PLAINTIFF'S EXHIBIT

UC-1899

8/22/90
w/ TACB

BELIA,

MEETING - BOB SMITH w/ TACB BOB GUZMAN & HIPOLITO (HIPO) CABRERA.

TACB ARRIVED ± 9AM.

BOB MENTIONED THAT HE MET WITH RUBEN DIAS IN HARLINGEN YESTERDAY) ABOUT LAND FILL FOR ASBESTOS

BOB — PLAN FOR TRANSITE: WET DOWN, REMOVE BOLTS, REMOVE WHOLE SHEETS OF MTL., STACK & WRAP w/ 2 PLYS OF 6 MIL. POLY FILM — THEN BURY IN LAND FILL.

FIBER ASBESTOS (PIPING & EQUIP):

1) WET STRIP & BAG, OR,

(OR)

2) STRIP & BAG INSIDE PORTABLE ENCLOSURE w/ NEGATIVE AIR

3) REMOVE SECTIONS OF PIPING TO A CONTAINMENT AREA TO WET STRIP & BAG, OR TO "GLOVE BAG."

TACB - WE MUST IDENTIFIED TYPES OF ASBESTOS WE WILL BE REMOVING. (HAS ANY SAMPLING BEEN DONE?) SOME TYPES ARE LESS ABSORBENT THAN OTHERS.

DICK LASHER CALLED DURING MEETING - HE QUESTIONS THE NEED TO PROPOSE A PROCEDURE FOR FIBEROUS ASBESTOS REMOVAL, SINCE WE'RE ALREADY DOING THIS UNDER AN APPROVED PROCEDURE. I TOLD JOE THIS. JOE WILL TALK TO DICK.

JOE ASKED TACB IF UCC MUST ALSO NOTIFY EPA. TACB - NO, NO, THAT THIS INFO. GOES VIA THEIR COMPUTER TO EPA.

TACB SAID THEIR CONCERN IS FOR AIR QUALITY ONLY, & THAT OSHA'S CONCERN IS FOR WORKERS PROTECTION ONLY.

JOE TOOK TACB ON TOUR OF "ASBESTOS ALLEY." THEY WERE IMPRESSED BY THE MAGNITUDE OF OUR PROBLEM, AND SYMPATHETIC.

BRA 1708

TACB THINKS OUR PLAN FOR TRANSITE IS GOOD. THEY WILL CHECK WITH THEIR HOUSTON OFFICE, THEN TELL JOE WHAT METHODS TACB WILL APPROVE. THEN JOE WILL WRITE & SUBMIT PROPOSAL.

STRIPPING ASBESTOS FROM PIPING IN OVERHEAD RACKS PRESENTS REAL PROBLEMS – NO GOOD WAY TO PREVENT MTL. FROM FALLING ON GROUND BELOW. IF SECTIONS OF PIPE, WITH ASBESTOS INTACT, WERE REMOVED, IT COULD BE PLACED ON PLASTIC, ON THE GROUND, THEN BE STRIPPED & BAGGED. MABY CONSIDER DELAYING ASBESTOS UNTIL WE GET OK TO DISMANTLE? TACB WILL GET HOUSTON'S OPINION ON THIS.

TACB MENTIONED ASBESTOS ON THE GROUND CREATES A SOIL CONTAMINATION PROBLEM WHICH WE MUST DEAL WITH. THEY BROUGHT UP ADVISABILITY OF TAKING SOIL SAMPLES PRIOR TO REMOVAL FOR A BACKGROUND RECORD. JOE TENDS TO THINK NO.

TACB ASKED IF WE PLAN TO PROVIDE AN INDUSTRIAL HYGIENIST TO MONITOR WORKERS ON SITE.

MEETING OVER ± 10 AM.

JOE TOLD ME THAT EXCAVATION WILL BE REQUIRED AT HARLINGEN BEFORE WE CAN DUMP. THIS MAY TAKE ± 6 MONTHS. ONE OF OUR OPTIONS IS TO HIRE A CONTRACTOR TO DO IT, THEN GET A COMPARABLE REDUCTION ON THE DUMP RATE CHARGED US.

JOE & I INSPECTED THE ASBESTOS BLDGS. SOME OF HIS COMMENTS:

* IF OXYGEN EQUIP. SHED WERE DISMANTLED THE STAIRS & 2ND STORY FLOORING WOULD BE WITHOUT SUPPORT, LEAVING

BRA 1709

NO ACCESS TO EQUIP. ALSO EXPOSE EQUIP TO THE ELEMENTS.

* SALTWATER PUMPHOUSE - MABY REMOVE TRANSITE, THEN VIC OR BND INSTALL METAL TO PROTECT EQUIP.

* SUBSTATIONS — THE ELEMENTS WILL DISTROY SWITCHGEAR.

* HE MAY SEND PEOPLE TO INSPECT MTL. & EQUIP IN TRANSITE BUILDINGS & TAG IT FOR EITHER REMOVAL TO NON-ASBESTOS BLDGS, OR TO LEAVE IN PLACE FOR DEMOLITION CONTRACTER TO HAUL OFF

* MABY - SCHEDULE DEMOLITION IN SEQUENCES WHICH WILL DELAY DEMOLITION OF CRITICAL BLDGS TILL NEAR THE END OF PROJECT.

THAT'S ABOUT IT.

DUB

BRA 1710

BELIA - From TACB - 3/22/90

APPENDIX B

U.S. ENVIRONMENTAL PROTECTION AGENCY

Subpart M - National Emission Standard For Asbestos

(EPA ASBESTOS STANDARD)

BRA 1711

USEPA National Emission Standards for Hazardous Air Pollutants (NESHAPS) Asbestos Regulations

AUTHORITY: Secs. 112 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7412, 7601(a)).

SOURCE: 49 FR 13661, Apr. 5, 1984, unless otherwise noted.

§ 61.140 Applicability.

The provisions of this subpart are applicable to those sources specified in §§ 61.142 through 61.153.

§ 61.141 Definitions.

All terms that are used in this subpart and are not defined below are given the same meaning as in the Act and in Subpart A of this part.

Active waste disposal site means any disposal site other than an inactive site.

Adequately wetted means sufficiently mixed or coated with water or an aqueous solution to prevent dust emissions.

Asbestos means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

Asbestos-containing waste materials means any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes asbestos mill tailings, asbestos waste from control devices, friable asbestos waste material, and bags or containers that previously contained commercial asbestos. However, as applied to demolition and renovation operations, this term includes only friable asbestos waste and asbestos waste from control devices.

Asbestos material means asbestos or any material containing asbestos.

Asbestos mill means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.

Asbestos tailings means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.

Asbestos waste from control devices means any waste material that contains asbestos and is collected by a pollution control device.

Commercial asbestos means any asbestos that is extracted from asbestos ore.

Demolition means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations.

Emergency renovation operation means a renovation operation that was not planned but results from a sudden, unexpected event. This term includes operations necessitated by nonroutine failures of equipment.

Fabricating means any processing of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites for the construction or restoration of facilities.

Facility means any institutional, commercial, or industrial structure, installation, or building (excluding apartment buildings having no more than four dwelling units).

Facility component means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a facility; or any structural member of a facility.

Friable asbestos material means any material containing more than 1 percent asbestos by weight that hand pressure can crumble, pulverize, or reduce to powder when dry.

Inactive waste disposal site means any disposal site or portion of it where additional asbestos-containing waste material will not be deposited and where the surface is not disturbed by vehicular traffic.

BRA 1712

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.

Outside air means the air outside buildings and structures.

Particulate asbestos material means finely divided particles of asbestos material.

Planned renovation operations 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. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

Remove means to take out friable asbestos materials from any facility.

Renovation means altering in any way one or more facility components. Operations in which load-supporting structural members are wrecked or taken out are excluded.

Roadways means surfaces on which motor vehicles travel. This term includes highways, roads, streets, parking areas, and driveways.

Strip means to take off friable asbestos materials from any part of a facility.

Structural member means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and nonload-supporting walls.

Visible emissions means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments. This does not include condensed uncombined water vapor.

[49 FR 13661, Apr. 5, 1984; 49 FR 25453, June 21, 1984]

§ 61.142 Standard for asbestos mills.

Each owner or operator of an asbestos mill shall either discharge no visible emissions to the outside air from that asbestos mill or use the methods specified by § 61.154 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

§ 61.143 Standard for roadways.

No person may surface a roadway with asbestos tailings or asbestos-containing waste material on that roadway, unless it is a temporary roadway on an area of asbestos ore deposits.

[49 FR 13661, Apr. 5, 1984; 49 FR 25453, June 21, 1984]

§ 61.144 Standard for manufacturing.

(a) *Applicability.* This section applies to the following manufacturing operations using commercial asbestos.

(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, and sealants.

(8) The manufacture of plastics and rubber materials.

(9) The manufacture of chlorine.

(10) The manufacture of shotgun shell wads.

(11) The manufacture of asphalt concrete.

(b) *Standard.* Each owner or operator of any of the manufacturing operations to which this section applies shall either:

(1) Discharge no visible emissions to the outside air from these operations or from any building or structure in which they are conducted; or

(2) Use the methods specified by § 61.154 to clean emissions from these operations containing particulate asbestos material before they escape to, or are vented to, the outside air.

§ 61.145 Standard for demolition and renovation: Applicability.

The requirements of §§ 61.146 and 61.147 apply to each owner or operator

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of a demolition or renovation operation as follows:

(a) If the amount of friable asbestos materials in a facility being demolished is at least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, all the requirements of §§ 61.146 and 61.147 apply, except as provided in paragraph (c) of this section.

(b) If the amount of friable asbestos materials in a facility being demolished is less than 80 linear meters (260 linear feet) on pipes and less than 15 square meters (160 square feet) on other facility components, only the requirements of paragraphs (a), (b), and (c) (1), (2), (3), (4), and (5) of § 61.146 apply.

(c) If the facility is being demolished under an order of a State or local governmental agency, issued because the facility is structurally unsound and in danger of imminent collapse, only the requirements in § 61.146 and in paragraphs (d), (e), (f), and (g) of § 61.147 apply.

(d) If at least 80 linear meters (260 linear feet) of friable asbestos materials on pipes or at least 15 square meters (160 square feet) of friable asbestos materials on other facility components are stripped or removed at a facility being renovated, all the requirements of §§ 61.146 and 61.147 apply.

(1) To determine whether paragraph (d) of this section applies to planned renovation operations involving individual nonscheduled operations, predict the additive amount of friable asbestos materials to be removed or stripped over the maximum period of time a prediction can be made, not to exceed 1 year.

(2) To determine whether paragraph (d) of this section applies to emergency renovation operations, estimate the amount of friable asbestos materials to be removed or stripped as a result of the sudden, unexpected event that necessitated the renovation.

(e) Owners or operators of demolition and renovation operations are exempt from the requirements of §§ 61.05(a), 61.07, and 61.09.

[49 FR 13661, Apr. 5, 1984; 49 FR 25453, June 21, 1984]

§ 61.146 Standard for demolition and renovation: Notification requirements.

Each owner or operator to which this section applies shall:

(a) Provide the Administrator with written notice of intention to demolish or renovate.

(b) Postmark or deliver the notice as follows:

(1) At least 10 days before demolition begins if the operation is described in § 61.145(a); demo

(2) At least 20 days before demolition begins if the operation is described in § 61.145(b); demo

(3) As early as possible before demolition begins if the operation is described in § 61.145(c); demo

(4) As early as possible before renovation begins. none

(c) Include the following information in the notice:

(1) Name and address of owner or operator.

(2) Description of the facility being demolished or renovated, including the size, age, and prior use of the facility.

(3) Estimate of the approximate amount of friable asbestos material present in the facility in terms of linear feet of pipe, and surface area on other facility components. For facilities described in § 61.145(b), explain techniques of estimation.

(4) Location of the facility being demolished or renovated.

(5) Scheduled starting and completion dates of demolition or renovation.

(6) Nature of planned demolition or renovation and method(s) to be used.

(7) Procedures to be used to comply with the requirements of this Subpart.

(8) Name and location of the waste disposal site where the friable asbestos waste material will be deposited.

(9) For facilities described in § 61.145(c), the name, title, and authority of the State or local governmental representative who has ordered the demolition.

(Approved by the Office of Management and Budget under control number 2060-0284.)

[49 FR 13661, Apr. 5, 1984; 49 FR 25453, June 21, 1984]

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§ 61.147 Standard for demolition and renovation: Procedures for asbestos emission control.

Each owner or operator to whom this section applies shall comply with the following procedures to prevent emissions of particulate asbestos material to the outside air:

(a) Remove friable asbestos materials from a facility being demolished or renovated before any wrecking or dismantling that would break up the materials or preclude access to the materials for subsequent removal. However, friable asbestos materials need not be removed before demolition if:

(1) They are on a facility component that is encased in concrete or other similar material; and

(2) These materials are adequately wetted whenever exposed during demolition.

(b) When a facility component covered or coated with friable asbestos materials is being taken out of the facility as units or in sections:

(1) Adequately wet any friable asbestos materials exposed during cutting or disjointing operations; and

(2) Carefully lower the units or sections to ground level, not dropping them or throwing them.

(c) Adequately wet friable asbestos materials when they are being stripped from facility components before the members are removed from the facility. In renovation operations, wetting that would unavoidably damage equipment is not required if the owner or operator:

(1) Asks the Administrator to determine whether wetting to comply with this paragraph would unavoidably damage equipment, and, before beginning to strip, supplies the Administrator with adequate information to make this determination; and

(2) When the Administrator does determine that equipment damage would be unavoidable, uses a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the friable asbestos materials. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in § 61.154.

(d) After a facility component has been taken out of the facility as units or in sections, either:

(1) Adequately wet friable asbestos materials during stripping; or

(2) Use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in § 61.154.

(e) For friable asbestos materials that have been removed or stripped:

(1) Adequately wet the materials to ensure that they remain wet until they are collected for disposal in accordance with § 61.152; and

(2) Carefully lower the materials to the ground or a lower floor, not dropping or throwing them; and

(3) Transport the materials to the ground via dust-tight chutes or containers if they have been removed or stripped more than 50 feet above ground level and were not removed as units or in sections.

(f) When the temperature at the point of wetting is below 0°C (32°F):

(1) Comply with the requirements of paragraphs (d) and (e) of this section. The owner or operator need not comply with the other wetting requirements in this section; and

(2) Remove facility components coated or covered with friable asbestos materials as units or in sections to the maximum extent possible.

(g) For facilities described in § 61.145(c), adequately wet the portion of the facility that contains friable asbestos materials during the wrecking operation.

§ 61.148 Standard for spraying.

The owner or operator of an operation in which asbestos-containing materials are spray applied shall comply with the following requirements:

(a) Use materials that contain 1 percent asbestos or less on a dry weight basis for spray-on application on buildings, structures, pipes, and conduits, except as provided in paragraph (c) of this section.

(b) For spray-on application of materials that contain more than 1 percent

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asbestos on a dry weight basis on equipment and machinery, except as provided in paragraph (c) of this section:

(1) Notify the Administrator at least 20 days before beginning the spraying operation. Include the following information in the notice:

(i) Name and address of owner or operator.

(ii) Location of spraying operation.

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

(2) Discharge no visible emissions to the outside air from the spray-on application of the asbestos-containing material or use the methods specified by § 61.154 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(c) The requirements of paragraphs (a) and (b) of this section do not apply to the spray-on application of materials where the asbestos fibers in the materials are encapsulated with a bituminous or resinous binder during spraying and the materials are not friable after drying.

(d) Owners and operators of sources subject to this section are exempt from the requirements of §§ 61.05(a), 61.07, and 61.09.

(Approved by the Office of Management and Budget under control number 2060-0264.)

§ 61.149 Standard for fabricating.

(a) *Applicability.* This section applies to the following fabricating operations using commercial asbestos:

(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.

(b) *Standard.* Each owner or operator of any of the fabricating operations to which this section applies shall either:

(1) Discharge no visible emissions to the outside air from any of the operations or from any building or structure in which they are conducted; or

(2) Use the methods specified by § 61.154 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

§ 61.150 Standard for insulating materials.

After the effective date of this regulation, no owner or operator of a facility may install or reinstall on a facility component any insulating materials that contain commercial asbestos if the materials are either molded and friable or wet-applied and friable after drying. The provisions of this paragraph do not apply to spray-applied insulating materials regulated under § 61.148.

§ 61.151 Standard for waste disposal for asbestos mills.

Each owner or operator of any source covered under the provisions of § 61.142 shall:

(a) Deposit all asbestos-containing waste material at waste disposal sites operated in accordance with the provisions of § 61.156; and

(b) Discharge no visible emissions to the outside air from the transfer of asbestos waste from control devices to the tailings conveyor, or use the methods specified by § 61.154 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air. Dispose of the asbestos waste from control devices in accordance with § 61.152(b) or paragraph (c) of this section; and

(c) Discharge no visible emissions to the outside air during the collection, processing, packaging, transporting, or deposition of any asbestos-containing waste material, or use one of the disposal methods specified in paragraphs (c) (1) or (2) of this section, as follows:

(1) Use a wetting agent as follows:

(i) Adequately mix all asbestos-containing waste material with a wetting agent recommended by the manufacturer of the agent to effectively wet dust and tailings, before depositing the material at a waste disposal site. Use the agent as recommended for the

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particular dust by the manufacturer of the agent.

(ii) Discharge no visible emissions to the outside air from the wetting operation or use the methods specified by § 61.154 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(iii) Wetting may be suspended when the ambient temperature at the waste disposal site is less than −9.5°C (15°F). Determine the ambient air temperature by an appropriate measurement method with an accuracy of ±1°C(±2°F), and record it at least hourly while the wetting operation is suspended. Keep the records for at least 2 years in a form suitable for inspection.

(2) Use an alternative disposal method that has received prior approval by the Administrator.

§ 61.152 Standard for waste disposal for manufacturing demolition, renovation, spraying, and fabricating operations.

Each owner or operator of any source covered under the provisions of §§ 61.144 and 61.149 shall:

(a) Deposit all asbestos-containing waste material at waste disposal sites operated in accordance with the provisions of § 61.156; and

(b) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, transporting, or deposition of any asbestos-containing waste material generated by the source, or use one of the disposal methods specified in paragraphs (b)(1), (2), or (3) of this section, as follows:

(1) Treat asbestos-containing waste material with water:

(i) Mix asbestos waste from control devices with water to form a slurry; adequately wet other asbestos-containing waste material; and

(ii) Discharge no visible emissions to the outside air from collection, mixing, and wetting operations, or use the methods specified by § 61.154 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air; and

(iii) After wetting, seal all asbestos-containing waste material in leak-tight containers while wet; and

(iv) Label the containers specified in paragraph (b)(1)(iii) as follows:

CAUTION

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

Alternatively, use warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.1001(g)(2)(ii).

(2) Process asbestos-containing waste material into nonfriable forms:

(i) Form all asbestos-containing waste material into nonfriable pellets or other shapes; and

(ii) Discharge no visible emissions to the outside air from collection and processing operations, or use the methods specified by § 61.154 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(3) Use an alternative disposal method that has received prior approval by the Administrator.

[49 FR 13661, Apr. 5, 1984; 49 FR 25453, June 21, 1984]

§ 61.153 Standard for inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations.

Each owner or operator of any inactive waste disposal site that was operated by sources covered under § 61.142, § 61.144, or § 61.149 and received deposits of asbestos-containing waste material generated by the sources, shall

(a) Comply with one of the following:

(1) Either discharge no visible emissions to the outside air from an inactive waste disposal site subject to this paragraph; or

(2) Cover the asbestos-containing waste material with at least 15 centimeters (6 inches) of compacted nonasbestos-containing material, and grow and maintain a cover of vegetation on

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the area adequate to prevent exposure of the asbestos-containing waste material; or

(3) Cover the asbestos-containing waste material with at least 60 centimeters (2 feet) of compacted nonasbestos-containing material, and maintain it to prevent exposure of the asbestos-containing waste; or

(4) For inactive waste disposal sites for asbestos tailings, apply a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. Use the agent as recommended for the particular asbestos tailings by the manufacturer of the dust suppression agent. Obtain prior approval of the Administrator to use other equally effective dust suppression agents. For purposes of this paragraph, waste crankcase oil is not considered a dust suppression agent.

(b) Unless a natural barrier adequately deters access by the general public, install and maintain warning signs and fencing as follows, or comply with paragraph (a)(2) or (a)(3) of this section.

(1) Display warning signs at all entrances and at intervals of 100 m (330 feet) or less along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material was deposited. The warning signs must:

(i) Be posted in such a manner and location that a person can easily read the legend; and

(ii) Conform to the requirements for 51 cm×36 cm (20"×14") upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph; and

(iii) 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	Minimum
Asbestos Waste Disposal Site	2.5 cm (1 inch) Sans Serif, Gothic or Block
Do Not Create Dust	1.9 cm (¾ inch) Sans Serif, Gothic or Block
Breathing Asbestos is Hazardous to Your Health	14 Point Gothic

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

(2) Fence the perimeter of the site in a manner adequate to deter access by the general public.

(3) Upon request and supply of appropriate information, the Administrator will determine whether a fence or a natural barrier adequately deters access by the general public.

(c) The owner or operator may use an alternative control method that has received prior approval of the Administrator rather than comply with the requirements of paragraph (a) or (b) of this section.

§ 61.154 Air-cleaning.

(a) The owner or operator who elects to use air-cleaning, as permitted by §§ 61.142, 61.144, 61.147(c)(2), 61.147(d)(2), 61.148(b)(2), 61.149(b), 61.151(b), 61.151(c)(1)(ii), 61.152(b)(1)(ii), and 61.152(b)(2) shall:

(1) Use fabric filter collection devices, except as noted in paragraph (b) of this section, doing all of the following:

(i) Operating the fabric filter collection devices at a pressure drop of no more than .995 kilopascal (4 inches water gage), as measured across the filter fabric; and

(ii) Ensuring that the airflow permeability, as determined by ASTM Method D737-75, does not exceed 9 $m^3/min/m^2$ (30 $ft^3/min/ft^2$) for woven fabrics or 11 $m^3/min/m^2$ (35 $ft^3/min/ft^2$) for felted fabrics, except that 12 $m^3/min/m^2$ (40 $ft^3 min/ft^2$) for woven and 14 $m^3/min/m^2$ (45 ft ^{3}min/ft^2) for felted fabrics is allowed for filtering air from asbestos ore dryers; and

(iii) Ensuring that felted fabric weighs at least 475 grams per square meter (14 ounces per square yard) and is at least 1.6 millimeters (one-sixteenth inch) thick throughout; and

(iv) Avoiding the use of synthetic fabrics that contain fill yarn other than that which is spun.

(2) Properly install, use, operate, and maintain all air-cleaning equipment authorized by this section. 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.

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(b) There are the following exceptions to paragraph (a)(1):

(1) If the use of fabric creates a fire or explosion hazard, the Administrator may authorize as a substitute the use of wet collectors designed to operate with a unit contacting energy of at least 9.95 kilopascals (40 inches water gage pressure).

(2) The Administrator may authorize the use of filtering equipment other than that described in paragraphs (a)(1) and (b)(1) of this section if the owner or operator demonstrates to the Administrator's satisfaction that it is equivalent to the described equipment in filtering particulate asbestos material.

[49 FR 13661, Apr. 5, 1984; 49 FR 25453, June 21, 1984]

§ 61.155 Reporting.

(a) Within 90 days after the effective date of this subpart, each owner or operator of any existing source to which this subpart applies shall provide the following information to the Administrator, except that any owner or operator who provided this information prior to April 5, 1984 in order to comply with § 61.24 (which this section replaces) is not required to resubmit it.

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

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

(i) If the fabric device uses a woven fabric, the airflow permeability in $m^3/min/m^2$ and; if the fabric is synthetic, whether the fill yarn is spun or not spun; and

(ii) If the fabric filter device uses a felted fabric, the density in g/m^2, the minimum thickness in inches, and the airflow permeability in $m^3/min/m^2$.

(3) For sources subject to §§ 61.151 and 61.152:

(i) A brief description of each process that generates asbestos-containing waste material; and

(ii) The average weight of asbestos-containing waste material disposed of, measured in kg/day; and

(iii) The emission control methods used in all stages of water disposal; and

(iv) 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.

(4) For sources subject to § 61.153:

(i) A brief description of the site; and

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

(b) The information required by paragraph (a) of this section must accompany the information required by § 61.10. The information described in this section must be reported using the format of Appendix A of this part.

(Approved by this Office of Management and Budget under control number 2060-0264)

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

§ 61.156 Active waste disposal sites.

To be an acceptable site for disposal of asbestos-containing waste material under §§ 61.151 and 61.152, an active waste disposal site must meet the requirements of this section.

(a) Either there must be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, or the requirements of paragraph (c) or (d) of this section must be met.

(b) Unless a natural barrier adequately deters access by the general public, either warning signs and fencing must be installed and maintained as follows, or the requirements of paragraph (c)(1) of this section must be met.

(1) Warning signs must be displayed at all entrances and at intervals of 100 m (330 ft) or less along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited. The warning signs must:

(i) Be posted in such a manner and location that a person can easily read the legend; and

(ii) Conform to the requirements of 51 cm × 36 cm (20" × 14") upright

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format signs specified in 29 CFR 1910.145(d)(4) and this paragraph; and

(iii) 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	Notation
Asbestos Waste Disposal Site	2.5 cm (1 inch) Sans Serif, Gothic or Block.
Do Not Create Dust	1.6 cm (½ inch) Sans Serif, Gothic or Block.
Breathing Asbestos is Hazardous to Your Health	14 Point Gothic.

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

(2) The perimeter of the disposal site must be fenced in a manner adequate to deter access by the general public.

(3) Upon request and supply of appropriate information, the Administrator will determine whether a fence or a natural barrier adequately deters access by the general public.

(c) Rather than meet the no visible emission requirement of paragraph (a) of this section, an active waste disposal site would be an acceptable site if 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 is covered with either.

(1) At least 15 centimeters (6 inches) of compacted nonasbestos-containing material, or

(2) A resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. This agent must be used as recommended for the particular dust by the manufacturer of the dust suppression agent. 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.

(d) Rather than meet the no visible emission requirement of paragraph (a) of this section, an active waste disposal site would be an acceptable site if an alternative control method for emissions that has received prior approval by the Administrator is used.

(Secs. 112 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7412, 7601(a))

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