



## U.S. Environmental Protection Agency Applicability Determination Index

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**Control Number: A930002**

**Category:** Asbestos  
**EPA Office:** SSCD  
**Date:** 01/28/1993  
**Title:** Labeling Req. for Asb.-Contain. Waste Mater.  
**Recipient:** Miller, John  
**Author:** Rasnic, John B.

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**Subparts:** Part 61, M, Asbestos

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**References:** 61.150  
61.150(a)  
61.150(a)(1)  
61.150(a)(1)  
61.150(a)(2)  
61.150(a)(3)  
61.150(a)(4)

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### Abstract:

The labeling requirements for asbestos-containing waste material transported off the facility site (see 40 CFR Part 61.150) are clarified. A source must comply with either discharging no visible emissions to the outside air or following all of the requirements of 61.150(a)(1); the latter option being the preferred method of compliance. Bags of asbestos-containing waste material do not have to be labeled with the generator's name and address if the source chooses to meet the requirements in 61.150(a); therefore, the landfill operator does not have to reject a shipment of waste where the bags do not have labels on them. However, EPA would like to be notified when this happens so that a follow-up inspection can be made at the generator's abatement site.

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### Letter:

Mr. John Miller  
Assistant General Manager  
Valley Landfill  
R.D. #2 Box 282A  
Pleasant Valley Road  
Irwin, PA 15642

Dear Mr. Miller:

This is in response to your letter dated December 9, 1992 requesting a formal written response to the issue of the enforceability of the labeling requirements for asbestos-containing waste material transported off the facility site (see 40 CFR Part 61.150). Particularly, you state that you have received conflicting interpretations of this section of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) from Region I and Region III of the Environmental Protection Agency (EPA).

Under 61.150(a), the rule states: "Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a)(1) through (4) of this section."

The "or" in paragraph (a) of 61.150 means that paragraph (a)(1) of the same section (which includes requirements for labeling containers of asbestos-containing waste material to be transported off the facility site) is an optional method of compliance with paragraph (a). Generally, it is expected that a source comply with either discharging no visible emissions to the outside air or following all of the requirements of 61.150(a)(1) with the latter option being the preferred method of compliance. Bags of asbestos-containing waste material do not have to be labeled with the generator's name and address if the source chose to meet the requirements in 61.150(a), therefore the landfill operator does not have to reject a shipment of waste where the bags do not have labels on them. However, EPA would like to be notified when this happens so that a follow-up inspection can be made at the generator's abatement site.

The requirement for labeling in 61.150(a)(1)(v) allows for easier tracking of asbestos-containing waste materials from the point of generation until disposal. If the source has not explicitly stated on the initial notification which collection and disposal method will be used, and if no labels are on the waste containers, it is assumed that the source has chosen the "discharge no visible emissions" requirement of 61.150(a). In the case where no labels are on the waste containers, EPA may make an additional effort to inspect/reinspect the work site that the material came from to determine if any visible emissions may have occurred during the collection, transport, or disposal of the waste and whether any visible debris has been left behind. If any debris is discovered, it is likely that EPA would pursue potential enforcement actions against the source. Therefore, in order to reduce its potential liability, a source should choose the option in 61.150(a)(1) for waste disposal.

This determination has been coordinated with EPA's Office of Enforcement, the Office of Prevention, Pesticides and Toxic Substances, and the Emission Standards Division of the Office of Air Quality Planning and Standards. If you have any questions, please contact Tom Ripp of my staff at (703) 308-8727.

Sincerely,

John B. Rasnic, Director  
Stationary Source Compliance Division Office of Air Quality Planning and Standards

cc: Sims Roy, ESD (MD-13)  
Charlie Garlow, OE (LE-134A)  
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