PLAINTIFF'S EXHIBIT
DOW-134

DOW CHEMICAL U.S.A.

LOUISIANA DIVISION
P. O. BOX 150
PLAQUEMINE, LOUISIANA 70765-0150
504 389-8000

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Bob Morgan
Legal Department
Building 2306

cc: Dean Cooper
Mike Nevill
✓ Bruce Heinze
Terry Campbell
Roddey Peebles

APPLICABILITY OF LESHAP REGULATIONS TO PROPOSED ASBESTOS PROJECTS

We would like your opinion as to whether three proposed asbestos projects are subject to the notification requirements of §76.6 of the Louisiana Emission Standards for Hazardous Air Pollutants. The three projects are completely independent of each other.

ASBESTOS STORAGE

Attachment 1 is a description of the Asbestos Storage project. The only potential for asbestos emissions would be when a bag bursts and the amount of emissions in such a case would be very small and certainly there would be "no visible emissions" as required by the regulations. Any spilled material will be cleaned up by means of an OSHA - approved vacuum cleaner. Since the project will not result in any emissions, we do not believe that it should be classified as a "modification" under §76.2, and also it should not require a permit. However, it is not clear if notification of the DEQ is required under §76.6.

CATHODE WASH SYSTEM UPGRADE

The method for removing asbestos from the cathodes will be changed in order to improve the asbestos handling procedures and to minimize personnel exposure. Currently, some of the asbestos must be manually removed from the sump and then spread on to a concrete surface (while covered with a plastic sheeting) in order to remove sufficient water by drainage to allow disposal in a landfill under the current RCRA regulations. After the asbestos has been removed from the concrete, the surface is thoroughly washed down to prevent the formation of any residue which could dry out and become airborne.

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The new project will eliminate the need for manual removal of asbestos from the sump and will also eliminate the need to spread the material out for dewatering. Thus, the potential for emissions will be reduced even further than at present. Currently, there are "no visible emissions" and monitoring by OSHA methods indicates very low levels of airborne contamination. Therefore, the project should not be classified as a "modification" nor require a permit. it is not clear, however, if the notification requirement of §76.6 is applicable.

EXPANSION OF PRODUCTION CAPACITY

Attachment 2 is a copy of the LESHAP Source Report of July 9, 1984 as required by §81.5 (a similar report was also submitted on September 16, 1983 as required by §76.11). As noted in Item 3, the average amount of asbestos used at that time was 35,500 pound/month. The expansion will permit a maximum usage of 44,000 pound/month (an increase of 12.7%). Physical changes costing about $60,000 were required in order to increase the capacity. Again, there will be no increase of emissions as a result of this project and, therefore, it should not constitute a "modification" nor require a permit, but is notification required under §76.6?

We would greatly appreciate a written response as soon as possible.

Bob Kalish
Environmental Services

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