

Westinghouse
Electric Corporation

Asbestos and Lead
Control Program
Environmental Health

HHBB-0032803

March 7, 1989

Ms. Rebecca L. Deiss
Organization Resources Counselors, Inc.
1910 Sunderland Place, N.W.
Washington, DC 20036

Dear Ms. Deiss:

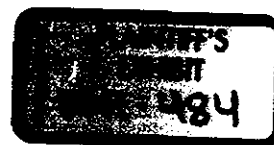
In accordance with our recent conversation regarding the proposed NESHAP
revision on asbestos, Westinghouse has submitted the attached letter.
Please keep me informed of any ORC developments on this issue.

Sincerely,

Mark A. Perriello

Mark A. Perriello, CIH
Senior Engineer
Industrial Hygiene
Environmental Affairs

1896v



Westinghouse
Electric Corporation

Westinghouse Building
Gateway Center
Pittsburgh, Pennsylvania 15222
March 3, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Central Docket Section (LE-131)
South Conference Center
Room 4
U.S. Environmental Protection Agency
401 M Street S.W.
Washington, D.C. 20460

ATTN: Docket No. A-88-28

RE: Proposed Revision of Asbestos NESHAP Revision
54 Federal Register 912 et seq., January 10, 1989

Gentlemen:

Westinghouse Electric Corporation appreciates the opportunity to provide these comments on the Agency's proposed revisions to the asbestos NESHAP regulations contained in 40 CFR Parts 61 and 763. We have carefully reviewed the proposed amendments and believe that in many respects they are beneficial and provide adequate protection for employees and the public for those projects or processes that involve asbestos. We have especially reviewed those aspects of the proposed regulations for which the Agency has requested comments. We believe that, for the reasons set forth hereinafter, the requirement for notification of demolitions which do not involve asbestos should be deleted and that the notification for renovations subject to Section 61.145(a)4 be clarified.

The amended regulation requires that all demolition of facilities be reported to the Agency. This requirement would apply to storage buildings such as those referred to as Butler buildings and other similar structures even though they pose no risk to the public if no asbestos is contained therein. The significant increase of reporting will not, as stated by the Agency in the preamble to the proposal, aid in selecting priorities for enforcement. There is no indication of the number of estimated demolitions that will not be subject to this increase and no evaluation of the cost of this increased paperwork on the regulated community. Further, with the

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increased number of reports that will have to be reviewed, the Agency has not evaluated the number of new employees that it or state or local agencies will have to hire or the number of consultants that will have to be retained to review these reports.

The Agency has also required that planned renovation operations which result in a total amount of asbestos from all non-scheduled operations be reviewed and reported before the end of the calendar year preceding the year for which the report is submitted. Although the requirement to report is based upon a "facility" the review required by Section 61.145(a)(4)(i) includes "one or more facilities." Although the preamble to the proposal stated that the regulations are clear that planned renovations involving less than specified amounts of asbestos are not subject to the notification requirements, the requirement to consider all facilities owned in making this evaluation, effectively eliminates this exclusion for owners of multiple facilities. Rather than a clarification, this proposal has created more complexity to the regulations and will add additional notification and paperwork requirements on the regulated community without a corresponding benefit to employees or the public. Evaluations should only be for each facility; therefore, the requirement to combine facilities and planned renovations in each should be deleted.

Finally, the proposed amendments also present concerns with respect to definitions, procedures and control of a project as follows:

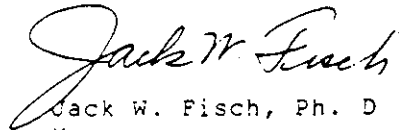
The procedures for handling non-friable asbestos containing materials has the practical effect of redefining friable asbestos. Broken non-friable asbestos containing materials do not present the same risk as friable materials, however the regulations will require that these materials be handled and treated the same way. The expected costs of such a revision are considered to be significant and should be specifically addressed before the regulations are finalized.

We recognize that the Agency must receive notification in a timely manner to arrange for possible inspections of the work. However, the elaborate renotification and scheduling requirements will not be beneficial for the protection of the employees or the public and will likely become a paperwork nightmare.

There appears to be a conflict between the regulation and the preamble explaining the purpose of Section 61.145(c)(3). The regulation does not contain any provision for an inspector to reinterpret the decision of the Administrator for the use of alternate methods while the preamble implies that he is given this authority. The Administrator should clarify this provision and preclude a reevaluation of the method so long as the work is being performed in accordance with the procedures identified in the request for variance.

If there are any questions concerning these comments or a need for clarification, please contact me.

Sincerely,



Jack W. Fisch, Ph. D
Manager
Environmental Remediation
Industrial Hygiene and
Safety

JWF:sdw:0912y