



**A/C Pipe
Producers Association**

1600 Wilson Boulevard,
Suite 1308
Arlington, Virginia 22209
(703) 841-1556

PLAINTIFF'S EXHIBIT

CAP-1810

February 10, 1982

Mr. James F. Reis
Director, Asbestos Policy
Johns-Manville Corporation
Ken Caryl Ranch
Denver, CO 80217

Dear Jim:

This is in response to your letter of January 12, 1982 regarding the activities of the Building and Construction Advisory Panel of the Asbestos International Association. It is our understanding that the Panel will use industry input to prepare a "package of positive facts" which, in turn, could form the basis of technical or promotional materials prepared by individual countries and companies. The approach of developing a nucleus of technical, economic and medical information adaptable to specific national interests or priorities will be far more productive than attempting to produce promotional materials that can be used in all countries. AACPP's experience in providing health issue literature and audio visual programs to its international members bears this out. Materials have maximum impact when developed specifically for or slanted towards the interests of a given national market. As successful as the "A/C Pipe and Drinking Water" audio visual program has been, we still have heard criticisms, even from North Americans, that it is too United States oriented. With those thoughts in mind, specific comments on "Positive Facts of A/C Products" follow. These comments are obviously colored by AACPP's focus on A/C pipe and should be considered accordingly.

Generalities and Policy

The question mark on the phrase "good quality of the A/C products" is well taken. Quite frankly, the prevailing view among customers and industry alike seems to be that A/C pipe has been sold more on its good price rather than its "good quality." Considering the world economy, the merits of selling on cost or cost-effectiveness may never be better and should be fully exploited by the Panel. If there is a major void that the Panel can fill, it is the consolidation of long term technical performance data on A/C products. Such an approach requires sound and credible technical research, preferably of an independent nature. Current data are not readily available for A/C pipe and have not been so since the mid-1960's. AACPP has underway a technical research program to provide contemporary information on A/C pipe performance and comparative product analyses. These data should be available in mid-1982. With appropriate approvals, the results could be released to the Panel.

CAPCO JEN 0004778



**A/C Pipe
Producers Association**

Mr. Jim Reis
February 10, 1982
Page 2

Suggested Contents

Under Section 2.1, it is recommended that "economical and social significance" encompass the human element of the industry i.e. that x thousands of asbestos cement workers are provided jobs, and in turn, provide shelter products, drinking water systems, industrial development, economic ripple effects, etc. for their fellow countrymen.

Technical Data Sheets and Information

Page 2 - Under A/C pressure pipes, ductile iron should be added as a main competitor. AACPP does not have any publishable data on A/C pipe's estimated U.S. market share.

Page 3 (A/C Pressure Pipe vs. PVC) - Under economic strong points include price, particularly in sizes up to 16" (470mm), although this has declined with reduced PVC resin prices. Also include easy installation, early determination of improper installation and low operation and maintenance cost. Under technical advantages, list resistance to cyclic fatigue and ultra-violet degradation, no restriction on applications in very cold or very hot climates. Under drawbacks, list material weight (in comparison with PVC), additional men - equipment for installation, lack of impact resistance in handling and installation, pipe lengths and more stringent bedding requirements. Frozen A/C pipelines also cannot be thawed electrically as can metallic pipes.

Page 4 - AACPP cannot release annual shipping statistics for sewer and pressure pipes without Executive Committee approval. With respect to installation time, it is likely that this is a range of values dependent on number of workers in the installation crew, laying equipment, soil conditions, excavation requirements, bedding requirements, etc. Perhaps Member Company installation specialists can provide typical values. OSHA's RTI report claims that a three to four person work crew can install an average of 222.5 feet of A/C pipe per day. We have seen articles documenting rates as high as 5,000 feet per day.

Page 5 - According to the RTI report, about 17,000 hours may be spent annually on cutting and machining operations. This is 59,000 man hours of exposure or 0.53 percent of total work hours. If those operations are conducted in accordance with industry recommended work practices, the hypothetical "hours with health risk" would be zero since none of those operations exceed, individually or collectively, ceiling or TWA exposure standards.

The information on pages 6 through 21 is of such a general and country specific nature that its value for anything other than reference is questionable. For example, lined A/C pipe appears to be used for gas pipelines in France. No such use exists in the U.S. Most of this information e.g. number of plants and employees, asbestos content of product, pollution abatement measures, energy consumption, and physical and chemical properties is already common knowledge. One must question the value of providing such information for the sole purpose of having the Panel assemble it and return it to United



A/C Pipe
Producers Association
Mr. Jim Reis
February 10, 1982
Page 2

States A/C pipe manufacturers in a different form. From the U.S. perspective, it is doubtful that this information has any sales or marketing value anyway.

Asbestos and Health

As a rudimentary source of information, this section probably would suffice, notwithstanding its negative approach. The health issue has long been the object of inter-country and intra-country educational/promotional efforts. This document does little to advance the state-of-the-art. If the panel proceeds with this section, it is recommended that a more comprehensive and cohesive paper be prepared. Topics might include the following: regulations germane to fixed and non-fixed (construction) work sites, exposures during manufacturing and installation, environmental exposures (e.g. from weathering of sheets, corrosion of A/C pipe), industry-recommended work practices, etc. Each section could include an expanded introduction and a bibliography of important scientific studies (pro and con) relative to the topic discussed.

The section on the ingestion of asbestos in drinking water appears to have been extracted in large measure from the "A/C Pipe and Drinking Water" booklet. In selectively using the booklet, the authors have destroyed any semblance of continuity. This should be corrected by careful editing.

It is recommended that the section on the Aggressive Index (AI) be deleted. The AI never was developed to "predict" asbestos fiber release and the industry itself may have perpetrated this misperception by placing it in the "A/C Pipe and Drinking Water" booklet. Also, recent studies by the U.S. Environmental Protection Agency (Schock and Buelow, The Behavior of Asbestos Cement Pipe Under Various Water Quality Conditions: Part 2, Theoretical Considerations, J. AWWA, December, 1981) state the AI "... has generally proved to predict falsely pipe deterioration more often than to predict falsely pipe stability in field situations." By deleting reference to the AI, the industry avoids the suggestion that corrosion indices can be used as acceptability criteria for product use or quantitative predictors of asbestos fiber release.

Under "animal experiences (sic)" add the following:

1. The Summary Minutes of the National Toxicology Board of Scientific Counselors' Peer Review of the Carcinogenesis Bioassay of Asbestos Fed to Syrian Golden Hamsters. The conclusions state: "Under the conditions of the bioassay, the ingestion of short range (S.R.) and intermediate range (I.R.) chrysotile asbestos was not carcinogenic in male and female Syrian golden hamsters." Similar conclusions were drawn with respect to amosite.
2. Hilding, et al, "Biological Effects of Ingested Amosite Asbestos, Taconite Tailings, Diatomaceous Earth and Lake Superior Water in Rats," Archives of Environmental Health, 36:298-303 (November - December) 1981.



A/C Pipe
Producers Association

Mr. Jim Reis
February 10, 1982
Page 4

3. Bolton, et al, "The Pathological Effects of Prolonged Asbestos Exposure in Rats," Environmental Research (in press).

The epidemiologic evidence on ingestion of asbestos should acknowledge the existence of the Kanarek study and emphasize its scientific shortcomings. The comments of EPA, California Department of Health Services, and Ian T. T. Higgins, M.D., are germane.

In addition to these comments, also enclosed are the following information materials:

1. Promotional literature - "A/C America's Choice"
2. Exposure data - "Asbestos Exposures During the Cutting and Machining of A/C Pipe" (two volumes).

If we can be of further assistance in this effort, please do not hesitate to call.

Very truly yours,

John F. Welch
Vice President

JFW/ajb

Enclosure

cc: A. Kahn, Esq.
N. Rahn, Esq.
Public Affairs Committee
International Affairs Committee

A030E20901
Chrono

CAPCO JEN 0004781

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

§ 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 diluents 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 48292, October 14, 1975]

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 or any intermediate step in the conversion of asbestos ore 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), in-

cluding 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 materials 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.

[Paragraph (m) revised by 43 FR 26373, June 19, 1978]

(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.

[Paragraph (q) and (r) revised by 43 FR 26373, June 19, 1978]

(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.

[40 FR 48292, October 14, 1975]

(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.

[42 FR 12127, March 2, 1977]

§ 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.

[39 FR 15936, May 3, 1974]

(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 areas 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.

[40 FR 48292, October 14, 1975]

(1) The manufacture of cloth, cord, wicks, tubing, tape, twine, rope, 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 materials, 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 materials are stripped or removed, or more than 15 square meters, (ca. 160 square feet) of friable asbestos materials 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 materials in the building or portion thereof to be demolished is less than 80 meters (ca. 260 feet) used on pipes, and less than 15 square meters (ca. 160 square feet) used on any duct, boiler, tank, reactor, turbine, furnace, or structural member, and (B) the notification requirements of paragraph (d)(1)(ii) are met.

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

[Paragraph (d) revised by 43 FR 26374, June 19, 1978]

(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.

[Paragraph (iii) revised by 43 FR 26374, June 19, 1978]

(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 materials 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)(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 disjoining are adequately wetted during the cutting or disjoining 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 materials. 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.

[4(i)-(iv) revised by 43 FR 26374, June 19, 1978]

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

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

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

[Sec. 61.22(d)(4)(vii)]

tems, 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.

[39 FR 15936, May 3, 1974; 40 FR 48292, October 14, 1975]

(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, structural members, pipes, and conduits shall contain less than 1 percent asbestos on a dry weight basis.

[Paragraph (e) revised by 43 FR 26374, June 19, 1978]

(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 on 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.

[Paragraphs (2) and (3) revised by 43 FR 26374, June 19, 1978]

(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 be-

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

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

(1) The fabrication of cement building products.

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

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

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

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

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

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

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

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

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

(B) After wetting, all asbestos-containing waste material shall be sealed into leak-tight containers while wet, and such containers shall be deposited at

waste disposal sites which are operated in accordance with the provisions of § 61.25.

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

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

Alternatively, warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.93a(g) (2) (ii) may be used.

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

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

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

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

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

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

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

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

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

(ii) All asbestos-containing waste material shall be adequately mixed, with a wetting agent recommended by the manufacturer of the agent to effectively wet dust and tailings, prior to deposition at a waste disposal site. Such agent shall be used as recommended for the particular dust by the manufacturer of the agent. There shall be no discharge of

visible emissions to the outside air from the wetting operation except as specified in paragraph (f) of this section. Wetting may be suspended when the ambient temperature at the waste disposal site is less than -9.5°C (ca. 15°F). The ambient air temperature shall be determined by an appropriate measurement method with an accuracy of $\pm 1^{\circ}\text{C}$ ($\pm 2^{\circ}\text{F}$) 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.

(1) 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 (1) (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 (1) (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
 $\frac{3}{4}$ " 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 (1) (4) of this section.

(4) Warning signs and fencing are not required where the requirements of paragraphs (1) (5) (1) or (11) of this section are met, or where a natural barrier adequately deters access by the general public. Upon request and supply of appropriate information, the Administrator will determine whether a fence or a natural barrier adequately deters access to the general public.

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

(i) The asbestos-containing waste material shall be covered with at least 25 centimeters (ca. 8 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.

[40 FR 48292, October 14, 1975]

§ 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.

[40 FR 48292, October 14, 1975]

(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 D737-68, must not exceed 30 $\text{ft}^3/\text{min}/\text{ft}^2$ for woven fabrics or 35 $\text{ft}^3/\text{min}/\text{ft}^2$ for felted fabrics, except that 40 $\text{ft}^3/\text{min}/\text{ft}^2$ for woven and 45 $\text{ft}^3/\text{min}/\text{ft}^2$ 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.

§ 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 $\text{ft}^3/\text{min}/\text{ft}^2$; 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/yd^2 , the minimum thickness in inches, and the airflow permeability in $\text{ft}^3/\text{min}/\text{ft}^2$.

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

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

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

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

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

(5) For sources subject to § 61.22(i):

(1) A brief description of the site.

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

(a) 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.

[40 FR 48292, October 14, 1975]

§ 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

[Sec. 61.25(b)]

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

3/4" 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 48292, October 14, 1975]

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

Subpart C—National Emission Standard for Beryllium

§ 61.30 Applicability.

The provisions of this subpart are applicable to the following stationary sources:

(a) Extraction plants, ceramic plants, foundries, incinerators, and propellant plants which process beryllium ore, beryllium, beryllium oxide, beryllium alloys, or beryllium-containing waste.

(b) Machine shops which process beryllium, beryllium oxides, or any alloy when such alloy contains more than 5 percent beryllium by weight.

§ 61.31 Definitions.

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

(a) "Beryllium" means the element beryllium. Where weights or concentrations are specified, such weights or concentrations apply to beryllium only, excluding the weight or concentration of any associated elements.

(b) "Extraction plant" means a facility chemically processing beryllium ore to beryllium metal, alloy, or oxide, or performing any of the intermediate steps in these processes.

(c) "Beryllium ore" means any naturally occurring material mined or gathered for its beryllium content.

(d) "Machine shop" means a facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

(e) "Ceramic plant" means a manufacturing plant producing ceramic items.

(f) "Foundry" means a facility engaged in the melting or casting of beryllium metal or alloy.

(g) "Beryllium-containing waste" means material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to this subpart.

(h) "Incinerator" means any furnace used in the process of burning waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

(i) "Propellant" means a fuel and oxidizer physically or chemically combined which undergoes combustion to provide rocket propulsion.

(j) "Beryllium alloy" means any metal to which beryllium has been added in order to increase its beryllium content and which contains more than 0.1 percent beryllium by weight.

(k) "Propellant plant" means any facility engaged in the mixing, casting, or machining of propellant.

§ 61.32 Emission standard.

(a) Emissions to the atmosphere from stationary sources subject to the provisions of this subpart shall not exceed 10 grams of beryllium over a 24-hour period, except as provided in paragraph (b) of this section.

(b) Rather than meet the requirement of paragraph (a) of this section, an owner or operator may request approval from the Administrator to meet an ambient concentration limit on beryllium in the vicinity of the stationary source of 0.01 $\mu\text{g}/\text{m}^3$, averaged over a 30-day period.

(1) Approval of such requests may be granted by the Administrator provided that:

(i) At least 3 years of data is available which in the judgment of the Administrator demonstrates that the future ambient concentrations of beryllium in the vicinity of the stationary source will not exceed 0.01 $\mu\text{g}/\text{m}^3$, averaged over a 30-day period. Such 3-year period shall be the 3 years ending 30 days before the effective date of this standard.

(ii) The owner or operator requests such approval in writing within 30 days after the effective date of this standard.

(iii) The owner or operator submits a report to the Administrator within 45 days after the effective date of this standard which report includes the following information:

(a) Description of sampling method including the method and frequency of calibration.

(b) Method of sample analysis.

(c) Averaging technique for determining 30-day average concentrations.

(d) Number, identity, and location (address, coordinates, or distance and heading from plant) of sampling sites.

(e) Ground elevations and height above ground of sampling inlets.

(f) Plant and sampling area plots showing emission points and sampling sites. Topographic features significantly affecting dispersion including plant building heights and locations shall be included.

(g) Information necessary for estimating dispersion including stack height, inside diameter, exit gas temperature, exit velocity or flow rate, and beryllium concentration.

(h) A description of data and procedures (methods or models) used to de-