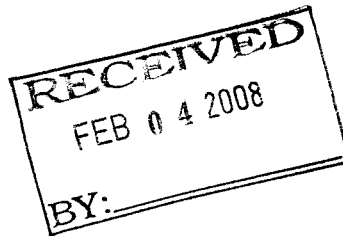




MONTEREY BAY

Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties



AIR POLLUTION CONTROL OFFICER
Douglas Quetin

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January 29, 2008

William Merry
General Manager
Monterey Regional Waste Management District
PO Box 1670
Marina, CA 93933 - 1670

Re: Your request to amend NESHAP exemption for single family dwellings

Dear Mr. *Merry*:

In November we presented your proposal to our Advisory Committee. Although there was not a quorum so the Committee could not act officially, it was clear that those members who were present were a little mystified as to why this proposal was being made insofar as the proposed solution does not follow from the troubles MRWMD has had recently with accepting asbestos wastes. For the reasons stated below, we also feel that the proposal for regulatory change should not proceed forward.

We are very aware of the difficulty your agency has had in discriminating asbestos wastes that can and cannot be accepted into your landfill. It's a difficulty that all landfills face, and I'm sure it extends to hazardous materials beyond just asbestos wastes. This agency wants to help you to meet this challenge and has already conducted extensive training of your staff to better equip them to recognize these prohibited wastes. We intend to continue to work with your agency to further protect against unlawful disposals at your facility.

We have been administering the federal asbestos regulation for many years and are well aware of the shortcomings in the process that present the problems you've encountered as well as other problems leading to exposure of the public. But there is no evidence we're aware of that asbestos wastes from residences is a part of this problem, although one could speculate that such wastes do occasionally get handled inappropriately. To the extent that is the case, the problem is more significant for homeowners themselves and their families than it is for landfills that may inadvertently accept asbestos wastes from residential remodels. But EPA decided long ago, when it enacted the federal asbestos regulation, that residences pose a de minimis risk in the overall scheme of asbestos removals from buildings and structures and decided to exempt them from the regulation's requirements because of the unfavorable cost - benefit relationship. We are aware of no evidence that militates against this regulatory judgment by EPA.