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Calidria ASBESTOS

THE DISCOVERY COMPANY

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November 27, 1974

PLAINTIFF'S EXHIBIT

UC-2972

Mr. R. H. Mereness
Executive Director
Asbestos Information Association/NA
1660 L Street, N.W.
Suite 610
Washington, D.C. 20036

Dear Bob:

Union Carbide's basic comments on the proposed EPA revisions are enclosed. We plan to incorporate these into our own letter to EPA. You are free to include them in an AIA/NA letter as you see fit.

If you have any questions, please let me know.

Very truly yours,

Harry

H. B. Rhodes
Area Manager
Marketing & Technology

HBR:cjb
Enclosure

CC: J. L. Myers
W. C. Thurber

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61.21 Definitions

(k) "Friable asbestos material"

A new definition for the above is proposed by E.P.A. The word "friable" is used in the present regulations in relation to demolition and is used much more extensively in the proposed changes. It may be a useful key to get some realism into the "Waste Disposal" and "Disposal Sites" sections and should thus be defined with care.

The essentials of the definition are "reduced to powder, when dry, by hand pressure." The words "crumbled" and "pulverized" are ambiguous. Materials can be crumbled or pulverized by hand but not become powder and thus not be dusty. For this reason the changes shown below are recommended:

(k) "Friable asbestos material" means any material that contains more than one percent asbestos that can be ~~crumbled, pulverized,~~ or reduced to powder, when dry, by hand pressure.

(m) Renovating

This is a proposed new definition which introduces into the regulation for the first time a quantity of "friable asbestos material" that is considered to be too small to be covered by the regulations. (Demolition of dwellings containing less then 4 units are exempt). Based on 160 sq. feet of material about 3" thick a figure of 50 cubic feet of friable asbestos material can be calculated. This figure will be used in our subsequent proposed revisions as a cut-off point.

(p) Fabricating

This is a broad new proposed definition which covers any processing of a manufactured product containing commercial asbestos with some exceptions relating to construction sites. Since this is a "second order" step after manufacturing it is reasonable to suggest that the description be narrowed to include only those operations which actually produce visible airborne dust. Such activities as extruding RG-600 and cutting the flashing with a knife, for example, would be excluded by tne changes shown below:

(p) "Fabricating" means any processing of a manufactured product containing commercial asbestos in any manner that produces visible airborne dust, with the exception....

A more restrictive alternative could add 1% asbestos limitations thus:

.....manufactured product containing more than 1% commercial asbestos in any manner that produces visible airborne dust, with the exception.....

61.22 (j) (1) Waste disposal

This section extends the "no visible emissions" concept to the collection, processing, packaging, transporting and disposition of "asbestos containing waste"

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from the particular manufacturing, spraying and fabrication operations which come under the regulations. It also includes "friable asbestos waste" and "control device asbestos waste" generated by sources under the demolition and renovation sections of the regulation.

The paragraph goes on to "alternative" methods which include;

1. Wetting with water plus packing and transporting in "impermeable" bags with warning labels.

2. Formation into non-friable pellets in which case labels are not required.

Although these are listed as alternative procedures they seem to be mainly prescribed ways to achieve the "no visible emissions" criteria.

The "friable asbestos" concept is being applied widely in the regulations covering demolition and renovation waste. It seems reasonable to argue that it should also be applied to other wastes. If a waste does not contain "friable asbestos" it should not be necessary to treat it as a hazardous emmission source as it is moved to disposal point and is deposited.

According[ly] the following change is suggested.

Number paragraph j (1) as j (1)(i) and change to:

j (1)(i) There shall be no visible emission to the outside air, except as provided in paragraph j(3) of this section, from the collection, processing, packaging, transportation, or disposition of ~~asbestos containing~~ waste <u>containing friable asbestos</u> which is generated by.....

This is also the appropriate spot to extend the concept already used in demolition and renovation to exempt small disposal operations. See previous discussio of paragraph 61.21 m (Renovating)

A new paragraph designated j (1) (ii) would be added.

j (1)(ii) The provisions of j (1) (i) do not apply to the disposal of waste generated by the sources covered by paragraphs (c), (e), and (h) of this section if the maximum quantity of friable asbestos ~~waste~~ generated in any calendar month is less than 50 cubic feet.

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66.21 j(3) (Alternative procedures.)

This section provides for so-called alternative procedures which include (1) wetting with water, transportation in an "impermeable" bag and a warning label and (2) forming into non-friable pellets. In the second case, visible emissions are acceptable from waste containing these pellets and no caution labels are required.

It can be argued that there are other ways than pelletizing to render friable asbestos waste non-friable and if this is done it should be treated the same as pellets. A section covering the use of the same dust suppression agents as specified for waste disposal rites should be added. The word "impermeable" should also be changed to "dust-tight."

Change 61.22 j(3)i(B) to:

(B) All waste specified in paragraph j(1) of this section shall be sealed in ~~impermeable~~ dust-tight containers while wet, and....

Add a new paragraph 3ii as follows:

(3ii) Wetting of asbestos-containing waste with resinous or petroleum-based dust suppressent agent:

A. All wastes specified in paragraph (j)(1) of this section shall be thoroughly wetted with a resinous or petroleum based or other type of dust suppressent agent ~~as~~ approved by the Administrator in such a manner that it does not become friable asbestos during collection processing, packaging, transportation, or disposition.

B. The collection of all wastes specified in ~~this~~ section j(1) and the wetting operation specified in paragraph 3ii shall not result in the discharge of visible emissions to the outside air except as specified in paragraph (f) of this section.

Change the number of the presently proposed 3ii to 3iii.

66.21 j(2) Incineration of Containers

This is a very sweeping prohibition that implies that once a container has held asbestos it is forever dangerous. This needs to be modified. It can certainly be argued that the same no-visible emissions criteria that applies to other situations should apply to the incineration of bags. It is also reasonable that a bag which is sufficiently clean to not give off visible dust should be handled like any other bag. The following suggested revisions cover these points.

2(i) There shall be no visible emissions to the outside air from the incineration of containers which previously contained commercial asbestos.

2(ii) Containers which previously held commercial asbestos but which have been emptied and/or cleaned to a point where they contain no visible asbestos fiber or do not generate visible airborne asbestos dust when shaken or agitated are exempt from this regulation.

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61.22 (k) Waste Disposal from Asbestos Mills.

The plant has indicated no particular problems with this section beyond the bag incineration which has already been covered. On this basis, no changes have been recommended here but it is suggested that we might make some points in our presentation by endorsing this provision.

61.22 (l) Waste Disposal Sites

This paragraph extends the "no visible emissions" requirement to active and inactive waste disposal sites including inactive mill tailings piles. It prescribes stringent warning sign and fencing conditions. This type of restriction may be quite reasonable for large dumps and tailings pile situations such as those described in the EPA Background Information Document but they become extremely unrealistic when applied to large land-fill type operations where asbestos containing materials are a minor constituent or to small dumps. They have the effect of amounting to a de facto prohibition of asbestos for all except the very large users who can afford to operate their own dumps. A way is needed to make it possible to continue to dispose of relatively small amounts of asbestos in regular disposal and land-fill operations without treating the entire operation as a hazardous situation.

The best approach seems to be to follow the approach covered previously in our proposed changes in the section on waste disposal. If friable asbestos is not present or is rendered non-friable before dumping, it should not be treated as an environmental hazard. One objection to this is mentioned in the background document where asbestos cement pipe waste was crushed at the disposal site giving rise to some visible emissions. This would obviously have to be controlled to get this approach accepted.

Specifically, the following changes are suggested to incorporate these ideas. First paragraph l(l) is modified to limit it to friable asbestos.

l. Waste Disposal Sites:

l. There shall be visible emissions to the outside air from any active or inactive section of a waste disposal site where ~~asbestos containing~~ waste containing friable asbestos has been deposited, except as provided in paragraph i(4) of this section. For purposes of this paragraph, friable asbestos shall not include material that has been rendered non-friable by the procedures specified in the paragraph j(3)ii.

A new paragraph l(4) is added as follows:

l(4) Regular processing in the disposal area of non-friable asbestos-containing material in a manner which generates visible airborne dust is prohibited except as permitted under paragraph 6i of this section. This paragraph does not apply to ordinary dumping and leveling operations.

A new paragraph l(5) is added to propose the "small amount of asbestos" exemption.

l(5) The provisions of paragraph (l) do not apply to waste disposal sites where less than 50 cubic feet of friable asbestos is deposited in a calendar month.

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