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State of California
AIR RESOURCES BOARD

Compliance Division

Report of Violation
84-9-1

Calaveras Asbestos Ltd.
P.O. Box 127
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A. Applicable Legal Requirements

1. Section 112 of the Clean Air Act established the National Emission Standards for Hazardous Air Pollutants. Subpart B, National Emission Standard for Asbestos, as contained in 40 CFR 61.22(f) provides as follows:

"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 Section 61.23 to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to the outside air."

2. Section 112 of the Clean Air Act established the National Emission Standards for Hazardous Air Pollutants. Subpart B, National Emission Standard for Asbestos, as contained in 40 CFR 61.22(k) provides as follows:

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

(1) There shall be no visible emissions to the outside air, except as provided in paragraph (k)(3) of this section, during the collection, processing, packaging, transporting or deposition of

any asbestos-containing waste material which is generated by such source.

(2) All asbestos-containing waste material shall be deposited at waste disposal sites which are operated in accordance with the provisions of Sections 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 -- 95°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 two years and made available for inspection by the Administrator."

B. Violation

Calaveras Asbestos, Ltd. violated Section 61.42(k) of the National Emission Standard for Hazardous Air Pollutants (Asbestos) in that: Cheryl C. Haden and Frederick D. Schmidt of the Compliance Division of the Air Resources Board observed visible emissions from the waste disposal system tailings conveyor, specifically, at the E-5 headpulley water screw #2 and at the transfer between the E-5-A and E-5-B conveyors, while conducting an inspection on June 19, 1984. The emissions were generated despite the use of a water spray dust suppressant system.

C. Applicable Penalties

Section 113(b) of the Clean Air Act provides as follows:

"The Administrator shall in the case of any person which is the owner or operator of a major stationary source, and may, in the case of any other person, commence a civil action for a permanent or temporary injunction, or to assess and recover a civil penalty of not more than \$25,000 per day of violation, or both, whenever such person ... violates section ... 112(c) ..."