on the proposed prohibition of incineration of containers that previously contained commercial asbestos. One commentator stated that the prohibition seemed undesirable because asbestos is thermally degraded at a temperature of 600° C. The Agency considered: (a) the uncertainty that the feed material to an incinerator will be uniformly heated to the combustion chamber temperature, (b) the uncertainty concerning the decomposition temperature of asbestos, and (c) the results of a stack gas test that detected emissions of asbestos from a sintering process in which the temperature attained was well above 600° C, in evaluating the comment. The Agency concluded that the available data do not justify changing the proposed regulation on grounds that the asbestos is thermally degraded in the combustion process. Another comment suggested that incineration should be permitted, provided there are no visible emissions of asbestos particulate matter from the incinerator. Information presented to the Agency after proposal indicated that some small incinerators, such as those operated by asbestos manufacturing plants, can be operated with no visible emissions. The proposed prohibition on incineration of containers that previously held commercial asbestos has been deleted. The provisions of the amendments for the disposal of asbestos-containing waste materials apply in particular to the disposal of containers that previously held commercial asbestos. Therefore, these containers can be incinerated under the amendments, provided the incineration operation does not discharge visible emissions.

Two commentators suggested that the proposed amendments should not require that EPA warning labels be attached to containers of asbestos waste in addition to the warning labels specified in regulations issued by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA). The Agency agrees that both labels adequately convey the desired information; therefore, the proposed amendment has been changed to allow the OSHA warning label to be used in place of the EPA warning label.

Several commentators requested that the proposed alternative method of compliance included in the asbestos waste disposal amendments, which specified that the waste be formed into non-friable pellets, be changed to accommodate shapes other than pellets. The precise size and shape of the processed, non-friable waste is not important, and the amendment has been reworded to explicitly permit the forming of asbestos wastes into pellets or any other shapes.

A comment was made during review within the Agency that asbestos-containing wastes subject to the proposed amendment are sometimes used to surface roadways and that this practice should be prohibited. The Agency agrees that the use of asbestos-containing wastes on roadways can cause asbestos emissions similar to those caused by the use of asbestos tailings on roadways, which is prohibited by the asbestos standard. Vehicular traffic on roadways can pulverize asbestos waste and liberate fibers that can become airborne in the wake of moving vehicles and by the wind. The use of asbestos-containing wastes has therefore been prohibited from use on roadways.

The proposed amendment for waste disposal at asbestos mills included a provision requiring no visible emissions to the outside air from the deposition of asbestos ore tailings onto a disposal pile. An alternative method of compliance required that the waste be adequately wetted with a dust suppressant agent prior to deposition. Two commentators stated that an exemption from the wetting requirement of the alternative method is needed when the temperature at the disposal site is below freezing, to prevent freezing of the tailings and permit continued operation of the asbestos mill at such low temperatures. The investigation carried out by the Agency prior to proposal of the amendment indicated that wetting of asbestos tailings is the only presently available method for effectively controlling particulate emissions from the deposition operation. In response to the comments received, the Agency further investigated the cold weather operational problems of disposal systems for wetted asbestos tailings. Discussions were held with operators of three Canadian asbestos mills that frequently operate under cold weather conditions and have installed tailings wetting systems, with a firm that is experienced in designing systems to suppress dust generated by materials conveying operations, and with several non-asbestos mineral mining facilities that operate wetting systems for crushing and conveying operations. The investigation revealed that several Canadian asbestos mills are presently experimenting with wet tailings disposal systems to extend operation to temperatures substantially below freezing. However, the Agency is aware of no such system that has operated in a continuous manner at temperatures below −9.5°C (15°F). Accordingly, the Agency has concluded that wet tailings disposal systems for asbestos mills are not available for disposal site temperatures below −9.5°C (15°F), and the proposed amendment has been changed to provide an exemption for wetting of tailings below this temperature. Only one existing domestic asbestos mill is expected to use the exemption to a significant extent. An examination of hourly temperatures representative of the location of that plan, and extending over a period of one year, showed that hourly temperatures are below 15°F for approximately 7 percent of the time.

Asbestos emissions at asbestos mill tailings disposal piles are contributed by the tailing conveying operation, the deposition operation, and wind entrainment of asbestos-containing particulate from the surface of the disposal pile. The first emission source is subject to previously promulgated regulations (38 FR 8820), and the latter two sources are subject to the amendments promulgated herein. The major sources of asbestos emissions from process gas streams at asbestos mills, namely effluents from crushers, dryers and milling equipment, are also covered by the previously promulgated regulations (38 FR 8820). The amendments promulgated herein, including an exemption from wetting of asbestos tailings at temperatures below −9.5° C (15° F), together with the standards promulgated on April 6, 1973 (38 FR 8820), represent use of the best available technology for control of emissions from asbestos mills. This is consistent with the determination of the Administrator that best available technology should be used to control major sources of asbestos emissions to protect the public health with an ample margin of safety.

The reporting format of Appendix A has been changed by the addition of paragraphs "C" and "D", to accommodate the addition of disposal of asbestos-containing wastes and certain inactive asbestos waste disposal sites to the amendments. The additional information required is essential for determining compliance with the regulations. Appendix A has also been revised into a new computer format which will promote more effective enforcement of the regulations. Section 61.24 has been revised to reflect the additional reporting information requested in Appendix A.

ADDITIONAL COMMENTS

Manufacturing and Fabrication. One comment questioned the need for including asphalt concrete manufacturing plants in the proposed amendments. The rationale for including asphalt concrete plants as major sources of asbestos is discussed in the background information document for the proposed amendments (EPA–450/2–74–009a). Two commentators suggested that the manufacture of asphalt concrete containing less than 3 to 5 percent asbestos in the total mixture should be exempt from the regulations. However, asbestos asphalt concrete typically contains 1 to 2 percent asbestos, and the Agency determined that asbestos asphalt concrete operations using even these low percentages of asbestos are major sources. No data or information were received that would indicate asphalt concrete plants are not

major sources, and the regulations promulgated herein apply to such sources. The Agency received two comments that the individual emission sources within an asbestos asphalt concrete plant which are subject to the proposed amendments should be specified. The Agency feels that revisions are not necessary. Only component operations that may emit asbestos are covered by the provisions; for example, if no asbestos is added to the aggregate dryer, the emissions from the dryer alone are not covered.

The possibility that the enforcement of the amendments promulgated herein for asphalt concrete plants may be in conflict with the enforcement of new source performance standards for asphalt concrete plants was raised by one commentator. It is possible that both the new source performance standard and the national emission standard for asbestos will apply simultaneously to emissions from some operations at some new and modified plants. Where this occurs, the visible emission standard promulgated herein applies to asbestos particulate matter, even though it is more restrictive than the opacity regulation of the new source performance standard. A more stringent standard is justified when asbestos is being processed because of the hazardous nature of asbestos.

Comments were received that the proposed definition of "fabricating" needed to be clarified. The Agency reviewed the definition and determined that changes in the definition are not necessary. Fabricating includes any type of processing, excluding field fabrication, performed on manufactured products that contain commercial asbestos. The Agency acknowledges that some component processes of asbestos fabricating operations could generate visible emissions in such a manner that the visible emissions do not contain asbestos generated by the process, though the commentators did not cite any specific examples. The Agency has observed this type of process in asbestos manufacturing operations. For example, visible emissions of organic materials are sometimes generated during the curing of asbestos friction products in operations where asbestos is bound into a matrix of non-asbestos material but the asbestos is not transferred into the emission stream. Such operations are in compliance with the standard of no visible emissions containing particulate asbestos material.

One commentator stated that some field fabrication operations release significant amounts of asbestos. The Agency's investigation prior to proposal of the amendments showed that there is only limited field fabrication of asbestos products other than insulating products. The fabrication of friable asbestos insulation was determined to be the only major asbestos field fabrication source, and this is regulated by prohibiting the use of such materials after the effective date of the amendments promulgated herein. In the judgment of the Administrator, the comment did not contain sufficient information to justify including other categories of asbestos field fabrication in the amendments. One commentator recommended that the Agency impose a standard of 0.03 grain per cubic foot for asbestos emissions in addition to the no-visible-emission standard. It is the judgment of the Agency that there are no sufficiently reliable emision measurement techniques to provide a basis for such a numerical standard and the setting of numerical standards should be delayed until accurate asbestos measuring techniques are available.

Demolition and Renovation. Comments were received which suggested that the proposed renovation provisions should not apply to operations carried out within buildings, or to operations regulated by the Occupational Safety and Health Administartion (OSHA) for worker exposure to asbestos. The Agency recognizes that there may be less asbestos emissions from stripping of friable asbestos materials within a structure than from stripping in an unenclosed area. However, asbestos from the stripping operation carried out within a building or structure can be discharged into the outside air from building ventilation systems, windows and doors. Further, the disposal of friable asbestos waste materials generated by renovation operations, which includes the transport of waste materials to a disposal site, is an emission source that needs to be controlled regardless of whether the renovation is performed in the outside air or in buildings. In the judgment of the Administrator, the control of such asbestos emissions is necessary and is part of the best available control technology. The OSHA regulations (29 CFR 1910.93a) require that, ". . . insofar as practicable . . .," asbestos material be removed while wetted effectively to prevent emission of asbestos in excess of the specified OSHA exposure limit, but also specifically require that employees shall be provided with respiratory equipment for all spraying, demolition and removal of asbestos materials. The purpose of the OSHA standard, to protect employees' health, can be achieved by the use of respiratory equipment, even in those situations where wetting is not implemented and emissions may produce concentrations in excess of the OSHA exposure limit. The extent to which the resulting concentrations in the outside air are protective of public health is unknown. Accordingly, the proposed renovating provisions do not exempt operations that are controlled by OSHA regulations.

Two commentators stated that the alternative to the wetting requirement in the demolition provisions at sub-freezing temperatures should be allowed at all temperatures. In contrast, another commentator suggested that suspension of the wetting requirements at sub-freezing temperatures should be subject to a permit procedure that would discourage demolition at sub-freezing temperatures. The alternative was proposed because, in the judgment of the Agency, worker safety would be unduly jeopardized by the unsafe footing caused by ice formation from water use under freezing conditions. The proposed alternative is less restrictive on demolition contractors than a second course of action that was considered, namely the prohibition of demolition under freezing conditions. The proposed alternative suspends only a portion of the wetting requirements under freezing conditions. Pipes, ducts, boilers, tanks, reactors, turbines, furnaces and structural members insulated or fireproofed with friable asbestos materials must be removed from the building in sections, to the maximum extent practicable, before wrecking of the building. The stripping of asbestos materials from the previously removed sections must be accompanied by wetting at all temperatures, and the resulting asbestos waste materials must be wetted at all temperatures. These procedures do not jeopardize worker safety. Therefore, the promulgated demolition provisions are based on the use of the best available emission control methods at all temperatures, and these methods are different for non-freezing and freezing conditions.

Another comment indicated that sprayed fireproofing was the only type of asbestos material that could cause asbestos emissions to the atmosphere during demolition operations, and that molded insulation is not readily released into the air. The Agency has inspected both types of materials and has found that some types of molded insulation and plaster that contain asbestos are friable. Therefore, buildings containing these materials are covered by the amendments promulgated herein.

Comments were received that the Agency has a responsibility to develop asbestos measurement methods and determine by use of measurement methods whether demolition is a major source of asbestos emissions. The Agency keeps abreast of newly developed measurement techniques in the asbestos industry, and the development of asbestos measurement techniques is currently being funded by the Agency. No new information on measurement techniques was received in the comments. The Agency previously made the determination that building demolition is a major source of asbestos emissions, and no new information has been submitted to demonstrate that it is not a major source. Demolition and renovation operations generate short-term exposures of urban populations to asbestos. Since promulgation of the demolition regulations on April 6, 1973, new biological evidence supporting the significance of single short-term exposures of asbestos has been obtained. One-day inhalation exposures in animal experiments have produced an increase in the incidence of mesothelioma. (Wagner, J. C., Berry, G., and Timbrell, V., "The Effects of the Inhalation of Asbestos in Rats", *Br. J. Cancer 29*, pp. 252–269, 1974). A copy of this article is available for inspection at the Public Information Reference Center, Room 2404, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460. It can be concluded that human asbestos exposure for periods typically required to perform demolition and renovation operations is hazardous. Therefore, the Agency has not changed its prior determination that building demolition is a major source of asbestos emissions. Another commentator was concerned that

the demolition sources now covered by the asbestos standard as major sources were not defined as major sources by the National Academy of Sciences (NAS) study, which was cited by the Agency as a basis for the demolition regulation. The NAS study did not define categories of asbestos materials other than sprayed fireproofing as major emission sources because data were available at that time on fireproofing only. The Agency had concluded prior to proposing asbestos standards on December 7, 1971 that any friable asbestos material used for insulation or fireproofing has a comparable potential to create asbestos emissions upon demolition or renovation as sprayed fireproofing, and therefore these materials are also covered by the regulations.

Several comments were received stating that the definitions of "friable asbestos material," "asbestos," and "asbestos material" are vague and subjective and remain constitutionally deficient for a regulation enforceable by criminal proceedings. The Agency reevaluated the definitions and concluded that they are sufficiently clear that the owners or operators subject to the amendments can reasonably be expected to understand these terms. Owners or operators should be able to identify covered material and comply with the regulations on the basis of the definitions supplied.

Comments were made suggesting the Agency describe more specifically a proper wetting operation. The purpose of the wetting requirements is to reduce the amount of asbestos dust generated during demolition operations. Many different procedures would accomplish this; therefore, the Agency believes that specifying such procedures is neither necessary nor appropriate. A new definition of "adequately wetted" was added to the regulations promulgated herein. The Agency believes that owners or operators of demolition operations are familiar with proper wetting procedures.

Two comments were made stating that the proposed demolition and renovation amendments are not emission standards and that asbestos emissions must be proved in determining compliance with the regulations. Congress has specified that EPA should set emission standards for hazardous air pollutants. EPA, charged with implementing this requirement, has determined that the term "emission standard" includes work practice requirements designed to limit emissions. The position taken by the Administrator on this issue in the promulgation of the original regulations on asbestos on April 6, 1973 (38 FR 8820) is unchanged here. The demolition and renovation regulations require certain work procedures to be followed. These methods of control are required because of the impossibility at this time of prescribing and enforcing allowable numerical concentrations or mass emission limitations. One difficulty in prescribing a numerical emission standard is the relative inaccuracy of asbestos analytical methods. Dr. Arnold Brown, testifying in a recent court case involving asbestos emissions [*United States et al.* v. *Reserve Mining Co. et al.*, 498 F.2d 1073, 1079, (8th Cir., 1974)] stated, "It is reasonable to assume an error in the count of fibers in both water and air of at least nine times on the high side to one-ninth on the low side." Further testifying on the same subject, Dr. Brown stated, ". . . I do not recall having been exposed to a procedure with an error this large, and which people have seriously proposed a number based on this very poor procedure." Moreover, there is no place to measure the total emissions from a demolition or renovation operation. The Agency has determined that violations of the work practices specified in the demolition section will result in emissions of asbestos. Considering these facts, the prescription of work practices is not only a legally permissible form of an emission standard, but also the only practical and reasonable form.

Waste Disposal. A number of commentators questioned the relationship between the proposed no-visible-emissions requirements in the proposed asbestos waste disposal provisions and the alternative methods for complying with the requirement. The following points were included in the comments:

1. Can any of a variety of waste disposal methods be used to meet the no-visible-emissions limit?

2. Various other methods of disposal should be specified as alternatives.

3. The inclusion of a no-visible-emissions requirement in portions of the alternative methods of compliance is a paradox.

4. Various alternatives are either not feasible or are unnecessary for some specific waste disposal operations.

As stated in §§ 61.22 (j) and (k) of the proposed and promulgated amendments, a requirement for affected sources that dispose of asbestos waste is no visible emissions during waste disposal operations. This provides affected sources flexibility in developing and using those disposal techniques most suitable to individual needs. The Agency recognizes that the best available disposal methods for some of the sources may not be capable of preventing visible emissions during a minor portion of some of the disposal operations. Therefore, alternative methods of compliance that represent the best available disposal methods have been included in the regulations. Sources are not required to use these methods; they may use other methods that achieve no visible emissions. However, sources may elect to use one of the specified alternatives. Some of these alternatives result in no visible emissions; others may not. For those alternative methods that may not be capable of preventing visible emissions during all portions of the waste disposal process, a requirement has nevertheless been included that there be no visible emissions from those portions of the process that can achieve this performance level. The listing of a particular method of waste disposal as an alternative method of compliance does not imply that the method is universally applicable or that the use of the method is necessary to achieve no visible emissions.

Some comments questioned whether the proposed amendments would apply to asbestos waste disposal sites that were inactivated prior to the publication of the proposed amendments. Regulations established under section 112 of the Act are applicable to both existing sources and new sources. The amendments cover previously inactivated sites as well as sites that become inactive in the future. However, the proposed amendments have been revised as discussed in "Changes to the Proposed Amendments" so that only owners of sites which have been operated by asbestos mills, manufacturing plants, and fabricating plants subject to the asbestos standard must comply with the asbestos amendments proposed herein for inactive asbestos waste disposal sites.

Several commentators suggested that certain types of asbestos waste disposal sites should be excluded from the proposed amendments, depending upon the the rate at which asbestos waste is deposited at the site, the percentage of the total waste that is asbestos, the friability of the asbestos waste, and the extent to which the site is in active operation. These comments were considered, but no changes in the proposed amendments were made as a result of the Agency's reevaluation. It would be extremely difficult to enforce regulations that depend on the rate or asbestos content of waste deposition. Further, the provisions promulgated herein shift the focus of the waste disposal requirements away from the site operator to the generator of the waste. Because of this, the burden of the requirements on a waste disposal site operator who accepts only a very small quantity of asbestos waste, and who the commentators desire to exclude from the regulations, is largely removed.

A comment was made that the proposed amendments could cause considerable hardship to small users of asbestos because some waste disposal sites may no longer accept asbestos wastes. There are an estimated 5,000 waste disposal sites in the U.S. which meet the standards of a sanitary landfill. A properly operated sanitary landfill complies with the soil-covering requirements of the amendments, and therefore will be affected only slightly by handling asbestos wastes. Accordingly, the Agency believes that small manufacturers and users of asbestos will not encounter severe problems in complying with the amendments for waste disposal sites.

Two commentators were concerned that the proposed waste disposal provisions would cause serious problems in contract hauling arrangements; and in the use of private landfills, municipal landfills, and waste disposal sites leased by generators of the asbestos waste. Since the generator of the waste has the direct responsibility for compliance during the transport of waste and for disposing of the waste at a properly operated disposal site, the Agency believes that problems in contract hauling arrangements can be avoided if the generator institutes proper waste handling practices. The Agency also believes that

the deletion in the promulgated amendments of some of the proposed requirements for posting of warning signs will remove many of the potential problems that were of concern. Further changes to the proposed amendments were judged unnecessary because they impose few additional requirements on disposal sites, such as municipal sanitary landfill sites, that are properly operated.

A comment suggested that bags which previously held commercial asbestos should be exempt if the bags have been cleaned sufficiently so that shaking the bags will not generate visible emissions of asbestos particulate matter. Even if such wastes do not produce visible emissions during the subsequent processing, transporting and depositing operations at a waste disposal site, there is a need for ensuring proper ultimate waste disposal because such bags still are likely to contain residual asbestos. The Agency believes that regulations are needed for this purpose and also for the purpose of ensuring that emissions from the cited method of cleaning bags are properly controlled. Accordingly, the disposal of bags that have been cleaned in the manner described has not been exempted from the amendments promulgated herein.

Comments were received which stated that the proposed waste disposal provisions would probably preclude the disposal of waste asbestos cement pipe in commercial landfills. It is the Agency's judgment that commercial landfills which comply with the regulations will be available. Further, the pipe crushing operation that is conventionally carried out during compaction at the disposal site can alternatively be performed and controlled by gas cleaning equipment at a stationary crusher.

Mercury

CHANGES TO PROPOSED AMENDMENTS

The proposed definition of "sludge dryer" has been revised to indicate more clearly that only sludge drying operations that are directly heated by combustion gases are covered by the amendment. The amendment does not apply to devices that are indirectly heated, such as secondary mercury recovery furnaces.

A comment suggested that daily sludge sampling and analysis should be required to reveal potential variations in mercury content of the sludge. The daily averages of sludge mercury content are not expected to vary significantly, and the Agency believes that the added cost to the owners or operators of such sources for daily sampling and analysis of sludge is not justified. Variations in mercury concentration of sludge can occur over longer periods of time, however, and a requirement has been added that all facilities for which emissions are in excess of 1600 grams per day as determined by the initial compliance test must monitor on a yearly basis with the sludge sampling method. In addition, the Agency has authority to request sludge sampling and analysis, or stack sampling, and will exercise this authority whenever there are indications that a change in mercury concentration of the sludge has occurred that would significantly increase mercury emissions.

One commentator suggested several revisions to procedures in the proposed sludge testing method, Method 105. The procedures were reevaluated, and the method has been changed where appropriate. The proposed section 3.1.3 of Method 105 specified a 10 percent solution of stannous chloride as an alternative to stannous sulfate. One comment stated that it was inappropriate to require any solution percentage. The Agency agrees, and the requirement has been deleted. Another comment suggested that the required use of mercuric chloride of Bureau of Standards purity to prepare the mercury stock solution is not necessary because the precision of the method does not demand such purity. The Agency agrees with this comment, and the method has been changed to permit the use of reagent grade mercuric chloride. The comment was made that mercuric solutions should not be prepared in plastic containers. The Agency is in general agreement with this and a statement to this effect has been added to Method 105. Section 4.1.1 of the method specifies that the, ". . . sampling devices, glassware and reagents should be ascertained free of significant amounts of mercury." A major source of mercury contamination occurs when sample solutions and reagents come into contact with mercury-contaminated containers. A comment indicated that a specific quantity should be stated to indicate how much mercury is considered "significant." The Agency believes that the specification of an amount of mercury contamination is inappropriate because such an amount would be very difficult to measure. The mercury contamination of containers can be reduced to an insignificant amount by properly cleaning such containers before use. The proposed paragraph has therefore been changed to specify that sample containers shall be properly cleaned before use by rinsing with nitric acid, followed by rinsing with distilled water. Another comment suggested that the possible interferences with the analysis of mercury in sludge should be delineated and that preventative measures should be given. In response, two references in which such interferences are discussed have been added to Method 105.

ADDITIONAL COMMENTS

The Agency has determined that an ambient air mercury concentration of 1 microgram per cubic meter averaged over a 30-day period will protect the public health with an ample margin of safety. The maximum allowable mercury emission for sludge incineration and drying plants was calculated, by use of meteorological modeling techniques using restrictive dispersion conditions that would not result in this ambient concentration being exceeded. The resulting maximum allowable emission is 3200 grams of mercury per day. Numerous comments were received that questioned the methodology used to calculate this emission limitation. Several comments questioned the derivation of the ambient concentration of 1 microgram per cubic meter, 30-day average, and indicated that this level should be lower. The Agency evaluated these comments, but determined that no new information had been presented that had not been previously considered in the derivation of this allowable concentration. Another commentator stated that the restrictive meteorological conditions used for sewage sludge incineration and drying plants do not represent the "worst case" meteorological conditions, and discussed a specific existing facility as an example. The Agency analyzed this comment considering the meterological conditions and topography at the specific site mentioned in the comment and concluded that, even with a mercury emission of 3200 grams per day, the public will be protected with an ample margin of safety at the cited facility. A copy of the Agency response to this comment is available for inspection at the Public Information Reference Center, Room 2404 Waterside Mall, 401 M St., Wash., D.C. 20460. The Agency knows of no sludge incineration or drying facility where the ambient guideline level of one microgram of mercury per cubic meter, 30-day average, will be exceeded. The following comments stating that the proposed emission limit is too stringent or that additional studies are needed before promulgation were received:

1. The proposed emission limit provides an excessive safety factor for some plant locations.

2. The proposed emission limit should be based on plant size, allowing larger emissions for larger plants.

3. The intent of the proposed amendment seems to be to limit the size of new plants and require disposal of sludge by alternative methods.

4. The regulation seems to be excessively stringent in order to simplify the administration of the standard for multiple sources.

5. There is not enough information to justify promulgating the amendment at this time; the promulgation should be delayed until further studies are made.

In contrast, several comments suggested that the proposed emission limit was too lenient. Since the emission limitation is related to an ambient concentration, it would be inappropriate to allow higher emissions for larger plants. Concerning plant location, it would be impractical to specify a different emission limitation for each present or future plant location which reflected local meteorological conditions. Moreover, section 112 of the Act provides for a national standard, and the Administrator has set this standard at a level which will prevent exceeding the specified safe ambient level at all locations. The Agency determined that there is sufficient information to justify promulgating emission regulations for sludge incinerators and no data or information were presented that would justify changing the mercury emission limit of 3200 grams per day.

A comment was made that the impact of multiple sources of mercury emissions was not addressed in the derivation

of the national emission standard for mercury. While the standard does not include special provisions for multiple sources, it does provide a large safety factor at many sites and this provides a measure of protection against the multiple source problem. The Agency knows of no location where existing multiple sources of mercury will cause the ambient guideline level of one microgram of mercury per cubic meter, 30-day average, to be exceeded. The Agency must approve all new construction or modification of sources regulated by the mercury standard. During the review of such construction or modification, the Agency will assess the impact that the new or modified sources have on the ambient mercury concentration. If the Agency discovers a situation where a source can cause the guideline ambient concentration to be exceeded; the national emission standard will be reevaluated. In addition, local planning agencies have the capability to prevent multiple source pollution problems through proper land use planning. The Agency urges these local agencies to consider the impact of multiple sources on such problems as mercury air pollution when making planning decisions.

Comments were received that questioned whether all sludge incineration and drying plants are major sources of mercury emissions that must demonstrate compliance with the standard. All of these facilities have the potential to emit mercury; the amount of mercury that is emitted depends upon the mercury content of the sludge and the sludge incineration or drying rate. Accordingly, all such facilities must demonstrate compliance with the emission limitation promulgated herein.

A comment was received that the economic impact of the proposed amendments on some large facilities may be large, since there may be few or no alternatives for sludge disposal. The Agency estimates that the largest mercury emission from an existing sludge incinerator or dryer is approximately 500 grams per day, which is approximately one-sixth of the maximum allowable emission. The time period over which sludge generation would increase in excess of six-fold should provide sufficient lead time for planning an economically feasible alternate disposal method, if it is required. The Agency therefore does not foresee a significant economic impact for the near future at any sludge incineration or drying plant.

Several comments stated that other sources such as ore processing plants, mercury compound manufacturing plants, industrial waste incinerators, coal-fired power plants, and rooms painted with mercury-containing paints should be investigated and regulated if necessary. The Agency previously investigated mercury emissions from nonferrous smelting plants, secondary mercury production plants, coal-fired power plants, and solid waste incineration plants, and determined that these sources do not emit mercury in such quantities that they are likely to cause the ambient mercury concentration to exceed one microgram per cubic meter. The Agency has regulated all sources that may reasonably be expected to cause an ambient mercury concentration of as much as one microgram per cubic meter, 30-day average. However, the Agency will continue a policy of investigating any source of mercury that it has reason to believe has the potential to endanger the public health.

Another comment stated that the Agency should give specific suggestions, or references should be provided, for disposing of mercury-containing sludges on land in a manner that would protect water resources. The Agency's Office of Water and Hazardous Materials is preparing technical publications on various alternatives for the disposal of sludges, and such materials should be available in the near future.

Several comments were made on the mercury collection efficiency of water scrubbers. One commentator suggested that the mercury collection efficiency of individual water scrubbers should be assumed to be zero for purposes of determining compliance, until positively proven otherwise. Another commentator stated that the proposed sludge sampling method should take into account the amount of mercury that would be collected by a scrubber. The Agency has determined that the requirements of the standard are adequate. No credit for mercury removed by water scrubbers is allowed when compliance is determined by sludge sampling and analysis; however, if the mercury stack measurement method is used to determine compliance, only the amount of mercury emitted to the outside air is measured and any mercury collection by the system is taken into account. The Agency has determined that sludge sampling and analysis can be used as an alternative method to determine maximum mercury emissions, because it is sufficiently accurate. The method is also inexpensive when compared to a complete stack test.

The following comments were received which suggested changes to Method 105 for sludge sampling:

1. A 5 percent potassium permanganate solution is difficult to prepare, and a saturated solution should be required.

2. Potassium permanganate should be used to stabilize mercury solutions.

3. Hydroxylamine hydrochloride can be used in place of the uncommon salt sodium chloride-hydroxylamine sulfate to reduce excess potassium permanganate.

Solutions of 5 percent potassium permanganate can be prepared at room temperature. The Agency has no experience in using potassium permanganate to stabilize mercury solutions, and has not used hydroxylamine hydrochloride to reduce excess potassium permanganate. The method has proved to be satisfactory without the use of the suggested reagents. The Agency believes that the suggested changes are not necessary and the method has not been revised to accommodate these suggestions.

Environmental and Energy Impact

Environmental impact statements must accompany national emission standards for hazardous air pollutants approved for proposal after October 14, 1974. The amendments recommended for promulgation were approved for proposal prior to this date, and an environmental impact statement has not been prepared. The environmental impact of the standards has been assessed, however, and is discussed in the background information document (EPA-450/2-74-009a) for the proposed standards and in the preamble (39 FR 38064) to the proposed standards.

The energy impact resulting from the control of asbestos waste disposal operations at asbestos emission sources and at waste disposal sites is expected to be insignificant since this waste is already collected and deposited at waste disposal sites. Only a relatively small quantity of additional waste material is generated as a result of better control of particulate emissions from manufacturing and fabrication sources covered by the standard. The major energy impact of the amendments is that resulting from the operation of fabric filtration devices at manufacturing and fabrication plants. It is estimated that approximately 170 baghouses of 1000 acfm capacity will be required to comply with the amendments. The operation of these control devices will require the consumption of 2.5 million kilowatt hours per year, which is equivalent to 3900 barrels per year of Number 6 fuel oil at the power generating station. The energy impact resulting from the NESHAPS amendment is small and is justified by the increased control of asbestos emissions.

There is no energy impact that results from the regulation of mercury emissions from sludge incinerators and dryers.

Effective upon promulgation.

(Sec. 112 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-7 and 9))

Dated: October 3, 1975.

JOHN QUARLES,
Acting Administrator.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of sections is amended as follows:

Subpart A—General Provisions

Sec.

. . . . . .

61.17 Circumvention.

. . . . . .

Subpart B—National Emission Standard for Asbestos

. . . . . .

61.25 Waste disposal sites.

. . . . . .

Subpart E—National Emission Standard for Mercury

. . . . . .

61.54 Sludge sampling.
61.55 Emission monitoring.

. . . . . .

Appendix B—Test Methods

. . . . . .

Method 105—Method for determination of mercury in wastewater treatment plant sewage sludges.

2. The authority citation at the end of the table of sections for Part 61 is revised to read as follows:

AUTHORITY: Secs. 112 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-7, 1857 c-9).

Subpart A—General Provisions

3. Section 61.14 is amended by revising paragraph (c) and adding paragraph (d). The revised and added paragraphs read as follows:

§ 61.14 Source test and analytical methods.

• • • • •

(c) The Administrator may, after notice to the owner or operator, withdraw approval of an alternative method granted under paragraphs (a), (b) or (d) of this section. Where the test results using an alternative method do not adequately indicate whether a source is in compliance with a standard, the Administrator may require the use of the reference method or its equivalent.

(d) Method 105 in Appendix B to this part is hereby approved by the Administrator as an alternative method for sources subject to § 61.52(b).

4. A new § 61.17 is added to subpart A as follows:

§ 61.17 Circumvention.

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, process, or method, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous dilutants to achieve compliance with a visible emissions standard, and the piecemeal carrying out of an operation to avoid coverage by a standard that applies only to operations larger than a specified size.

Subpart B—National Emission Standard for Asbestos

5. Section 61.21 is amended by revising paragraph (j) and adding paragraphs (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), and (w). The revised and added paragraphs read as follows:

§ 61.21 Definitions.

• • • • •

(j) "Demolition" means the wrecking or taking out of any load-supporting structural member and any related removing or stripping of friable asbestos materials.

(k) "Friable asbestos material" means any material that contains more than 1 percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure.

(l) "Control device asbestos waste" means any asbestos-containing waste material that is collected in a pollution control device.

(m) "Renovation" means the removing or stripping of friable asbestos material used to insulate or fireproof any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member. Operations in which load-supporting structural members are wrecked or taken out are excluded.

(n) "Planned renovation" means a renovation operation, or a number of such operations, in which the amount of friable asbestos material that will be removed or stripped within a given period of time can be predicted. Operations that are individually non-scheduled are included, provided a number of such operations can be predicted to occur during a given period of time based on operating experience.

(o) "Emergency renovation" means a renovation operation that results from a sudden, unexpected event, and is not a planned renovation. Operations necessitated by non-routine failures of equipment are included.

(p) "Adequately wetted" means sufficiently mixed or coated with water or an aqueous solution to prevent dust emissions.

(q) "Removing" means taking out friable asbestos materials used to insulate or fireproof any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member from any building, structure, facility, or installation.

(r) "Stripping" means taking off friable asbestos materials used for insulation or fireproofing from any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member.

(s) "Fabricating" means any processing of a manufactured product containing commercial asbestos, with the exception of processing at temporary sites for the construction or restoration of buildings, structures, facilities or installations.

(t) "Inactive waste disposal site" means any disposal site or portion thereof where additional asbestos-containing waste material will not be deposited and where the surface is not disturbed by vehicular traffic.

(u) "Active waste disposal site" means any disposal site other than an inactive site.

(v) "Roadways" means surfaces on which motor vehicles travel including, but not limited to, highways, roads, streets, parking areas, and driveways.

(w) "Asbestos-containing waste material" means any waste which contains commercial asbestos and is generated by a source subject to the provisions of this subpart, including asbestos mill tailings, control device asbestos waste, friable asbestos waste material, and bags or containers that previously contained commercial asbestos.

6. Section 61.22 is amended by amending paragraphs (c) and (e), revising paragraphs (b), (d), (f), and (g) and adding paragraphs (h), (i), (j), (k), and (l). The revised and added paragraphs read as follows:

§ 61.22 Emission standard.

• • • • •

(b) Roadways: The surfacing of roadways with asbestos tailings or with asbestos-containing waste that is generated by any source subject to paragraphs (c), (d), (e) or (h) of this section is prohibited, except for temporary roadways on an area of asbestos ore deposits. The deposition of asbestos tailings or asbestos-containing waste on roadways covered with snow or ice is considered "surfacing."

(c) Manufacturing: There shall be no visible emissions to the outside air, except as provided in paragraph (f) of this section, from any of the following operations if they use commercial asbestos or from any building or structure in which such operations are conducted.

• • • • •

(10) The manufacture of shotgun shells.

(11) The manufacture of asphalt concrete.

(d) Demolition and renovation: The requirements of this paragraph shall apply to any owner or operator of a demolition or renovation operation who intends to demolish any institutional, commercial, or industrial building (including apartment buildings having more than four dwelling units), structure, facility, installation, or portion thereof which contains any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that is insulated or fireproofed with friable asbestos material, except as provided in paragraph (d)(1) of this section; or who intends to renovate any institutional, commercial, or industrial building, structure, facility, installation, or portion thereof where more than 80 meters (ca. 260 feet) of pipe insulated or fireproofed with friable asbestos material are stripped or removed, or more than 15 square meters (ca. 160 square feet) of friable asbestos material used to insulate or fireproof any duct, boiler, tank, reactor, turbine, furnace, or structural member are stripped or removed.

(1)(i) The owner or operator of a demolition operation is exempted from the requirements of this paragraph provided, (1) the amount of friable asbestos material in the building or portion thereof to be demolished is less than 80 meters (ca. 260 feet) used to insulate pipes, and less than 15 square meters (ca. 160 square feet) used to insulate or fireproof any duct, boiler, tank, reactor, turbine, furnace, or structural member, and (2) the notification requirements of paragraph (d)(1)(ii) are met.

(ii) Written notification shall be postmarked or delivered to the Administrator at least 20 days prior to commencement of demolition and shall include the information required by paragraph (d)(2) of this section, with the exception of the information required by paragraphs (d)(2)(iii), (vi), (vii), (viii), and (ix), and shall state the measured or estimated amount of friable asbestos material used for insulation and fireproofing which is present. Techniques of estimation shall be explained.

(2) Written notice of intention to demolish or renovate shall be provided to the Administrator by the owner or operator of the demolition or renovation operation. Such notice shall be postmarked or delivered to the Administrator at least 10 days prior to commencement of demo-

lition, or as early as possible prior to commencement of emergency demolition subject to paragraph (d)(6) of this section, and as early as possible prior to commencement of renovation. Such notice shall include the following information:

(i) Name of owner or operator.

(ii) Address of owner or operator.

(iii) Description of the building, structure, facility, or installation to be demolished or renovated, including the size, age, and prior use of the structure, and the approximate amount of friable asbestos material used for insulation and fireproofing.

(iv) Address or location of the building, structure, facility, or installation.

(v) Scheduled starting and completion dates of demolition or renovation.

(vi) Nature of planned demolition or renovation and method(s) to be employed.

(vii) Procedures to be employed to meet the requirements of this paragraph and paragraph (j) of this section.

(viii) The name and address or location of the waste disposal site where the friable asbestos waste will be deposited.

(ix) Name, title, and authority of the State or local governmental representative who has ordered a demolition which is subject to paragraph (d)(6) of this section.

(3)(i) For purposes of determining whether a planned renovating operation constitutes a renovation within the meaning of this paragraph, the amount of friable asbestos material to be removed or stripped shall be:

(A) For planned renovating operations involving individually non-scheduled operations, the additive amount of friable asbestos material that can be predicted will be removed or stripped at a source over the maximum period of time for which a prediction can be made. The period shall be not less than 30 days and not longer than one year.

(B) For each planned renovating operation not covered by paragraph (d)(3)(i)(A), the total amount of friable asbestos material that can be predicted will be removed or stripped at a source.

(ii) For purposes of determining whether an emergency renovating operation constitutes a renovation within the meaning of this paragraph, the amount of friable asbestos material to be removed or stripped shall be the total amount of friable asbestos material that will be removed or stripped as a result of the sudden, unexpected event that necessitated the renovation.

(4) The following procedures shall be used to prevent emissions of particulate asbestos material to outside air:

(i) Friable asbestos materials, used to insulate or fireproof any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member, shall be removed from any building, structure, facility or installation subject to this paragraph. Such removal shall occur before wrecking or dismantling of any portion of such building, structure, facility, or installation that would break up the friable asbestos materials and before wrecking or dismantling of any other portion of such building, structure, facility, or installation that would preclude access to such materials for subsequent removal. Removal of friable asbestos materials used for insulation or fireproofing of any pipe, duct, or structural member which are encased in concrete or other similar structural material is not required prior to demolition, but such material shall be adequately wetted whenever exposed during demolition.

(ii) Friable asbestos materials used to insulate or fireproof pipes, ducts, boilers, tanks, reactors, turbines, furnaces, or structural members shall be adequately wetted during stripping, except as provided in paragraphs (d)(4)(iv), (d)(4)(vi) or (d)(4)(vii) of this section.

(iii) Pipes, ducts, boilers, tanks, reactors, turbines, furnaces, or structural members that are insulated or fireproofed with friable asbestos materials may be taken out of any building, structure, facility, or installation subject to this paragraph as units or in sections provided the friable asbestos materials exposed during cutting or disjointing are adequately wetted during the cutting or disjointing operation. Such units shall not be dropped or thrown to the ground, but shall be carefully lowered to ground level.

(iv) The stripping of friable asbestos materials used to insulate or fireproof any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that has been removed as a unit or in sections as provided in paragraph (d)(4)(iii) of this section shall be performed in accordance with paragraph (d)(4)(ii) of this section. Rather than comply with the wetting requirement, a local exhaust ventilation and collection system may be used to prevent emissions to the outside air. Such local exhaust ventilation systems shall be designed and operated to capture the asbestos particulate matter produced by the stripping of friable asbestos material. There shall be no visible emissions to the outside air from such local exhaust ventilation and collection systems except as provided in paragraph (f) of this section.

(v) All friable asbestos materials that have been removed or stripped shall be adequately wetted to ensure that such materials remain wet during all remaining stages of demolition or renovation and related handling operations. Such materials shall not be dropped or thrown to the ground or a lower floor. Such materials that have been removed or stripped more than 50 feet above ground level, except those materials removed as units or in sections, shall be transported to the ground via dust-tight chutes or containers.

(vi) Except as specified below, the wetting requirements of this paragraph are suspended when the temperature at the point of wetting is below 0°C (32°F). When friable asbestos materials are not wetted due to freezing temperatures, such materials on pipes, ducts, boilers, tanks, reactors, turbines, furnaces, or structural members shall, to the maximum extent possible, be removed as units or in sections prior to wrecking. In no case shall the requirements of paragraphs (d)(4)(iv) or (d)(4)(v) be suspended due to freezing temperatures.

(vii) For renovation operations, local exhaust ventilation and collection systems may be used, instead of wetting as specified in paragraph (d)(4)(ii), to prevent emissions of particulate asbestos material to outside air when damage to equipment resulting from the wetting would be unavoidable. Upon request and supply of adequate information, the Administrator will determine whether damage to equipment resulting from wetting to comply with the provisions of this paragraph would be unavoidable. Such local exhaust ventilation systems shall be designed and operated to capture the asbestos particulate matter produced by the stripping and removal of friable asbestos material. There shall be no visible emissions to the outside air from such local exhaust ventilation and collection systems, except as provided in paragraph (f) of this section.

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

(6) The demolition of a building, structure, facility, or installation, pursuant to an order of an authorized representative of a State or local governmental agency, issued because that building is structurally unsound and in danger of imminent collapse is exempt from all but the following requirements of paragraph (d) of this section:

(i) The notification requirements specified by paragraph (d)(2) of this section;

(ii) The requirements on stripping of friable asbestos materials from previously removed units or sections as specified in paragraph (d)(4)(iv) of this section;

(iii) The wetting, as specified by paragraph (d)(4)(v) of this section, of friable asbestos materials that have been removed or stripped;

(iv) The portion of the structure being demolished that contains friable asbestos materials shall be adequately wetted during the wrecking operation.

(e) • • •

(2) Any owner or operator who intends to spray asbestos materials which contain more than 1 percent asbestos on a dry weight basis to insulate or fireproof 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:

• • •

(f) Rather than meet the no-visible-emission requirements as specified by paragraphs (a), (c), (d), (e), (h), (j), and (k) of this section, an owner or operator may elect to use the methods specified by § 61.23 to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to, the outside air.

(g) Where the presence of uncombined water is the sole reason for failure to meet the no-visible-emission requirement of paragraphs (a), (c), (d), (e),

(h), (j), or (k) of this section, such failure shall not be a violation of such emission requirements.

(h) Fabricating: There shall be no visible emissions to the outside air, except as provided in paragraph (f) of this section, from any of the following operations if they use commercial asbestos or from any building or structure in which such operations are conducted.

(1) The fabrication of cement building products.

(2) The fabrication of friction products, except those operations that primarily install asbestos friction materials on motor vehicles.

(3) The fabrication of cement or silicate board for ventilation hoods; ovens; electrical panels; laboratory furniture; bulkheads, partitions and ceilings for marine construction; and flow control devices for the molten metal industry.

(i) Insulating: Molded insulating materials which are friable and wet-applied insulating materials which are friable after drying, installed after the effective date of these regulations, shall contain no commercial asbestos. The provisions of this paragraph do not apply to insulating materials which are spray applied; such materials are regulated under § 61.22(e).

(j) Waste disposal for manufacturing, fabricating, demolition, renovation and spraying operations: The owner or operator of any source covered under the provisions of paragraphs (c), (d), (e), or (h) of this section shall meet the following standards:

(1) There shall be no visible emissions to the outside air, except as provided in paragraph (j)(3) of this section, during the collection; processing, including incineration; packaging; transporting; or deposition of any asbestos-containing waste material which is generated by such source.

(2) All asbestos-containing waste material shall be deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(3) Rather than meet the requirement of paragraph (j)(1) of this section, an owner or operator may elect to use either of the disposal methods specified under (j)(3)(i) and (ii) of this section, or an alternative disposal method which has received prior approval by the Administrator:

(i) Treatment of asbestos-containing waste material with water:

(A) Control device asbestos waste shall be thoroughly mixed with water into a slurry and other asbestos-containing waste material shall be adequately wetted. There shall be no visible emissions to the outside air from the collection, mixing and wetting operations, except as provided in paragraph (f) of this section.

(B) After wetting, all asbestos-containing waste material shall be sealed into leak-tight containers while wet, and such containers shall be deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(C) The containers specified under paragraph (j)(3)(i)(B) of this section shall be labeled with a warning label that states:

CAUTION

Contains Asbestos
Avoid Opening or Breaking Container
Breathing Asbestos is Hazardous
to Your Health

Alternatively, warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.-93a(g)(2)(ii) may be used.

(ii) Processing of asbestos-containing waste material into non-friable forms:

(A) All asbestos-containing waste material shall be formed into non-friable pellets or other shapes and deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(B) There shall be no visible emissions to the outside air from the collection and processing of asbestos-containing waste material, except as specified in paragraph (f) of this section.

(4) For the purposes of this paragraph (j), the term all asbestos-containing waste material as applied to demolition and renovation operations covered by paragraph (d) of this section includes only friable asbestos waste and control device asbestos waste.

(k) Waste disposal for asbestos mills: The owner or operator of any source covered under the provisions of paragraph (a) of this section shall meet the following standard:

(1) There shall be no visible emissions to the outside air, except as provided in paragraph (k)(3) of this section, during the collection, processing, packaging, transporting or deposition of any asbestos-containing waste material which is generated by such source.

(2) All asbestos-containing waste material shall be deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(3) Rather than meet the requirement of paragraph (k)(1) of this section, an owner or operator may elect to meet the following requirements in paragraphs (k)(3)(i) and (ii), or use an alternative disposal method which has received prior approval by the Administrator:

(i) There shall be no visible emissions to the outside air from the transfer of control device asbestos waste to the tailings conveyor, except as provided in paragraph (f) of this section. Such waste shall be subsequently processed either as specified in paragraph (k)(3)(ii) of this section or as specified in paragraph (j)(3) of this section.

(ii) All asbestos-containing waste material shall be adequately mixed, with a wetting agent recommended by the manufacturer of the agent to effectively wet dust and tailings, prior to deposition at a waste disposal site. Such agent shall be used as recommended for the particular dust by the manufacturer of the agent. There shall be no discharge of visible emissions to the outside air from the wetting operation except as specified in paragraph (f) of this section. Wetting may be suspended when the ambient temperature at the waste disposal site is less than −9.5°C (ca. 15°F). The ambient air temperature shall be determined by an appropriate measurement method with an accuracy of ±1°C (±2°F) and recorded at least at hourly intervals during the period that the operation of the wetting system is suspended. Records of such temperature measurements shall be retained at the source for a minimum of two years and made available for inspection by the Administrator.

(l) The owner of any inactive waste disposal site, which was operated by sources covered under § 61.22 (a), (c) or (h) and where asbestos-containing waste material produced by such sources was deposited, shall meet the following standards:

(1) There shall be no visible emissions to the outside air from an inactive waste disposal site subject to this paragraph, except as provided in paragraph (l)(5) of this section.

(2) Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material was deposited, at intervals of 100 m (ca. 330 ft) or less, except as specified in paragraph (l)(4) of this section. Signs shall be posted in such a manner and location that a person may easily read the legend. The warning signs required by this paragraph shall conform to the requirements of 20" x 14" upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

LEGEND

ASBESTOS WASTE DISPOSAL SITE

Do Not Create Dust

Breathing Asbestos is Hazardous
to Your Health

Notation

1" Sans Serif, Gothic or Block

¼" Sans Serif, Gothic or Block

14 Point Gothic

Spacing between lines shall be at least equal to the height of the upper of the two lines.

(3) The perimeter of the site shall be fenced in a manner adequate to deter access by the general public, except as specified in paragraph (l)(4) of this section.

(4) Warning signs and fencing are not required where the requirements of paragraphs (1)(5)(i) or (ii) of this section are met, or where a natural barrier adequately deters access by the general public. Upon request and supply of appropriate information, the Administrator will determine whether a fence or a natural barrier adequately deters access to the general public.

(5) Rather than meet the requirement of paragraph (1)(1) of this section, an owner may elect to meet the requirements of this paragraph or may use an alternative control method for emissions from inactive waste disposal sites which

has received prior approval by the Administrator.

(i) The asbestos-containing waste material shall be covered with at least 15 centimeters (ca. 6 inches) of compacted non-asbestos-containing material, and a cover of vegetation shall be grown and maintained on the area adequate to prevent exposure of the asbestos-containing waste material; or

(ii) The asbestos-containing waste material shall be covered with at least 60 centimeters (ca. 2 feet) of compacted non-asbestos-containing material and maintained to prevent exposure of the asbestos-containing waste; or

(iii) For inactive waste disposal sites for asbestos tailings, a resinous or petroleum-based dust suppression agent which effectively binds dust and controls wind erosion shall be applied. Such agent shall be used as recommended for the particular asbestos tailings by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the Administrator. For purposes of this paragraph, waste crankcase oil is not considered a dust suppression agent.

7. The first sentence in § 61.23 is revised as follows:

§ 61.23 Air-Cleaning.

If air-cleaning is elected, as permitted by §§ 61.22(f) and 61.22(d)(4)(iv), the requirements of this section must be met.

• • •

8. The first sentence in § 61.24 is revised and redesignated as paragraph (e) and new paragraphs (c) and (d) are added as follows:

§ 61.24 Reporting.

• • • • • •

(c) For sources subject to §§ 61.22(j) and 61.22(k):

(1) A brief description of each process that generates asbestos-containing waste material.

(2) The average weight of asbestos-containing waste material disposed of, measured in kg/day.

(3) The emission control methods used in all stages of waste disposal.

(4) The type of disposal site or incineration site used for ultimate disposal, the name of the site operator, and the name and location of the disposal site.

(d) For sources subject to § 61.22(l):

(1) A brief description of the site.

(2) The method or methods used to comply with the standard, or alternative procedures to be used.

(e) Such information shall accompany the information required by § 61.10. The information described in this section shall be reported using the format of Appendix A of this part.

9. A new section 61.25 is added to subpart B as follows:

§ 61.25 Waste disposal sites.

In order to be an acceptable site for disposal of asbestos-containing waste material under § 61.22 (j) and (k), an active waste disposal site shall meet the requirements of this section.

(a) There shall be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, except as provided in paragraph (e) of this section.

(b) Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited, at intervals of 100 m (ca. 330 ft) or less except as specified in paragraph (d) of this section. Signs shall be posted in such a manner and location that a person may easily read the legend. The warning signs required by this paragraph shall conform to the requirements of 20" x 14" upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

LEGEND

ASBESTOS WASTE DISPOSAL SITE

Do Not Create Dust

Breathing Asbestos
is Hazardous to Your Health

Notation

1" Sans Serif, Gothic or Block

¾" Sans Serif, Gothic or Block

14 Point Gothic

Spacing between lines shall be at least equal to the height of the upper of the two lines.

(c) The perimeter of the disposal site shall be fenced in order to adequately deter access to the general public except as specified in paragraph (d) of this section.

(d) Warning signs and fencing are not required where the requirements of paragraph (e)(1) of this section are met, or where a natural barrier adequately deters access to the general public. Upon request and supply of appropriate information, the Administrator will determine whether a fence or a natural barrier adequately deters access to the general public.

(e) Rather than meet the requirement of paragraph (a) of this section, an owner or operator may elect to meet the requirements of paragraph (e)(1) or (e)(2) of this section, or may use an alternative control method for emissions from active waste disposal sites which has received prior approval by the Administrator.

(1) At the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material which was deposited at the site during the operating day or previous 24-hour period shall be covered with at least 15 centimeters (ca. 6 inches) of compacted non-asbestos-containing material.

(2) At the end of each operating day, or at least once every 24-hour period while the disposal site is in continuous operation, the asbestos-containing waste material which was deposited at the site during the operating day or previous 24-hour period shall be covered with a resinous or petroleum-based dust suppression agent which effectively binds dust and controls wind erosion. Such agent shall be used as recommended for the particular dust by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the Administrator. For purposes of this paragraph, waste crankcase oil is not considered a dust suppression agent.

Subpart E—National Emission Standard for Mercury

10. Section 61.50 is revised to read as follows:

§ 61.50 Applicability.

The provisions of this subpart are applicable to those stationary sources which process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge.

11. Section 61.51 is amended by adding paragraphs (l) and (m) as follows:

§ 61.51 Definitions.

• • • • •

(l) "Sludge" means sludge produced by a treatment plant that processes municipal or industrial waste waters.

(m) "Sludge dryer" means a device used to reduce the moisture content of sludge by heating to temperatures above 65°C (ca. 150°F) directly with combustion gases.

12. Section 61.52 is revised to read as follows:

§ 61.52 Emission standard.

(a) Emissions to the atmosphere from mercury ore processing facilities and mercury cell chlor-alkali plants shall not exceed 2300 grams of mercury per 24-hour period.

(b) Emissions to the atmosphere from sludge incineration plants, sludge drying plants, or a combination of these that process wastewater treatment plant sludges shall not exceed 3200 grams of mercury per 24-hour period.

13. Section 61.53 is amended by adding paragraph (d) as follows:

§ 61.53 Stack sampling.

• • • • •

(d) Sludge incineration and drying plants.

(1) Unless a waiver of emission testing is obtained under § 61.13, each owner or operator of a source subject to the standard in § 61.52(b) shall test emissions from that source. Such tests shall be conducted in accordance with the procedures set forth either in paragraph (d) of this section or in § 61.54.

(2) Method 101 in Appendix B to this part shall be used to test emissions as follows:

(i) The test shall be performed within 90 days of the effective date of these regulations in the case of an existing source or a new source which has an initial startup date preceding the effective date.

(ii) The test shall be performed within 90 days of startup in the case of a new source which did not have an initial startup date preceding the effective date.

(3) The Administrator shall be notified at least 30 days prior to an emission test, so that he may at his option observe the test.

(4) Samples shall be taken over such a period or periods as are necessary to determine accurately the maximum emissions which will occur in a 24-hour period. No changes shall be made in the operation which would potentially increase emissions above the level determined by the most recent stack test, until the new emission level has been estimated by calculation and the results reported to the Administrator.

(5) All samples shall be analyzed, and mercury emissions shall be determined within 30 days after the stack test. Each determination shall be reported to the Administrator by a registered letter dispatched before the close of the next business day following such determination.

(6) Records of emission test results and other data needed to determine total emissions shall be retained at the source and shall be made available, for inspection by the Administrator, for a minimum of 2 years.

14. Sections 61.54 and 61.55 are added as follows:

§ 61.54 Sludge sampling.

(a) As an alternative means for demonstrating compliance with § 61.52 (b), an owner or operator may use Method 105 of Appendix B and the procedures specified in this section.

(1) A sludge test shall be conducted within 90 days of the effective date of these regulations in the case of an existing source or a new source which has an initial startup date preceding the effective date; or

(2) A sludge test shall be conducted within 90 days of startup in the case of a new source which did not have an initial startup date preceding the effective date.

(b) The Administrator shall be notified at least 30 days prior to a sludge sampling test, so that he may at his option observe the test.

(c) Sludge shall be sampled according to paragraph (c)(1) of this section, sludge charging rate for the plant shall be determined according to paragraph (c)(2) of this section, and the sludge analysis shall be performed according to paragraph (c)(3) of this section.

(1) The sludge shall be sampled after dewatering and before incineration or drying, at a location that provides a representative sample of the sludge that is charged to the incinerator or dryer. Eight consecutive grab samples shall be obtained at intervals of between 45 and 60 minutes and thoroughly mixed into one sample. Each of the eight grab samples shall have a volume of at least 200 ml but not more than 400 ml. A total of three composite samples shall be obtained within an operating period of 24 hours. When the 24-hour operating period is not continuous, the total sampling period shall not exceed 72 hours after the first grab sample is obtained. Samples shall not be exposed to any condition that may result in mercury contamination or loss.

(2) The maximum 24-hour period sludge incineration or drying rate shall be determined by use of a flow rate measurement device that can measure the mass rate of sludge charged to the incinerator or dryer with an accuracy of ±5 percent over its operating range. Other methods of measuring sludge mass charging rates may be used if they have received prior approval by the Administrator.

(3) The handling, preparation, and analysis of sludge samples shall be accomplished according to Method 105 in Appendix B of this part.

(d) The mercury emissions shall be determined by use of the following equation:

$$E_{Hg} = 1 \times 10^{-3}\, cQ$$

where

E_{Hg} = Mercury emissions, g/day.
c = Mercury concentration of sludge on a dry solids basis, μg/g (ppm).
Q = Sludge charging rate, kg/day.

(e) No changes in the operation of a plant shall be made after a sludge test has been conducted which would potentially increase emissions above the level determined by the most recent sludge test, until the new emission level has been estimated by calculation and the results reported to the Administrator.

(f) All sludge samples shall be analyzed for mercury content within 30 days after the sludge sample is collected. Each determination shall be reported to the Administrator by a registered letter dispatched before the close of the next business day following such determination.

(g) Records of sludge sampling, charging rate determination and other data needed to determine mercury content of wastewater treatment plant sludges shall be retained at the source and made available, for inspection by the Administrator, for a minimum of 2 years.

§ 61.55 Emission monitoring.

(a) Wastewater treatment plant sludge incineration and drying plants. All such sources for which mercury emissions exceed 1600 g/day, demonstrated either by stack sampling according to § 61.53 or sludge sampling according to § 61.54, shall monitor mercury emissions at intervals of at least once per year by use of Method 105 of Appendix B, or the procedures specified in § 61.54(c) and (d). The results of monitoring shall be reported and retained according to § 61.53(d) (5) and (6), or § 61.54(f) and (g).

15. Appendix A is revised to a new reporting format, and sections (D)(C) and (I)(D) are added as follows:

APPENDIX A

National Emission Standards for Hazardous Air Pollutants

Compliance Status Information

I. SOURCE REPORT

INSTRUCTIONS: Owners or operators of sources of hazardous pollutants subject to the National Emission Standards for Hazardous Air Pollutants are required to submit the information contained in Section I to the appropriate U.S. Environmental Protection Agency Regional Office prior to 90 days after the effective date of any standards or amendments which require the submission of such information.

A list of regional offices is provided in §61.04.

A. SOURCE INFORMATION

1. Identification/Location - Indicate the name and address of each source.

1 2 Region	3 4 State	5 8 County	9 13 Source Number	14 000 18	17 00 18	19 1		
20 22 AQCR #	23 26 City Code	27 Paco Textures Corp Source Name 46						
		47 1057 Commercial ST Street Address (Location of Plant) 66				80		
Dup 1-18	19	20 San Carlos City Name 34			State 35 Ca 94070 39			
		40 State Regis. Number 54			55 58 NEDS X Ref.			
		59 SIC 62	FF 64	8 A/P 65	77 79 Staff	80		
Dup 1-18	5 19	CS 30	STP 31	EC 49	80			

2. Contact - Indicate the name and telephone number of the owner or operator or other responsible official whom EPA may contact concerning this report.

Dup 1-18 41 (19 20) Douglas Merrill (21 Name 43)

44 415 46 (Area Code) 592-8126 (47 Number 54) 80

3. Source Description - Briefly state the nature of the source (e.g., "Chlor-alkali Plant" or "Machine Shop").

Dup 1-18 42 (19 20) Production Blending Area (21 Description 50)

51 Continued 79 80

4. Alternative Mailing Address - Indicate an alternative mailing address if correspondence is to be directed to a location different than that specified above.

Dup 1-18 43 (19 20) 21 Number Street or Box Number 45 80

Dup 1-18 44 (19 20) 21 City 35 37 38 State 41 Zip 44 80

5. Compliance Status - The emissions from this source ✓ can ___ ~~cannot~~ meet the emission limitations contained in the National Emission Standards on or prior to 90 days after the effective date of any standards or amendments which require the submission of such information.

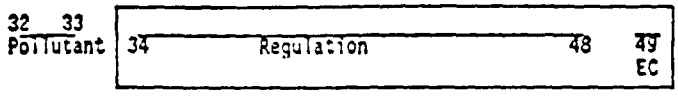
Signature of Owner, Operator or Other Responsible Official

NOTE: If the emissions from the source will exceed those limits set by the National Emission Standards for Hazardous Air Pollutants, the source will be in violation and subject to Federal enforcement actions unless granted a waiver of compliance by the Administrator of the U.S. Environmental Protection Agency. The information needed for such waivers is listed in Section II of this form.

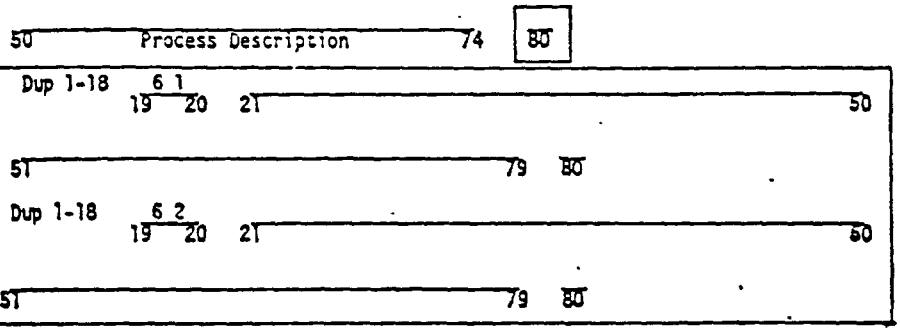
B. PROCESS INFORMATION. Part B should be completed separately for each point of emission for each hazardous pollutant. [Sources subject to 61.22(1) may omit number 4. below.]

Dup 1-13 (14 16) 00 (17 18) 5 (19) 20 SCC 27 28 29 NEDS X Ref 30 LS 31 SIP

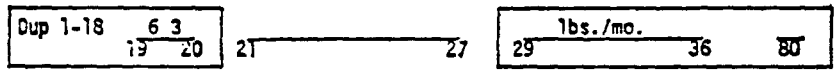
1. Pollutant Emitted - Indicate the type of hazardous pollutant emitted by the process. Indicate "AS" for asbestos, "BE" for beryllium, or "HG" for mercury.



2. Process Description - Provide a brief description of each process (e.g., "hydrogen end box" in a mercury chlor-alkali plant, "grinding machine" in a beryllium machine shop). Use additional sheets if necessary.

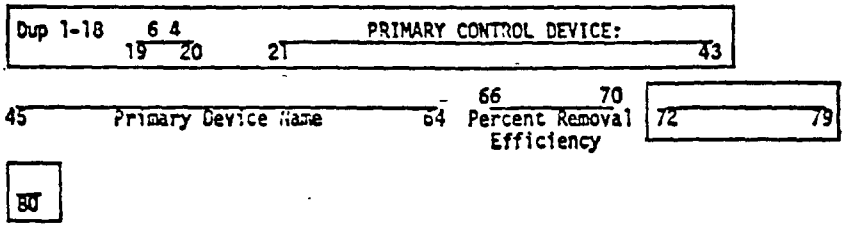


3. Amount of Pollutant - Indicate the average weight of the hazardous material named in Item 1 which enters the process in pounds per month (based on the previous twelve months of operation).



4. Control Devices

a. Indicate the type of pollution control devices, if any, used to reduce the emissions from the process (e.g., venturi scrubber, baghouse, wet cyclone) and the estimated percent of the pollutant which the device removes from the process gas stream.



Dup 1-18	6 5	SECONDARY CONTROL DEVICES:
	19 20	21 45

47 Secondary Device Name 64	66 70 Percent Removal Efficiency	% EFFIC. 72 79 80

b. Asbestos Emission Control Devices Only

i. If a baghouse is specified in Item 4a, give the following information:

- The air flow permeability in cubic feet per minute per square foot of fabric area.

  Air flow permeability = _____ cfm/ft^2

- The pressure drop in inches water gauge acrqss the filter at which the baghouse is operated.

  Operating pressure drop = _____ inches w.g.

- If the baghouse material contains synthetic fill yarn, check whether this material is / / spun / / or not spun.

- If the baghouse utilizes a felted fabric, give the minimum thickness in inches and the density in ounces per square yard.

  Thickness = _____ inches Density = _____ oz/yd^2

ii. If a wet collection device is specified in Item 4a, give the designed unit contacting energy in inches water gauge.

- Unit contacting energy = _____ inches w.g.

C. DISPOSAL OF ASBESTOS-CONTAINING WASTES. Part C should be completed separately for each asbestos-containing waste generation operation arising from sources subject to §61.22(a), (c), (e), and (h).

Dup 1-13	14 16	0 0 17 18	5 19	20 SCC 27	28 29 NEDS X Ref	30 CS	31 SIP

A B 32 33 Pollutant	34 Regulation 48	49 EC

1. Waste Generation - Provide a brief description of each process that generates asbestos-containing waste (e.g. disposal of control device wastes).

50 Process Description 79 80

2. Asbestos Concentration - Indicate the average percentage asbestos content of these materials.

Dup 1-18 6 1 19 20 21 ASBESTOS CONCENTRATION: 43 45 48

% 50 80

3. Amount of Wastes - Indicate the average weight of asbestos-containing wastes disposed of, measured in kg/day.

Dup 1-18 6 2 19 20 21 27 29 kg/day 34 80

4. Control Methods - Indicate the emission control methods used in all stages of waste disposal, from collection, processing, and packaging to transporting and deposition.

Dup 1-18 6 3 19 20 21 Primary Control Method 43

45 79 80

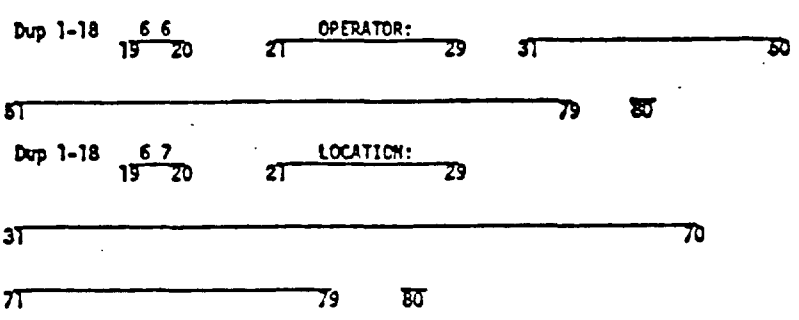
Dup 1-18 6 4 19 20 21 50

51 79 80

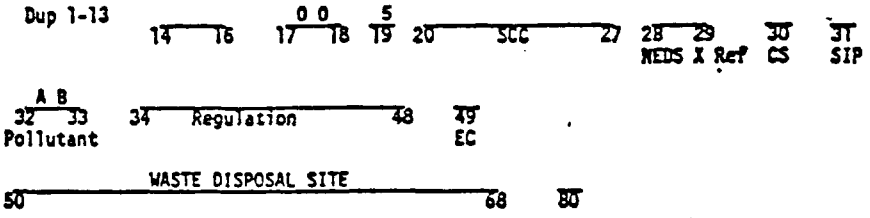
5. Waste Disposal - Indicate the type of disposal site (sanitary landfill, open, covered) or incineration site (municipal, private) where the waste is disposed of and who operates the site (company, private, municipal). State the name and location of the site (closest city or town, county, state).

Dup 1-18 6 5 19 20 21 TYPE OF SITE: 33 35 50

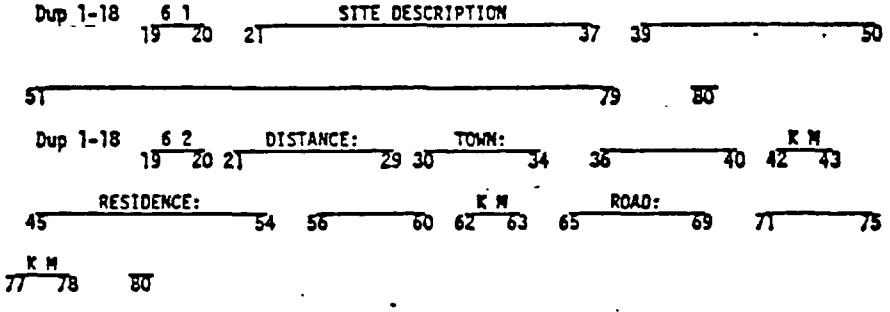
51 79 80



D. WASTE DISPOSAL SITES. Part D should be completed separately for each asbestos waste disposal site subject to section 61.22(1).



1. Description - Provide a brief description of the site, including its size and configuration, and the distance to the closest city or town, closest residence, and closest primary road.



2. Inactivation - After the site is inactivated, indicate the method or methods used to comply with the standard and send a list of the actions that will be undertaken to maintain the inactivated site.

Dup 1-18 6 8 (19 20) COMPLIANCE METHOD/INACTIVE SITE: (21 ____ 52)

(54 ____ 79) 80

II. WAIVER REQUESTS

A. WAIVER OF COMPLIANCE. Owners or operators of sources unable to operate in compliance with the National Emission Standards for Hazardous Air Pollutants prior to 90 days after the effective date of any standards or amendments which require the submission of such information may request a waiver of compliance from the Administrator of the U.S. Environmental Protection Agency for the time period necessary to install appropriate control devices or make modifications to achieve compliance. The Administrator may grant a waiver of compliance with the standard for a period not exceeding two years from the effective date of the hazardous pollutant standards, if he finds that such period is necessary for the installation of controls and that steps will be taken during the period of the waiver to assure that the health of persons will be protected from imminent endangerment.

The report information provided in Section I must accompany this application. Applications should be sent to the appropriate EPA regional office.

1. Processes Involved - Indicate the process or processes emitting hazardous pollutants to which emission controls are to be applied.

2. Controls

   a. Describe the proposed type of control device to be added or modification to be made to the process to reduce the emissions of hazardous pollutants to an acceptable level. (Use additional sheets if necessary.)

   b. Describe the measures that will be taken during the waiver period to assure that the health of persons will be protected from imminent endangerment. (Use additional sheets if necessary.)

3. Increments of Progress - Specify the dates by which the following increments of progress will be met.

   - Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of the component parts to accomplish emission control or process modification.

Dup 1-16 017 17 19 53 54 55 60 61 MO/DY/YR 66 80

- Date of initiation of on-site construction or installation of emission control equipment or process change.

Dup 1-16 027 17 19 53 54 55 60 61 MO/DY/YR 66 80

- Date by which on-site construction or installation of emission control equipment or process modification is to be completed.

Dup 1-16 037 17 19 53 54 55 60 61 MO/DY/YR 66 80

- Date by which final compliance is to be achieved.

Dup 1-16 047 17 19 53 54 55 60 61 MO/DY/YR 66 80

B. WAIVER OF EMISSION TESTS. A waiver of emission testing may be granted to owners or operators of sources of beryllium or mercury pollutants if, in the judgment of the Administrator of the Environmental Protection Agency the emissions from the source comply with the appropriate standard or if the owners or operators of the source have requested a waiver of compliance or have been granted a waiver of compliance.

This application should accompany the report information provided in Section I.

1. Reason - State the reasons for requesting a waiver of emission testing. If the reason stated is that the emissions from the source are within the prescribed limits, documentation of this condition must be attached.

_____

_____

_____ Date

_____ Signature of the owner or operator

APPENDIX B—TEST METHODS

16. Method 105 is added to Appendix B as follows:

. . . . . .

METHOD 105. METHOD FOR DETERMINATION OF MERCURY IN WASTEWATER TREATMENT PLANT SEWAGE SLUDGES

1. *Principle and applicability.* 1.1 Principle—A weighed portion of the sewage sludge sample is digested in aqua regia for 2 minutes at 95°C, followed by oxidation with potassium permanganate. Mercury in the digested sample is then measured by the conventional spectrophotometer cold vapor technique. An alternative digestion involving the use of an autoclave is described in paragraph 4.5.2 of this method.

1.2 Applicability—This method is applicable for the determination of total organic and inorganic mercury content in sewage sludges, soils, sediments, and bottom-type materials. The normal range of this method is 0.2 to 5 μg/g. The range may be extended above or below the normal range by increasing or decreasing sample size and through instrument and recorder control.

2. *Apparatus.* 2.1 Analysis—The conventional cold vapor technique(5) is used to analyze the sample.

2.1.1 Atomic Absorption Spectrophotometer[1]—Any atomic absorption unit having an open sample presentation area in which to mount the absorption cell is suitable. Instrument settings recommended by the particular manufacturer should be followed.

[1] Instruments designed specifically for the measurement of mercury using the cold vapor technique are commercially available and may be substituted for the atomic absorption spectrophotometer.

2.1.2 Mercury Hollow Cathode Lamp—Westinghouse WL-22847, argon filled, or equivalent.

2.1.3 Recorder—Any multirange, variable-speed recorder that is compatible with the UV detection system is suitable.

2.1.4 Absorption Cell—Standard spectrophotometer cells 10 cm long, having quartz end windows may be used. Suitable cells may be constructed from plexiglass tubing, 2.5 cm O.D. x 11.4 cm (ca. 1" O.D. x 4½"). The ends are ground perpendicular to the longitudinal axis, and quartz windows [2.5 cm diameter x 0.16 cm thickness (ca. 1" diameter x 1/16" thickness)] are cemented in place. Gas inlet and outlet ports [also of plexiglass but 0.6 cm O.D. (ca. ¼" O.D.)] are attached approximately 1.3 cm (½") from each end. The cell is strapped to a burner for support and aligned in the light beam to give the maximum transmittance. NOTE: Two 5.1 cm x 5.1 cm (ca. 2" x 2") cards with 2.5 cm (ca. 1") diameter holes may be placed over each end of the cell to assist in positioning the cell for maximum transmittance.

2.1.5 Air Pump—Any peristaltic pump capable of delivering 1 liter of air per minute may be used. A Masterflex pump with electronic speed control has been found to be satisfactory. (Regulated compressed air can be used in an open one-pass system.)

2.1.6 Flowmeter—Capable of measuring an air flow of 1 liter per minute.

2.1.7 Aeration Tubing—Tygon tubing is used for passage of the mercury vapor from the sample bottle to the absorption cell and return. Straight glass tubing terminating in a coarse porous frit is used for sparging air into the sample.

2.1.8 Drying Tube—15 cm long x 1.9 cm diameter (ca. 6" long x ¾" diameter) tube containing 20 grams of the desiccant magnesium perchlorate. The apparatus is assembled as shown in Figure 105-1. In place of the magnesium perchlorate drying tube, a small reading lamp with 60W bulb may be used to prevent condensation of moisture inside the cell. The lamp is positioned so as not to interfere with the measurement and to shine on the absorption cell maintaining the air temperature about 5°C above ambient.

3. *Reagents.* 3.1 Analysis.

3.1.1 Aqua Regia—Prepare immediately before use by carefully adding three volumes of concentrated HCl to one volume of concentrated HNO_3.

3.1.2 Sulfuric Acid, 0.5N—Dilute 14.0 ml of concentrated sulfuric acid to 1.0 liter.

3.1.3 Stannous Sulfate—Add 25 g stannous sulfate to 250 ml of 0.5N sulfuric acid. This mixture is a suspension and should be stirred continuously during use. Stannous chloride may be used in place of the stannous sulfate.

3.1.4 Sodium Chloride—Hydroxylamine Sulfate Solution—Dissolve 12 grams of sodium chloride and 12 grams of hydroxylamine sulfate in distilled water and dilute to 100 ml. Hydroxylamine hydrochloride may be used in place of the hydroxylamine sulfate.

3.1.5 Potassium Permanganate—5% solution, w/v. Dissolve 5 grams of potassium permanganate in 100 ml of distilled water.

3.1.6 Stock Mercury Solution—Dissolve 0.1354 grams of reagent grade mercuric chloride (Assay ≥95%) in 75 ml of distilled water. Add 10 ml of concentrated nitric acid and adjust the volume to 100.0 ml. 1 ml = 1 mg Hg.

3.1.7 Working Mercury Solution—Make successive dilutions of the stock mercury solution to obtain a working standard containing 0.1 μg per ml. This working standard and the dilutions of the stock mercury solution should be prepared fresh daily. Acidity of the working standard should be maintained at 0.15% nitric acid. This acid should be added to the flask as needed before the addition of the aliquot. Mercuric solutions should not be prepared in plastic containers.

4. *Procedures.* Samples for mercury analysis are subject to contamination from a variety of sources. Extreme care must be taken to prevent contamination. Certain interferences may occur during the analysis procedures. Extreme caution must be taken to avoid inhalation of mercury.

4.1 Sample Handling and Preservation.

4.1.1 Because of the extreme sensitivity of the analytical procedure and the omnipresence of mercury, care must be taken to avoid extraneous contamination. Sampling devices, sample containers, and reagents should be ascertained to be free of significant amounts of mercury; the sample should not be exposed to any condition in the laboratory that may result in contact or airborne mercury contamination. Sample containers to be used for collection and shipment of mercury samples should be properly cleaned before use. These should be rinsed with at least 20% v/v HNO_3 followed by distilled water.

4.1.2 While the sample may be analyzed without drying, it has been found to be more convenient to analyze a dry sample. Moisture may be driven off in a drying oven at a temperature of 60°C. No significant mercury losses have been observed by using this drying step. The dry sample should be pulverized and thoroughly mixed before the aliquot is weighed.

4.2 Interferences.

4.2.1 Interferences that may occur in sludge samples are sulfides, high copper, high chlorides, etc. A discussion of possible interferences and suggested preventative measures to be taken is given in Reference (6) (7).

4.2.2 Volatile materials which absorb at the 253.7 nm will cause a positive interfer-

ence. In order to remove any interfering volatile materials, the dead air space in the BOD bottle should be purged with nitrogen before the addition of stannous sulfate.

4.3 Handling Sample Mercury Vapors After Analysis.

4.3.1 Because of the toxic nature of mercury vapor, precaution must be taken to avoid its inhalation. Therefore, a bypass should be included in the analysis system to either vent the mercury vapor into an exhaust hood or pass the vapor through some absorbing media, such as:

(a) equal volumes of 0.1N $KMNO_4$ and 10% H_2SO_4;

(b) 0.25% iodine in a 3% KI solution.

A specially treated charcoal that will absorb mercury vapor is also available from Barnebey and Cheney, E. 8th Ave. and North Cassidy St., Columbus, Ohio 43219, Catalog No. 580–13 or No. 580–22.[2]

4.4 Calibration.

4.4.1 Transfer 0, 0.5, 1.0, 2.0, 5.0 and 10 ml aliquots of the working mercury solution containing 0 to 1.0 μg of mercury to a series of 300-ml BOD bottles. Add enough distilled water to each bottle to make a total volume of 10 ml. Add 5 ml of aqua regia and heat 2 minutes in a water bath at 95°C. Allow the sample to cool and add 50 ml distilled water and 15 ml of $KMnO_4$ solution to each bottle and return to the water bath for 30 minutes. Cool and add 6 ml of sodium chloride-hydroxylamine sulfate solution to reduce the excess permanganate. Add 50 ml of distilled water. Treating each bottle individually, add 5 ml of stannous sulfate solution and immediately attach the bottle to the aeration apparatus. At this point, the sample is allowed to stand quitely without manual agitation. The circulating pump, which has previously been adjusted to a rate of 1 liter per minute, is allowed to run continuously. The absorbance, as exhibited either on the spectrophotometer or the recorder, will increase and reach maximum within 30 seconds. As soon as the recorder pen levels off, approximately 1 minute, open the bypass valve and continue the aeration until the absorbance returns to its minimum value. Close the bypass valve, remove the fritted tubing from the BOD bottle and continue the aeration. Proceed with the standards and construct a standard curve by plotting peak height versus micrograms of mercury.

4.5 Analysis.

4.5.1 Weigh triplicate 0.2g ± 0.001 g portions of dry sample and place in bottom of a BOD bottle. Add 5 ml of distilled water and 5 ml of aqua regia. Heat 2 minutes in a water bath at 95°C. Cool and add 50 ml distilled water and 15 ml potassium permanganate solution to each sample bottle. Mix thoroughly and place in the water bath for 30 minutes at 95°C. Cool and add 6 ml of sodium chloride-hydroxylamine sulfate to reduce the excess permanganate. Add 55 ml of distilled water. Treating each bottle individually, add 5 ml of stannous sulfate and immediately attach the bottle to the aeration apparatus. With each sample, continue as described in paragraph 4.4.1 of this method.

4.5.2 An alternative digestion procedure using an autoclave may also be used. In this method 5 ml of concentrated H_2SO_4 and 2 ml of concentrated HNO_3 are added to the 0.2 grams of sample. 5 ml of saturated $KMnO_4$ solution are added and the bottle is covered with a piece of aluminum foil. The samples are autoclaved at 121°C and 2.1 kg/cm² (ca. 15 psig) for 15 minutes. Cool, make up to a volume of 100 ml with distilled water, and add 6 ml of sodium chloride-hydroxylamine sulfate solution to reduce the excess permanganate. Purge the dead air space and continue as described in paragraph 4.4.1 of this method.

5. *Calculation.* 5.1 Measure the peak height of the unknown from the chart and read the mercury value from the standard curve.

5.2 Calculate the mercury concentration in the sample by the formula:

$$\mu g\ Hg/gm = \frac{\mu g\ Hg \text{ in the aliquot}}{\text{wt. of the aliquot in g}}$$

5.3 Report mercury concentrations as follows: Below 0.1 μg/g; between 0.1 and 1 μg/g, to the nearest 0.01 μg/g; between 1 and 10 μg/g, to nearest 0.1 μg; above 10 μg/g, to nearest μg.

6. *Precision and accuracy.* 6.1 According to the provisional method in reference number 5, the following standard deviations on replicate sediment samples have been recorded at the indicated levels: 0.29 μg/g ± 0.02 and 0.82 μg/g ± 0.03. Recovery of mercury at these levels, added as methyl mercuric chloride, was 97 and 94%, respectively.

7. *References.*

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[2] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.