UC 149-2

PLAINTIFF'S EXHIBIT

UC-3553

UNION CARBIDE INTERNAL CORRESPONDENCE

METALS DIVISION • P. O. BOX 579 · 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Messrs. C. R. Allenbach
Division R. E. Byrne, Jr.
Location J. L. Myers
E. W. Shortridge
W. C. Thurber

Copy to File ✓

Date August 18, 1977

Originating Dept. "Calidria" Asbestos

Answering letter date

Subject Revised EPA Effluent Guidelines

As you may be aware, the EPA settled a law suit by a group of environmental activists by agreeing to promulgate effluent regulations for a wide variety of toxic substances by 1983. An article describing the program and an EPA response to a request by Nicolet, Inc., for a NPDES permit are attached for your information. The latter is interesting in that the deadline for the control equipment to be operational is 1981 not 1983 and zero discharge of fibers longer than 5μ, not all asbestos fibers is required.

H. B. Rhodes /dal
H. B. Rhodes

HBR:dal
Attachments

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UCC 007508

1.2.3.6

NOTICE OF ISSUANCE
NPDES PERMIT

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
PERMIT BRANCH
SIXTH & WALNUT STREETS
PHILADELPHIA, PENNSYLVANIA 19106
TELEPHONE: (215) 597-9800

PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL RESOURCES
1875 NEW HOPE STREET
NORRISTOWN, PENNSYLVANIA 19401
TELEPHONE: (215) 631-2432

Notice is hereby given that the Environmental Protection Agency, after public notice, has on this date issued a National Pollutant Discharge Elimination System permit pursuant to PL 92-500, the Federal Water Pollution Control Act Amendments of 1972 (the Act), to:

1. Nicolet Industries, Inc.
   Norristown, Pennsylvania
   EPA: PA 0013471

2. Certain-Teed Products Corporation
   Ambler, Pennsylvania
   EPA: PA 0012483

3. Nicolet Industries, Inc.
   Ambler, Pennsylvania
   EPA: PA 0011991

This notice is provided pursuant to 40 CFR, Part 125.35 (b) (2), which requires the Regional Administrator, to provide a notice of permit issuance or denial to any persons on the mailing list maintained by the Regional Administrator. Such notice is to briefly indicate any significant changes which have been made from terms and conditions set forth in the fact sheet and the draft permit. The significant changes are as follows:

Changes to all three permits

1. These facilities will be required to cease discharge of all process-related wastewater by January 1, 1981. The limitations pages have been changed accordingly.

2. The following asbestos limits have been added under Part III:

   A. There shall be no discharge of any asbestos particle larger than five (5) microns in length.

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B. Asbestos shall be sampled once/month by visual microscopy and once/quarter by electron microscopy. In addition to reporting the number of fibers/liter, permittee shall report the size of the largest fiber found and the number (if any) of fibers/liter larger than five microns in length.

The analytical method for visual microscopy can be found in: Julian and McCrone, Microscope 18, 1 (1970). The method for electron microscopy is given in: Anderson, "Interim Procedure - Transmission Electron Microscopic Method For Asbestos Analysis", USEPA (Athens), 1976.

3. All schedules of compliance have been deleted and the following schedule substituted:

First Report of Progress	January 1, 1978
Report of Progress	July 1, 1978
Final Plan Approved	January 1, 1979
Begin Construction	July 1, 1979
Report of Progress	January 1, 1980
Report of Progress	July 1, 1980
Attainment of Operational Level	January 1, 1981

These changes have been made in accordance with new Regional Policy developed with regards to asbestos discharge.

PA 0013471

4. The interim limitation page (effective date through June 30) has been deleted.

5. Page 12, 13, & 14, titled "Proposed Other Conditions" have been deleted because the applicant has already achieved compliance with these provisions through state order.

PA 0012483

6. The first date of the limitations page has been changed to July 1, 1977.

7. The requirement dealing with the solid waste disposal area, formerly number 2 in Other Requirements, has been deleted since this requirement has been met. The requirement dealing with BOD-5, formerly number 1 in Other Requirements, has been renumbered to letter "C".

PA 0011991

8. The interim limitations pages (effective date to September 30, 1976; October 1, 1976 to June 30, 1977) have been deleted.

9. The pages titled "Proposed Other Conditions" have been deleted because the applicant has already achieved compliance with these provisions through state order.

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Union Carbide trial exhibit UC-3553: H. B. Rhodes to C. R. Allenbach and Others on Revised EPA Effluent Guidelin... Published by AsbestosClaims.Law
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It is the judgement of the Regional Administrator that the terms and conditions of the permit, which include the significant changes presented above will not interfere with the attainment or maintenance of water quality standards and does provide for the application of best practicable control technology by July 1, 1977. This determination is based upon a review of water quality data and studies.

The permit will become effective July 30, 1977 , and will expire at midnight, July 30, 1982.

The draft permit, finalized permit, and all related documents are on file at the Region III office of the Environmental Protection Agency, Sixth and Walnut Streets, Curtis Building 2nd Floor, Philadelphia, Pennsylvania 19106. The documents may be inspected and arrangements made for copying between 9 am and 4 pm Monday through Friday, except during Federal Holidays.

Please bring the foregoing matter to the attention of persons whom you know would be interested.

Stephen R. Wassersug
Director, Enforcement Division

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