

PLAINTIFF'S EXHIBIT

CAP-419

Title 29
Code of Federal Regulations
Parts 1900 to 1919

Revised as of
July 1, 1979

§ 1910.1001 Asbestos.

(a) *Definitions.* For the purpose of this section, (1) "Asbestos" includes chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

(2) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.

(b) *Permissible exposure to airborne concentrations of asbestos fibers—*(1) *Standard effective July 7, 1972.* The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed five fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(2) *Standard effective July 1, 1976.* The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers,

longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(3) *Ceiling concentration.* No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(c) *Methods of compliance—(1) Engineering methods.* (i) *Engineering controls.* Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in paragraph (b) of this section.

(ii) *Local exhaust ventilation.* (a) Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(b) See § 1910.6 concerning the availability of ANSI Z9.2-1971, and the maintenance of a historic file in connection therewith. The address of the American National Standards Institute is given in § 1910.100.

(iii) *Particular tools.* All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with subdivision (ii) of this subparagraph.

(2) *Work practices—(i) Wet methods.* Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in paragraph (b) of this section, unless the usefulness of the product would be diminished thereby.

(ii) *Particular products and operations.* No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be re-

moved from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in paragraph (b) of this section.

(iii) *Spraying, demolition, or removal.* Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with paragraph (d)(2)(iii) of this section and with special clothing in accordance with paragraph (d)(3) of this section.

(d) *Personal protective equipment—(1)* Compliance with the exposure limits prescribed by paragraph (b) of this section may not be achieved by the use of respirators or shift rotation of employees, except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by paragraph (c) of this section;

(ii) In work situations in which the methods prescribed in paragraph (c) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by paragraph (b) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by paragraphs (d)(1) (i), (ii), or (iii) of this section, and both are practicable, personnel rotation shall be preferred and used.

(2) Where a respirator is permitted by paragraph (d)(1) of this section, it shall be selected from among those approved by the Bureau of Mines, Department of the Interior, or the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare, under the provisions of 30 CFR Part 11 (37 F.R. 6244, Mar. 25, 1972), and shall be used in accordance with subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(i) *Air purifying respirators.* A reusable or single use air purifying respirator, or a respirator described in paragraphs (d)(2) (ii) or (iii) of this section, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than 10 times those limits.

(ii) *Powered air purifying respirators.* A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in paragraph (d)(2)(iii) of this section, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed 10 times, but not 100 times, those limits.

(iii) *Type "C" supplied-air respirators, continuous flow or pressure-demand class.* A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed 100 times those limits.

(iv) *Establishment of a respirator program.* (a) The employer shall establish a respirator program in accordance with the requirements of the American National Standards Practices for Respiratory Protection, ANSI Z88.2-1969, which is incorporated by reference herein.

(b) See § 1910.6 concerning the availability of ANSI Z88.2-1969 and the maintenance of a historic file in connection therewith. The address of the American National Standards Institute is given in § 1910.100.

(c) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be

unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(3) *Special clothing:* The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in paragraph (b) of this section.

(4) *Change rooms:* (i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section, the employer shall provide change rooms for employees working regularly at the place.

(ii) *Clothes lockers:* The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) *Laundrying:* (a) Laundrying of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section.

(b) Any employer who gives asbestos-contaminated clothing to another person for laundrying shall inform such person of the requirement in paragraph (d)(4)(iii)(a) of this section to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section.

(c) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with paragraph (g) of this section.

(e) *Method of measurement.* All determinations of airborne concentrations of asbestos fibers shall be made

by the membrane filter method at 40C-450 × (magnification) (4 millimeter objective) with phase contrast illumination.

(f) *Monitoring*—(1) *Initial determinations*. Within 6 months of the publication of this section, every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in paragraph (b) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with paragraph (c) of this section.

(2) *Personal monitoring*—(i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) *Sampling frequency and patterns*. After the initial determinations required by paragraph (f)(1) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than 6 months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by paragraph (b) of this section.

(3) *Environmental monitoring*—(i) Samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) *Sampling frequency and patterns*. After the initial determinations required by paragraph (f)(1) of this section, samples shall be of such frequency

and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than 6 months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in paragraph (b) of this section.

(4) *Employee observation of monitoring*. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this paragraph and shall have access to the records thereof.

(g) *Caution signs and labels*. (1) *Caution signs*. (i) *Posting*. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in paragraph (b) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers.

(ii) *Sign specifications*. The warning signs required by paragraph (g)(1)(i) of this section shall conform to the requirements of 20" × 14" vertical format signs specified in § 1910.145(d)(4), and to this subdivision. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	Notation
Asbestos	1" Sans Serif, Gothic or Block.
Dust Hazard	¾" Sans Serif, Gothic or Block.
Avoid Breathing Dust	¼" Gothic.
Wear Assigned Protective Equipment	¼" Gothic.
Do Not Remain in Area Unless Your Work Requires It	¼" Gothic.
Breathing Asbestos Dust May Be Hazardous To Your Health	14 point Gothic.

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

(2) *Caution labels*—(i) *Labeling*. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing

asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section will be released.

(ii) *Label specifications.* The caution labels required by paragraph (g)(2)(i) of this section shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause Serious Bodily Harm

(h) *Housekeeping*—(1) *Cleaning.* All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers if, with their dispersion, there would be an excessive concentration.

(2) *Waste disposal.* Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(i) *Recordkeeping*—(1) *Exposure records.* Every employer shall maintain records of any personal or environmental monitoring required by this section. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of the National Institute for Occupational Safety and Health, and to authorized representatives of either.

(2) *Employee access.* Every employee and former employee shall have reasonable access to any record required

to be maintained by paragraph (i)(1) of this section, which indicates the employee's own exposure to asbestos fibers.

(3) *Employee notification.* Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in paragraph (b) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(j) *Medical examinations*—(1) *General.* The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this paragraph.

(2) *Preplacement.* The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 × 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(3) *Annual examinations.* On or before January 31, 1973, and at least annually thereafter, every employer shall provide, or make available, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 × 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(4) *Termination of employment.* The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall

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include, as a minimum, a chest roentgenogram (posterior-anterior 14 × 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(5) *Recent examinations.* No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this paragraph within the past 1-year period.

(6) *Medical records—(i) Maintenance.* Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) *Access.* The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of NIOSH, to authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this paragraph shall furnish to the employer of the examined employee all the information specifically required by this paragraph, and any other medical information related to occupational exposure to asbestos fibers.

[39 FR 23502, June 27, 1974. Redesignated at 40 FR 27073, May 28, 1975, and amended at 41 FR 11505, Mar. 19, 1976]

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§ 1910.19 Special provisions for air contaminants.

(a) *Asbestos dust.* Section 1910.1001 shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

Note: Following defines additional occupational areas affected by section 1910.19 above:

- 1910.12 - Construction Work (construction, alteration, and/or repair, including painting and decorating)
- 1910.13 - Ship repairing
- 1910.14 - Shipbuilding
- 1910.15 - Shipbreaking
- 1910.16 - Longshoring

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

The Occupational Safety and Health Administration (OSHA) was established by the Occupational Safety and Health Act of 1970 which became effective April 17, 1971. The Act has as its purpose, "to assure so far as possible every working man and woman in the nation safe and healthful working conditions..." Under the law, every worker involved in interstate commerce and who is not covered by any other federal Act superseding OSHA (e.g., the Federal Coal Mine Safety and Health Act and the Federal Metal and Nonmetallic Mine Safety Act) is protected. Such workers as agricultural and domestics, usually excluded under worker-oriented laws, are included. The law covers almost every working person: approximately 57 million people in some 4.1 million workplaces. No other piece of work legislation is as encompassing.

The Act spells out a basic set of workers' rights and provides for recordkeeping requirements, statistics gathering and dissemination, and establishment of advisory and study committees.

Two new agencies were created by the Act: OSHA within the Department of Labor charged with overall administration and enforcement and the National Institute for Occupational Safety and Health (NIOSH) within the Department of Health, Education and Welfare (HEW). NIOSH is responsible for research and manpower development. Its relationship to OSHA is mainly advisory. In addition, the Act created the semi-judicial Occupational Safety and Health Review Commission (OSHRC) which is independent of both the Labor Department and HEW. OSHRC renders decisions on appeals from aggrieved parties, for the most part employers who feel they have been unjustly cited for an OSHA violation.

OSHA is the chief safety and health regulatory agency within the federal government. Its primary functions are:

- Development and promulgation of safety and health standards;
- Enforcement of federal safety and health standards; and
- Implementation of a program whereby the states can assume responsibility for administering and enforcing their own safety and health programs.

A 12-member National Advisory Committee for Occupational Safety and Health (NACOSH), appointed by the Secretary of

Labor, "advises, consults and makes recommendations" to the Assistant Secretary of Labor (OSHA) on matters relating to the OSH Act.

To date, OSHA has promulgated only a few health standards as defined by the law. The standard for asbestos was the first health standard set by OSHA. In May of 1977, the Secretary of Labor announced "a common sense approach" to safety and health in workplaces with emphasis on occupational illness and disease. On October 4, 1977, the Department published in the Federal Register its proposed rule for "Identification, Classification and Regulation of Toxic Substances Posing a Potential Occupational Carcinogenic Risk." This concept of a generic cancer policy was designed by OSHA to permit the agency to expedite its considerations for regulation of hundreds of known or suspected carcinogens. Extensive hearings are expected on this proposal. As asbestos has been defined by OSHA as a carcinogen and is now regulated, what effect the proposed generic policy will have on further asbestos regulation is not known.

OSHA's enforcement program revolves around some 1,000 inspectors or compliance officers located in OSHA's 10 regional, and 78 area offices. For the most part, inspectors are safety professionals whose job is to conduct on-site inspections of the workplace. OSHA's enforcement priorities are to investigate:

- ☐ Deaths and catastrophies;
- ☐ Worker complaints;
- ☐ Hazardous industries; and
- ☐ Randomly selected work sites.

OSHA inspectors use four types of citations and two notices: (1) nonserious violation, (2) serious violation, (3) willful violation, (4) repeated violations, (5) de minimis notice, and (6) notice of alleged imminent danger. An employer may contest a citation or penalty. Such notice of intention to contest must be forwarded to the appropriate OSHA Area Director within 15 working days following receipt of citation or penalty. Decisions on contests of citations are made by the OSHRC. However, decisions may be appealed to a Circuit Court.

The Act makes provision for OSHA to grant a variance from the requirements of health standards. An employer may apply for a temporary variance (if he cannot comply with a standard by its effective date) or for a permanent variance (if his employees are being protected by safety measures at least as effective as those specified in the standard). OSHA's policy is to complete action on variance requests within 120 days following their receipt.

OSHA considers voluntary programs for employee safety and health training an indication of "good faith." However, specific training programs are required for employees in certain jobs. The standard for asbestos requires training for wearers of respiratory protection.

OSHA's state program effort was begun with a commitment to return to the states' primary responsibility for occupational safety and health matters, provided that the states could meet the requirements of the law. OSHA's basic requirement for approving state plans is that a state is competent to enforce a plan which must be "at least as effective as" the federal regulations. The law provides that approved state programs are eligible for federal operating funds of 50 percent of the program. As a related matter, OSHA administers an on-site consultation program with the states. The objective of this program is to provide free on-site consultation to employers, with priority given to small business employers, in order that employers may have a greater understanding of their obligations under the federal or state OSH Acts. On-site consultation activities are 90 percent funded at the federal level.

In addition to specific recordkeeping requirements that may be required by health standards, OSHA requires employers to maintain a log and summary of occupational injuries and illnesses (OSHA Form 200) and to post an annual summary of occupational injuries and illnesses. Copies of recordkeeping forms are available from OSHA regional offices (see page A-8).

OSHA REGIONAL OFFICES

Correspondence to OSHA regional offices should be addressed to the U.S. Department of Labor, Occupational Safety and Health Administration at the following addresses:

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont

J.F.K. Federal Building
Room 1804 Government Center
Boston, MA 02203
(617) 223-6712

Region II: New Jersey, New York, the Canal Zone, Puerto Rico and the U.S. Virgin Isl.

Room 3445
1 Astor Plaza
1515 Broadway
New York, NY 10036
(212) 399-5941

Region III: Delaware, D.C., Maryland, Pennsylvania, Va., and West Virginia.

Gateway Building
Suite 2100
3535 Market Street
Philadelphia, PA 19104
(215) 596-1201

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, N. Carolina, S. Carolina and Tennessee.

1375 Peachtree Street, NE
Suite 587
Atlanta, GA 20209
(404) 257-3573

Region V: Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

230 S. Dearborn St.
32nd Floor--Room 3263
Chicago, IL 60604
(312) 353-4716

Region VI: Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

555 Griffin Square
Room 602
Dallas, TX 75202
(214) 749-2477

Region VII: Iowa, Kansas, Missouri and Nebraska.

911 Walnut Street
Room 3000
Kansas City, MO 64106
(816) 374-5861

Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

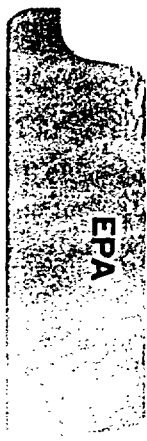
Federal Building
Room 15010
1961 Stout Street
Denver, CO 80202
(303) 837-3883

Region IX: Arizona, Cal., Hawaii, Nevada, Guam, Am. Samoa and Trust Territory of the Pacific Islands.

9470 Federal Building
450 Golden Gate Avenue
P.O. Box 36017
San Francisco, CA 94102
(415) 556-0586

Region X: Alaska, Idaho, Oregon, and Washington.

Federal Office Building
Room 6048
909 First Avenue
Seattle, WA 98174
(206) 442-5930



ASBESTOS REGULATIONS

Environmental Protection Agency

AIR

Section 112 of the Clean Air Act of 1970 gives authority to the Administrator, Environmental Protection Agency (EPA) to set emissions standards for hazardous air pollutants. On March 31, 1971, EPA published its first list of hazardous air pollutants (asbestos, beryllium, and mercury). On December 7, 1971, EPA proposed a standard for control of asbestos fiber emissions. Following rulemaking procedures, the standard was issued on April 6, 1973, as part of the National Emissions Standards for Hazardous Air Pollutants (NESHAPS). The standard:

- Prohibits any visible emissions of asbestos from milling, manufacturing, and demolition activities; and
- Provides for the use of specified air cleaning procedures which may be used in lieu of meeting the no visible emissions requirement.

Clarification of terminology in the standard was published on May 3, 1974. On October 14, 1975, EPA issued significant amendments to the standard particularly in the area of waste disposal. The definition of "structural member" as pertains to demolition and renovation was clarified in the Federal Register on March 2, 1977. The requirements of the provisions which apply to the spraying of asbestos-containing materials and to demolition and renovation operations were extended by Federal Register notice of June 19, 1978. These provisions now apply to the spraying of all materials which are friable and contain more than one percent asbestos by weight. However, materials in which the asbestos fibers are encapsulated with a bituminous or resinous binder and which are not friable after drying are exempt from the spraying provisions.

In addition, as of June 19, 1978, the provisions of the standard which applied to demolition and renovation operations were extended to cover all friable asbestos materials.

References: Federal Register, Vol. 38 Apr. 6, 1973
Vol. 39 May 3, 1974
Vol. 40 Oct. 14, 1975
Vol. 42 Mar. 2, 1977
Vol. 43 June 19, 1978

EPA regulations state:

- There must be no visible emissions to the outside air from asbestos mills or from buildings in which the following types of products are manufactured:
 - textile materials,
 - cement products,
 - fireproofing and insulating materials,
 - friction products,
 - paper, millboard, and felt
 - floor tile,
 - paints, coatings, caulks, adhesives, and sealants
 - plastics and rubber materials,
 - chlorine,
 - shotgun shells, and
 - asphalt concrete
- Visible emissions are emissions which contain asbestos and which are visually detectable without the aid of instruments. Asbestos is defined as actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite. Asbestos wastes are defined as wastes containing commercial asbestos.
- Specified air cleaning procedures may be used rather than meet the no visible emission requirement. These procedures require the use of fabric filters that meet EPA specifications, unless a fire or explosion hazard exists. In that case, wet collectors may be used. Other collection devices may be used if they are deemed equivalent by EPA. Bypass devices may be used only during emergency conditions and then only for as long as it takes to shut down the process generating the asbestos emission.
- Operators employing air cleaning procedures must report to EPA a description of the emission control equipment used in each process. The report must include, as appropriate, the pressure drop across a fabric filter, airflow permeability, fabric density and minimum thickness.
- Fabricators of cement building products, most friction products, and cement or silicate board must meet the "no visible emission" standard. There must be no visible emission to the outside air from any spray-on application of any material which is friable and contains more than one percent asbestos by weight. Twenty days before such operation may begin, notice of the work must be given to EPA. Materials in which the asbestos fibers are encapsulated with a bituminous or resinous binder and which are not friable after drying are exempt from the spraying provisions.

- It is the responsibility of the generator of asbestos wastes resulting from manufacturing, fabrication, demolition, renovation and spraying operations to ensure that the waste is disposed of in a properly operated disposal site. No visible emissions may result from any disposal operation. Alternatively, the wastes may be mixed with water and sealed in a labeled, leak-tight container and deposited at a disposal site or they may be formed into nonfriable forms and deposited at a disposal site. Wastes from asbestos mills are subject to the "no visible emission" standard. The standard can be satisfied by wetting the wastes during transfer and deposition at the disposal site.
- Active waste disposal sites that are acceptable for the deposit of asbestos wastes must not have visible emissions and must have warning signs and fences erected around the property. The standard may also be met by covering the wastes daily with nonasbestos cover material or by applying a resinous dust suppression agent. Warning signs and fences are not required if natural barriers deter public access to the site or if the site is covered daily with non-asbestos material.
- Present owners of inactive disposal sites that once received wastes from sources covered by these regulations must meet the "no visible emission" standard and must erect warning signs and fences around the site. The owner may cover the site with nonasbestos material or, in the case of inactive tailings piles, may apply resinous dust suppression agents. Where the covering material is applied or where natural barriers deter public access to the site, fences and warning signs are not required.
- Notification of intention to demolish a building containing friable asbestos must be made to EPA at least 10 days prior to the start of work. Notification must include dates of the work, location, type, and method of demolition. Reports on demolition operations involving less than 80 meters (of pipe insulation) or 15 square meters (of other asbestos insulation) need include only the location and dates of the demolition and must be submitted to EPA 20

days prior to commencement of work. Renovation work involving more than 80 meters or 15 square meters of asbestos must also be reported to EPA.

- Planned renovations that involve a series of individually nonscheduled operations must be reported to EPA if the total amount of asbestos estimated to be removed during the work is greater than 80 meters or 15 square meters. The estimate must be made for the maximum period (between 30 days and one year) for which the amount of asbestos to be removed can be predicted. When the total amount of asbestos involved is greater than the cutoff specified, all work may be reported on a single form.
- All demolition and renovation work involving more than 80 meters or 15 square meters of friable asbestos must employ emission control procedures which require the careful removal of items and waste containing asbestos and the wetting of asbestos wastes. If wetting would result in unavoidable damage, local exhaust and ventilation systems may be used provided the emissions from the system meet the "no visible emission" standard.
- Roadways may not be surfaced with asbestos except in the case of temporary roadways on asbestos ore deposits.

WATER

Under the authority of the Federal Water Pollution Control Act Amendments of 1972, EPA, on October 30, 1973, proposed regulations on wastewater effluents. Effluent limitation guidelines for the first seven subcategories (A through G) of the asbestos manufacturing point source category were promulgated on February 26, 1974. In addition to the guidelines, these regulations include standards of performance for all new point sources within the subcategories as well as pretreatment standards for new plants which discharge to municipal sewer systems. These guidelines and standards establish limits on the amount of total suspended solids (TSS), chemical oxygen demand (COD), and the level of pH in the wastewater that may be discharged to waterways. On January 9, 1975, regulations were promulgated setting forth the effluent limitation guidelines, new source performance standards, and

new source pretreatment requirements for subcategories H through K. Also, on February 11, 1975, pretreatment standards for existing sources in subcategories A through G were promulgated. (Pretreatment standards for existing sources in subcategories H through K will be forwarded for inclusion in this handbook when promulgated.) Minor editorial corrections to the January 9, 1975, document were published on April 25, 1975.

The Federal Water Pollution Control Act Amendments of 1972 require that all industrial sources treat effluent by applying the best practicable control technology currently available (BPT) by July 1, 1977. The Act as amended also requires the same sources to use the best available control technology economically achievable (BAT) by July 1, 1984. The effluent limitation guidelines establish the degree of effluent quality that is necessary to meet the BPT and BAT requirements. Effluent quality is expressed in terms of total suspended solids and pH for all subcategories. Two subcategories also have a chemical oxygen demand standard.

References: Federal Register, Vol. 39, Feb. 26, 1974
 Vol. 40, Jan. 9, 1975
 Vol. 40, Feb. 11, 1975
 Vol. 40, Apr. 25, 1975
 Vol. 44, Aug. 29, 1979

According to the regulations, the effluent limitations, standards of performance for new sources, and pretreatment standards are as follows:

Subcategory A--Asbestos-Cement Pipe X

	<u>one day maximum</u>	<u>30 day average</u>
<i>BEST PRACTICABLE TECHNOLOGY</i>	<i>TOTAL SUSPENDED SOLIDS</i>	
BPT requirements	TSS 1.14*	0.38*
<i>BEST AVAILABLE TECHNOLOGY</i>	pH within the range of 6.0 to 9.0	
BAT requirement	No discharge of process wastewater to navigable waters	
New source performance standard	Same as BPT requirements	
Pretreatment standards (new sources)	No discharge of incompatible pollutants	
(existing sources)	Same as new sources, no limit on discharge of TSS or pH	

*lb/ton of product

Subcategory B--Asbestos-Cement Sheet

	<u>one day maximum</u>	<u>30 day average</u>
BPT requirements	TSS 1.35*	0.45*
	pH within the range of 6.0 to 9.0	
BAT requirement	No discharge of process wastewater to navigable waters	
New source performance standard	Same as BAT requirement	
Pretreatment Standards (new sources)	No discharge of incompatible pollutants	
(existing sources)	Same as new sources, no limit on discharge of TSS or pH	

Subcategory C--Asbestos Paper (Starch Binder)

	<u>one day maximum</u>	<u>30 day average</u>
BPT requirements	TSS 1.10*	0.70*
	pH within the range of 6.0 to 9.0	
BAT requirement	No discharge of process wastewater to navigable waters	
New source performance standard	Same as BAT requirement	
Pretreatment standards (new sources)	No discharge of incompatible pollutants	
(existing sources)	Same as new sources, no limit on discharge of TSS or pH	

Subcategory D--Asbestos Paper (Elastomeric Binder)

	<u>one day maximum</u>	<u>30 day average</u>
BPT requirements	TSS 1.10*	0.70*
	pH within the range of 6.0 to 9.0	
BAT requirement	No discharge of process wastewater to navigable waters	
New source performance standard	Same as BPT requirements	
Pretreatment standards (new sources)	No discharge of incompatible pollutants	
(existing sources)	Same as new sources, no limit on discharge of TSS or pH	

*lb/ton of product

Subcategory E--Asbestos Millboard

BPT requirement	No discharge of process wastewater to navigable waters
BAT requirement	Same as BPT requirement
New source performance standard	Same as BPT requirement
Pretreatment standards (new sources)	No discharge of incompatible pollutants
(existing sources)	Same as new sources, no limit on discharge of TSS or pH

Subcategory F--Asbestos Roofing

	<u>one day maximum</u>	<u>30 day average</u>
BPT requirements	<i>CHEMICAL OXYGEN DEMAND</i> COD 0.029* TSS 0.020* pH within the range of 6.0 to 9.0	0.016* 0.012*
BAT requirement	No discharge of process wastewater to navigable waters	
New source performance standard	Same as BAT requirement	
Pretreatment standards (new sources)	No discharge of incompatible pollutants	
(existing sources)	Same as new sources, no limit on discharge of TSS, COD or pH	

Subcategory H--Coating or Finishing of Asbestos Textiles

BPT requirement	No discharge of process wastewater to navigable waters
BAT requirement	Same as BPT requirement
New source performance standard	Same as BPT requirement
Pretreatment standard (new sources)	No discharge of incompatible pollutants, no limit on discharge of TSS, COD or pH

Subcategory I--Solvent Recovery

	<u>one day maximum</u>	<u>30 day average</u>
BPT requirements	COD 0.30** TSS 0.18** pH within the range of 6.0 to 9.0	0.15** 0.09**
BAT requirement	Same as BPT requirement for COD	
BCT requirement	Same as BPT requirement for TSS and pH	

*lb/ton of product

**lbs/1,000 lbs of finished asbestos product

Subcategory I--Solvent Recovery (cont'd)

	<u>one day maximum</u>	<u>30 day average</u>
New source performance. Same as BPT Requirement standard		
Pretreatment standard (new sources)	No discharge of incompatible pollutants no limitation on discharge of TSS, COD or pH	

Subcategory J--Vapor Absorption

BPT requirement	No discharge of wastewater pollutants to navigable waters	
BAT requirement	Same as BPT requirement	
New source performance standard	Same as BPT requirement	
Pretreatment standard (new sources)	No discharge of incompatible pollutants, no limitation on discharge of TSS, COD or pH	

Subcategory K--Wet Dust Collection

	<u>one day maximum</u>	<u>30 day average</u>
BPT requirement	TSS 5.0 (lb/million std cu ft of air scrubbed)	2.50 (lb/million std cu ft of air scrubbed)
BAT requirement	pH within the range of 6.0 to 9.0 No discharge of wastewater pollutants to navigable waters	
New source performance standard	Same as BAT requirement	
Pretreatment standard (new sources)	No discharge of incompatible pollutants, no limitation on discharge of TSS, COD or pH	

EPA
Emission Regulation

CAPCO JEN 0000326

Part 61

Title 40
Code of Federal Regulations
Parts 60 to 80

Revised as of
July 1, 1979

**PART 61—NATIONAL EMISSION
STANDARDS FOR HAZARDOUS AIR
POLLUTANTS**

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Method 106—Determination of vinyl chloride from stationary sources.

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chloride resin, slurry, wet cake, and latex samples.

AUTHORITY: Sec. 112, 301(a), Clean Air Act as amended (42 U.S.C. 7412, 7601(a)), unless otherwise noted.

SOURCE: 38 FR 8826, Apr. 6, 1973, unless otherwise noted.

Subpart A—General Provisions

§ 61.01 Applicability.

The provisions of this part apply to the owner or operator of any stationary source for which a standard is prescribed under this part.

§ 61.02 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857 et seq.).

(b) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference method or an equivalent method but which has been demonstrated to the Administrator's satisfaction to produce, in specific cases, results adequate for his determination of compliance.

(d) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(e) "Compliance schedule" means the date or dates by which a source or category of sources is required to comply with the standards of this part and with any steps toward such compliance which are set forth in a waiver of compliance under § 61.11.

(f) "Construction" means fabrication, erection, or installation of a stationary source.

(g) "Effective date" is the date of promulgation in the FEDERAL REGISTER of an applicable standard or other regulation under this part.

(h) "Equivalent method" means any method of sampling and analyzing for

an air pollutant which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

(i) "Existing source" means any stationary source which is not a new source.

(j) "Modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any hazardous air pollutant emitted by such source or which results in the emission of any hazardous air pollutant not previously emitted, except that:

(1) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(2) The following shall not be considered a change in the method of operation:

(i) An increase in the production rate, if such increase does not exceed the operating design capacity of the stationary source;

(ii) An increase in hours of operation.

(k) "New source" means any stationary source, the construction or modification of which is commenced after the publication in the FEDERAL REGISTER of proposed national emission standards for hazardous air pollutants which will be applicable to such source.

(l) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

(m) "Reference method" means any method of sampling and analyzing for an air pollutant, as described in Appendix B to this part.

(n) "Startup" means the setting in operation of a stationary source for any purpose.

(o) "Standard" means a national emission standard for a hazardous air pollutant proposed or promulgated under this part.

(p) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant which has been designated as hazardous by the Administrator.

[38 FR 8826, Apr. 6, 1973, as amended at 39 FR 15398, May 3, 1974]

§ 61.03

§ 61.03 Units and abbreviations.

Used in this part are abbreviations and symbols of units of measure. These are defined as follows:

(a) System International (SI) units of measure:

A=ampere
g=gram
Hz=hertz
J=joule
K=degree Kelvin
kg=kilogram
m=meter
m³=cubic meter
mg=milligram=10⁻³ gram
mm=millimeter=10⁻³ meter
Mg=megagram=10⁻⁶ gram
mol=mole
N=newton
ng=nanogram=10⁻⁹ gram
nm=nanometer=10⁻⁹ meter
Pa=pascal
s=second
V=volt
W=watt
Ω=ohm
μg=microgram=10⁻⁶ gram

(b) Other units of measure:

°C=degree Celsius (centigrade)
cfm=cubic feet per minute
cc=cubic centimeter
d=day
°F=degree Fahrenheit
ft²=square feet
ft³=cubic feet
gal=gallon
in=inch
in Hg=inches of mercury
in H₂O=inches of water
l=liter
lb=pound
lpm=liter per minute
min=minute
ml=milliliter=10⁻³ liter
oz=ounces
psig=pounds per square inch gage
°R=degree Rankine
μl=microliter=10⁻⁶ liter
v/v=volume per volume
yd²=square yards
yr=year

(c) Chemical nomenclature:

Be=beryllium
Hg=mercury
H₂O=water

(d) Miscellaneous:

act=actual
avg=average
I.D.=inside diameter
M=molar
N=normal
O.D.=outside diameter

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%=percent
std=standard

(Secs. 112 and 1(a), Clean Air Act, as amended (42 U.S.C. 1857c-7, 1857g(a)))

[42 FR 51574, Sept. 29, 1977]

§ 61.04 Address.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Foley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, Atlanta, Georgia 30309.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), 230 South Dearborn Street, Chicago, Illinois 60604.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 63108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 196 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80203.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

(b) Section 112(d) directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce the national emission standards for hazardous air pollutants for stationary sources located in such State. All information required to be submitted to EPA under paragraph (a) of this section, must

also be submitted to the appropriate State Agency of any State to which this authority has been delegated (provided, that each specific delegation may exempt sources from a certain federal or State reporting requirement). The appropriate mailing address for those States whose delegation request has been approved is as follows:

(A) [Reserved]

(B) State of Alabama, Air Pollution Control Division, Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36104.

(C) [Reserved]

(D) Arizona.

Maricopa County Department of Health Services, Bureau of Air Pollution Control, 1825 East Roosevelt Street, Phoenix, Ariz. 85006.

Pima County Health Department, Air Quality Control District, 151 West Congress, Tucson, Ariz. 85701.

(E) [Reserved]

(F) California.

Bay Area Air Pollution Control District, 939 Ellis Street, San Francisco, Calif. 94109.

Del Norte County Air Pollution Control District, Courthouse, Crescent City, Calif. 95531.

Fresno County Air Pollution Control District, 515 South Cedar Avenue, Fresno, Calif. 93702.

Humboldt County Air Pollution Control District, 5600 South Broadway, Eureka, Calif. 95501.

Kern County Air Pollution Control District, 1700 Flower Street (P.O. Box 997), Bakersfield, Calif. 93302.

Madera County Air Pollution Control District, 135 West Yosemite Avenue, Madera, Calif. 93637.

Mendocino County Air Pollution Control District, County Courthouse, Ukiah, Calif. 94582.

Monterey Bay Unified Air Pollution Control District, 420 Church Street (P.O. Box 487), Salinas, Calif. 93901.

Northern Sonoma County Air Pollution Control District, 3313 Chanate Road, Santa Rosa, Calif. 95404.

Sacramento County Air Pollution Control District, 3701 Branch Center Road, Sacramento, Calif. 95827.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, Calif. 92123.

San Joaquin County Air Pollution Control District, 1601 East Hazelton Street (P.O. Box 2009), Stockton, Calif. 95201.

Santa Barbara County Air Pollution Control District, 4440 Calle Real, Santa Barbara, Calif. 93110.

Shasta County Air Pollution Control District, 1855 Placer Street, Redding, Calif. 96001.

South Coast Air Quality Management District, 9420 Telstar Avenue, El Monte, Calif. 91731.

Stanislaus County Air Pollution Control District, 820 Scenic Drive, Modesto, Calif. 95350.

Trinity County Air Pollution Control District, Box AJ, Weaverville, Calif. 96093.

Ventura County Air Pollution Control District, 625 East Santa Clara Street, Ventura, Calif. 93001.

(G) State of Colorado, Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220.

(H) State of Connecticut, Department of Environmental Protection, State Office Building, Hartford, Connecticut 06115.

(I) State of Delaware (for asbestos, beryllium and mercury only): Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901.

(J)-(K) [Reserved]

(L) State of Georgia, Environmental Protection Division, Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia 30334.

(M)-(O) [Reserved]

(P) State of Indiana, Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206.

(Q)-(R) [Reserved]

(S) Division of Air Pollution Control, Department for Natural Resources and Environmental Protection, U.S. 127, Frankfort, Ky. 40601.

(T) [Reserved]

(U) State of Maine, Department of Environmental Protection, State House, Augusta, Maine 04330.

(V) [Reserved]

(W) Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, 600 Washington Street, Boston, Massachusetts 02111.

(X) State of Michigan, Air Pollution Control Division, Michigan Department of Natural Resources, Stevens T. Mason Building, 8th Floor, Lansing, Michigan 48926.

(Y) Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B-2, Roseville, Minn. 55113.

(Z) [Reserved]

(AA) [Reserved]

(BB) State of Montana, Department of Health and Environmental Sciences, Cogswell Building, Helena, Mont. 59601.

(CC) [Reserved]

(DD) Nevada.

Clark County, County District Health Department, Air Pollution Control Division, 625 Shadow Lane, Las Vegas, Nev. 89106.

Washoe County District Health Department, Division of Environmental Protection, 10 Kirman Avenue, Reno, Nev. 89502.

(EE) New Hampshire Air Pollution Control Agency, Department of Health and Welfare, State Laboratory Building, Hazen Drive, Concord, New Hampshire 03301.

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(FF) State of New Jersey: New Jersey Department of Environmental Protection, John Fitch Plaza, P.O. Box 2807, Trenton, New Jersey 08625.

(GG) [Reserved]

(HH) New York: New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233, attention: Division of Air Resources.

(II) North Carolina Environmental Management Commission, Department of Natural and Economic Resources, Division of Environmental Management, P.O. Box 27687, Raleigh, North Carolina 27611. Attention: Air Quality Section.

(JJ) State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501.

(KK)-(LL) [Reserved]

(MM) State of Oregon, Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97205.

(NN)(a) Commonwealth of Pennsylvania (except for City of Philadelphia and Allegheny County) Pennsylvania Department of Environmental Resources, Bureau of Air Quality and Noise Control, Post Office Box 2063, Harrisburg, Pennsylvania 17120.

(b) City of Philadelphia. Philadelphia Department of Public Health Air Management Services, 801 Arch Street, Philadelphia, Pennsylvania 19107.

(OO) State of Rhode Island, Department of Environmental Management, 83 Park Street, Providence, R.I. 02908.

(PP) State of South Carolina, Office of Environmental Quality Control, Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

(QQ)-(RR) [Reserved]

(SS) State of Texas, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

(TT) [Reserved]

(UU) State of Vermont, Agency of Environmental Protection, Box 489, Montpelier, Vermont 05602.

(VV) Commonwealth of Virginia, Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219.

(WW)(i) Washington; State of Washington, Department of Ecology, Olympia, Washington 98504.

(ii) Northwest Air Pollution Authority, 207 Pioneer Building, Second and Pine Streets, Mount Vernon, Washington 98273.

(iii) Puget Sound Air Pollution Control Agency, 410 West Harrison Street, Seattle, Washington 98119.

(iv) Spokane County Air Pollution Control Authority, North 811 Jefferson, Spokane, Washington 99201.

(v) Yakima County Clean Air Authority, County Courthouse, Yakima, Washington 98901.

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(vi) Olympic Air Pollution Control Authority, 120 East State Avenue, Olympia, Washington 98501.

(vii) Southwest Air Pollution Control Authority, Suite 7601 H, NE Hazel Dell Avenue, Vancouver, Washington 98665.

(XX) [Reserved]

(YY) Wisconsin—Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707.

(ZZ) [Reserved]

(AAA) [Reserved]

(BBB) Commonwealth of Puerto Rico: Commonwealth of Puerto Rico Environmental Quality Board, P.O. Box 11785, San Juan, P.R. 00910.

(CCC) U.S. Virgin Islands: U.S. Virgin Islands Department of Conservation and Cultural Affairs, P.O. Box 578, Charlotte Amalie, St. Thomas, U.S. Virgin Islands 00801.

(Secs. 101, 110, 111, 114, 160-169, 301 of the Clean Air Act, as amended, (42 U.S.C. 7401, 7410, 7411, 7414, 7470-7479, 7491, 7601))

NOTE: For amendments to § 61.04 see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

§ 61.05 Prohibited activities.

(a) After the effective date of any standard prescribed under this part, no owner or operator shall construct or modify any stationary source subject to such standard without first obtaining written approval of the Administrator in accordance with this subpart, except under an exemption granted by the President under section 112(c)(2) of the act. Sources, the construction or modification of which commenced after the publication date of the standards proposed to be applicable to such source, are subject to this prohibition.

(b) After the effective date of any standard prescribed under this part, no owner or operator shall operate any new source in violation of such standard except under an exemption granted by the President under section 112(c)(2) of the act.

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

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

§ 61.06 Determination of construction or modification.

Upon written application by an owner or operator, the Administrator will make a determination of whether actions taken or intended to be taken by such owner or operator constitute construction or modification or the commencement thereof within the meaning of this part. The Administrator will within 30 days of receipt of sufficient information to evaluate an application, notify the owner or operator of his determination.

§ 61.07 Application for approval of construction or modification.

(a) The owner or operator of any new source to which a standard prescribed under this part is applicable shall, prior to the date on which construction or modification is planned to commence, or within 30 days after the effective date in the case of a new source that already has commenced construction or modification and has not begun operation, submit to the Administrator an application for approval of such construction or modification. A separate application shall be submitted for each stationary source.

(b) Each application shall include:

- (1) The name and address of the applicant.
- (2) The location or proposed location of the source.
- (3) Technical information describing the proposed nature, size, design, operating design capacity, and method of operation of the source, including a description of any equipment to be used for control of emissions. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of such calculations.

§ 61.08 Approval by Administrator.

(a) The Administrator will, within 60 days of receipt of sufficient information to evaluate an application under § 61.07, notify the owner or operator of approval or intention to deny approval of construction or modification.

(b) If the Administrator determines that a stationary source for which an application pursuant to § 61.07 was submitted will, if properly operated, not cause emissions in violation of a standard, he will approve the construction or modification of such source.

(c) Prior to denying any application for approval of construction or modification pursuant to this section, the Administrator will notify the owner or operator making such application of the Administrator's intention to issue such denial, together with:

(1) Notice of the information and findings on which such intended denial is based, and

(2) Notice of opportunity for such owner or operator to present, within such time limit as the Administrator shall specify, additional information or arguments to the Administrator prior to final action on such application.

(d) A final determination to deny any application for approval will be in writing and will set forth the specific grounds on which such denial is based. Such final determination will be made within 60 days of presentation of additional information or arguments, or 60 days after the final date specified for presentation, if no presentation is made.

(e) Neither the submission of an application for approval nor the Administrator's granting of approval to construct or modify shall:

- (1) Relieve an owner or operator of legal responsibility for compliance with any applicable provision of this part or of any other applicable Federal, State, or local requirement, or
- (2) Prevent the Administrator from implementing or enforcing this part or taking any other action under the act.

§ 61.09 Notification of startup.

(a) Any owner or operator of a source which has an initial startup after the effective date of a standard prescribed under this part shall furnish the Administrator written notification as follows:

- (1) A notification of the anticipated date of initial startup of the source not more than 60 days nor less than 30 days prior to such date.

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(2) A notification of the actual date of initial startup of the source within 15 days after such date.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

[38 FR 8826, Apr. 6, 1973, as amended at 43 FR 8800, Mar. 3, 1978]

§ 61.10 Source reporting and waiver request.

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

(1) Name and address of the owner or operator.

(2) The location of the source.

(3) The type of hazardous pollutants emitted by the stationary source.

(4) A brief description of the nature, size, design, and method of operation of the stationary source including the operating design capacity of such source. Identify each point of emission for each hazardous pollutant.

(5) The average weight per month of the hazardous materials being processed by the source, over the last 12 months preceding the date of the report.

(6) A description of the existing control equipment for each emission point.

(i) Primary control device(s) for each hazardous pollutant.

(ii) Secondary control device(s) for each hazardous pollutant.

(iii) Estimated control efficiency (percent) for each control device.

(7) A statement by the owner or operator of the source as to whether he can comply with the standards prescribed in this part within 90 days of the effective date.

(b) The owner or operator of an existing source unable to operate in compliance with any standard prescribed under this part may request a waiver of compliance with such standard for a period not exceeding 2 years from the effective date. Any request shall be in writing and shall include the following information:

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(1) A description of the controls to be installed to comply with the standard.

(2) A compliance schedule, including the date each step toward compliance will be reached. Such list shall include as a minimum the following dates:

(i) 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 component parts to accomplish emission control or process modification;

(ii) Date of initiation of onsite construction or installation of emission control equipment or process change;

(iii) Date by which onsite construction or installation of emission control equipment or process modification is to be completed; and

(iv) Date by which final compliance is to be achieved.

(3) A description of interim emission control steps which will be taken during the waiver period.

(c) Changes in the information provided under paragraph (a) of this section shall be provided to the Administrator within 30 days after such change, except that if changes will result from modification of the source, as defined in § 61.02(j), the provisions of § 61.07 and § 61.08 are applicable.

(d) The format for reporting under this section is included as Appendix A of this part. Advice on reporting the status of compliance may be obtained from the Administrator.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

[38 FR 8826, Apr. 6, 1973, as amended at 43 FR 8800, Mar. 3, 1978]

§ 61.11 Waiver of compliance.

(a) Based on the information provided in any request under § 61.10, or other information, the Administrator may grant a waiver of compliance with a standard for a period not exceeding 2 years from the effective date of such standard.

(b) Such waiver will be in writing and will:

(1) Identify the stationary source covered.

(2) Specify the termination date of the waiver. The waiver may be terminated at an earlier date if the condi-

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§ 61.12 Emission tests and monitoring.

(a) Emission tests and monitoring shall be conducted and reported as set forth in this part and Appendix B to this part.

(b) The owner or operator of a new source subject to this part, and at the request of the Administrator, the owner or operator of an existing source subject to this part, shall provide or cause to be provided, emission testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such source.

(2) Safe sampling platform(s).

(3) Safe access to sampling platform(s).

(4) Utilities for sampling and testing equipment.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

§ 61.13 Waiver of emission tests.

(a) Emission tests may be waived upon written application to the Administrator if, in his judgment, the source is meeting the standard, or if the source is operating under a waiver of compliance or has requested a waiver of compliance.

(b) If application for waiver of the emission test is made, such application shall accompany the information required by § 61.10. The appropriate form is contained in Appendix A to this part.

(c) Approval of any waiver granted pursuant to this section shall not abrogate the Administrator's authority under the act or in any way prohibit the Administrator from later canceling such waiver. Such cancellation will be made only after notice is given to the owner or operator of the source.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

§ 61.14 Source test and analytical methods.

(a) Methods 101, 102, and 104 in Appendix B to this part shall be used for all source tests required under this part, unless an equivalent method or an alternative method has been approved by the Administrator.

(b) Method 103 in Appendix B to this part is hereby approved by the

tions specified under paragraph (b)(3) of this section are not met.

(3) Specify dates by which steps toward compliance are to be taken; and impose such additional conditions as the Administrator determines to be necessary to assure installation of the necessary controls within the waiver period, and to assure protection of the health of persons during the waiver period.

(c) Prior to denying any request for a waiver pursuant to this section, the Administrator will notify the owner or operator making such request of the Administrator's intention to issue such denial, together with:

(1) Notice of the information and findings on which such intended denial is based, and

(2) Notice of opportunity for such owner or operator to present, within such time limit as the Administrator specifies, additional information or arguments to the Administrator prior to final action on such request.

(d) A final determination to deny any request for a waiver will be in writing and will set forth the specific grounds on which such denial is based. Such final determination will be made within 60 days after presentation of additional information or arguments, or 60 days after the final date specified for such presentation, if no presentation is made.

(e) The granting of a waiver under this section shall not abrogate the Administrator's authority under section 114 of the act.

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Administrator as an alternative method for sources subject to § 61.32(a) and § 61.42(b).

(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).

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

[38 FR 8826, Apr. 6, 1973, as amended at 40 FR 48299, Oct. 14, 1975]

§ 61.15 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by Part 2 of this chapter.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

[41 FR 36918, Sept. 1, 1976]

§ 61.16 State authority.

(a) The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from:

(1) Adopting and enforcing any emission limiting regulation applicable to a stationary source, provided that such emission limiting regulation is not less stringent than the standards prescribed under this part.

(2) Requiring the owner or operator of a stationary source, other than a stationary source owned or operated by the United States, to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such source.

(Sec. 116, Clean Air Act as amended (42 U.S.C. 7416))

§ 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.

[40 FR 48299, Oct. 14, 1975]

Title 40
Code of Federal Regulations
Parts 60 to 80

Revised as of
July 1, 1979

Subpart B—National Emission
Standard for Asbestos

§ 61.20 Applicability.

The provisions of this subpart are applicable to those sources specified in § 61.22.

§ 61.21 Definitions.

Terms used in this subpart are defined in the act, in Subpart A of this part, or in this section as follows:

(a) "Asbestos" means actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite.

(b) "Asbestos material" means asbestos or any material containing asbestos.

(c) "Particulate asbestos material" means finely divided particles of asbestos material.

(d) "Asbestos tailings" means any solid waste product of asbestos mining or milling operations which contains asbestos.

(e) "Outside air" means the air outside buildings and structures.

(f) "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate asbestos material.

(g) "Asbestos mill" means any facility engaged in the conversion of any intermediate step in the conversion of asbestos or into commercial asbestos. Outside storage of asbestos materials is not considered a part of such facility.

(h) "Commercial asbestos" means any variety of asbestos which is produced by extracting asbestos from asbestos ore.

(i) "Manufacturing" means the combining of commercial asbestos, or in the case of woven friction products the combining of textiles containing commercial asbestos, with any other material(s), including commercial asbestos, and the processing of this combination into a product as specified in § 61.22(c).

(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 on 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 on 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 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.

(x) "Structural member" means any load-supporting member, such as beams and load-supporting walls; or any non-load-supporting member, such as ceilings and non-load-supporting walls.

[38 FR 8826, Apr. 6, 1973, as amended at 39 FR 15398, May 3, 1974; 40 FR 48299, Oct. 14, 1975; 42 FR 12127, Mar. 2, 1977; 43 FR 26373, June 19, 1978]

§ 61.22 Emission standard.

(a) Asbestos mills: There shall be no visible emissions to the outside air from any asbestos mill except as provided in paragraph (f) of this section.

(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.

(1) The manufacture of cloth, cord, wicks, tubing, tape, twine, rope,

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thread, yarn, roving, lap, or other textile materials.

(2) The manufacture of cement products.

(3) The manufacture of fireproofing and insulating materials.

(4) The manufacture of friction products.

(5) The manufacture of paper, millboard, and felt.

(6) The manufacture of floor tile.

(7) The manufacture of paints, coatings, caulks, adhesives, sealants.

(8) The manufacture of plastics and rubber materials.

(9) The manufacture of chlorine.

(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 covered or coated 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 covered or coated with friable asbestos material are stripped or removed, or more than 15 square meters (ca. 160 square feet) of friable asbestos material used to cover or coat 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*, (A) 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 (B) the notification requirements of paragraph (d)(1)(ii) are met.

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(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 materials 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 demolition, 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 materials present.

(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 on 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 on 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 on 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 covered or coated 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 disjoints are adequately wetted during the cutting or disjoints 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 on 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

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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.

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

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

(2) Any owner or operator who intends to spray asbestos materials 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:

(i) Name of owner or operator.

(ii) Address of owner or operator.

(iii) Location of spraying operation.

(iv) Procedures to be followed to meet the requirements of this paragraph.

(3) The spray-on application of materials in which the asbestos fibers are encapsulated with a bituminous or resinous binder during spraying and which are not friable after drying is exempted from the requirements of paragraphs (e) and (e)(2) of this section.

(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 as-

bestos 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 para-

graph (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 $\pm 1^{\circ}\text{C}$ ($\pm 2^{\circ}\text{F}$) 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 2 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

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.

(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 (l)(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)(i) 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.

[38 FR 8826, Apr. 6, 1973, as amended at 39 FR 15398, May 3, 1974; 40 FR 48299, Oct. 14, 1975; 43 FR 26374, June 19, 1978]

§ 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.

(a) Fabric filter collection devices must be used, except as noted in paragraphs (b) and (c) of this section. Such devices must be operated at a pressure drop of no more than 4 inches water gage, as measured across the filter fabric. The airflow permeability, as determined by ASTM method D737-69, must not exceed 30 ft³/min/ft² for woven fabrics or 35 ft³/min/ft² for felted fabrics, except that 40 ft³/min/ft² for woven and 45 ft³/min/ft² for felted fabrics is allowed for filtering

air from asbestos ore dryers. Each square yard of felted fabric must weigh at least 14 ounces and be at least one-sixteenth inch thick throughout. Synthetic fabrics must not contain fill yarn other than that which is spun.

(b) If the use of fabric filters creates a fire or explosion hazard, the administrator may authorize the use of wet collectors designed to operate with a unit contacting energy of at least 40 inches water gage pressure.

(c) The administrator may authorize the use of filtering equipment other than that described in paragraphs (a) and (b) of this section if the owner or operator demonstrates to the satisfaction of the administrator that the filtering of particulate asbestos material is equivalent to that of the described equipment.

(d) All air-cleaning equipment authorized by this section must be properly installed, used, operated, and maintained. Bypass devices may be used only during upset or emergency conditions and then only for so long as it takes to shut down the operation generating the particulate asbestos material.

[38 FR 8826, Apr. 6, 1973, as amended at 40 FR 48302, Oct. 14, 1975]

§ 61.24 Reporting.

The owner or operator of any existing source to which this subpart is applicable shall, within 90 days after the effective date, provide the following information to the administrator:

(a) A description of the emission control equipment used for each process;

(b) If a fabric filter device is used to control emissions, the pressure drop across the fabric filter in inches water gage.

(1) If the fabric filter device utilizes a woven fabric, the airflow permeability in ft³/min/ft² and, if the fabric is synthetic, indicate whether the fill yarn is spun or not spun.

(2) If the fabric filter device utilizes a felted fabric, the density in oz/yd², the minimum thickness in inches, and the airflow permeability in ft³/min/ft².

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

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(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.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

(38 FR 8826, Apr. 6, 1973, as amended at 40 FR 48302, Oct. 14, 1975; 43 FR 8800, Mar. 3, 1978)

§ 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

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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.

[40 FR 48302, Oct. 14, 1975]

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 INFORMATION1. Identification/Location - Indicate the name and address of each source.

1	2	3	4	5	8	9	13	0	0	0	0	0	0	1
Region		State		County		Source Number		14	16	17	18	19		
20	22	23	26	27		Source Name		46						
AQCR #		City Code												
				47		Street Address (Location of Plant)		66		80				
Dup 1-18		19		20		City Name		34		State	35	39		
				40		State Regis. Number		54		55	58			
										NEDS X Ref.				
				59	SIC	62	FF	8	77	79				
							64	A/P		Staff		80		
							65							
Dup 1-18		5		CS	STP	EC		80						
		19		30	31	49								

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 ^{4 1}
19 20 21 _____ Name _____ 43

^{44 46}
Area Code 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 ^{4 2}
19 20 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 ^{4 3}
19 20 21 _____ Number _____ Street or Box Number _____ 45 80

Dup 1-18 ^{4 4}
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 ^{0 0 5}
14 T6 17 T8 19 20 SCC 27 28 29 30 31
NEDS X Ref LS SIP

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

32	33		
Pollutant	34	Regulation	48
			49 EC

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.

50	Process Description	74	80
----	---------------------	----	----

Dup 1-18	6 1	19	20	21	50
51				79	80
Dup 1-18	6 2	19	20	21	50
51				79	80

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).

Dup 1-18	6 3	19	20	21	27	lbs./mo.	29	36	80
----------	-----	----	----	----	----	----------	----	----	----

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 4	19	20	21	PRIMARY CONTROL DEVICE:	43
----------	-----	----	----	----	-------------------------	----

45	Primary Device Name	64	66	70	Percent Removal Efficiency	72	79
----	---------------------	----	----	----	----------------------------	----	----

80

Dup 1-18	6 5	SECONDARY CONTROL DEVICES:		45
19	20	21		
47	Secondary Device Name	64	66	70
			Percent Removal Efficiency	
			72	79 80
			% EFFIC.	

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/ft²

- The pressure drop in inches water gauge across 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/yd²

- 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	5	17	18	19	20	SCC	27	28	29	30	31
											NEDS X Ref		CS	SIP
A B	32	33	34	Regulation	48	49								
Pollutant						EC								

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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 _____ ASBESTOS CONCENTRATION: _____ 43 45 48
19 20 21

%
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 _____ kg/day _____ 34 80
19 20 21 27 29

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 _____ Primary Control Method _____ 43
19 20 21

45 _____ 79 80

Dup 1-18 6 4 _____ 50
19 20 21

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 _____ TYPE OF SITE: _____ 33 35 50
19 20 21

51 _____ 79 80

Dup 1-18 6 6 OPERATOR: 21 29 31 50

51 79 80

Dup 1-18 6 7 LOCATION: 21 29

31 70

71 79 80

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

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

A B
32 33 34 Regulation 48 49
Pollutant EC

50 WASTE DISPOSAL SITE 68 80

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.

Dup 1-18 6 1 SITE DESCRIPTION 21 37 39 50

51 79 80

Dup 1-18 6 2 DISTANCE: 21 29 30 TOWN: 34 36 40 42 43
K M

45 RESIDENCE: 54 56 60 62 63 K M ROAD: 65 69 71 75

K M
77 78 80

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- Dup 1-18 6 8 COMPLIANCE
 19 20 METHOD/INACTIVE SITE: 52
 54 79 80

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.

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

- 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.)

- 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.

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Dup 1-16 0 1 7
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 0 2 7
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 0 3 7
17 19 53 54 55 60 61 MO/DY/YR 66 80

- Date by which final compliance is to be achieved.

Dup 1-16 0 4 7
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

(Sec. 114, of the Clean Air Act as amended
(42 U.S.C. 7414))

[40 FR 48303, Oct. 14, 1975, as amended at
43 FR 8800, Mar. 3, 1978]