



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A930005

Category: Asbestos
EPA Office: SSCD
Date: 11/06/1992
Title: Roadway Standard
Recipient: Skie, Doug
Author: Rasnic, John B.

Subparts: Part 61, M, Asbestos

References: 61.143

Abstract:

The applicability of the Asbestos NESHAP Roadway Standard (40 CFR 61.143) to a permanent road covered with mill tailings located on a vermiculite mine property is discussed. The mill tailings have asbestos contamination from the mine; however, the asbestos in this case has no commercial value. Since the tailings are a product of vermiculite mining, not asbestos mining, the tailings do not meet the definition of asbestos tailings and cannot be considered asbestos-containing waste materials. The tailings from the vermiculite mining operation, therefore are not subject to the Standards for Roadways under the Asbestos NESHAP.

Letter:

MEMORANDUM

SUBJECT: Determination Statement Concerning Applicability of Asbestos NESHAP Roadway Standard

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

TO: Doug Skie, Chief
Air Programs Branch

This memorandum is in response to your October 22, 1992 memorandum requesting our written determination on the applicability of the Asbestos NESHAP Roadway Standard (40 CFR 61.143) to a permanent road covered with mill tailings located on W. R. Grace Co.'s vermiculite mine property in Libby, Montana. These mill tailings have asbestos contamination from the mine, however, the asbestos in this case has no commercial value.

The Asbestos NESHAP Standard for Roadways controls the use of asbestos tailings or asbestos-containing waste material in the construction of a roadway. Therefore, the material from W. R. Grace Co.'s vermiculite mine would have to fit the definition of asbestos tailings or asbestos-containing waste material. Asbestos tailings is defined as "any solid waste that contains asbestos and is a product of asbestos mining or milling operations." Asbestos-containing waste materials is defined as "...mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provision of this subpart...". Commercial asbestos is defined as "any material containing asbestos that is extracted from ore and has value because of its asbestos content".

Since the tailings are a product of vermiculite mining, not asbestos mining, the tailings do not meet the definition of asbestos tailings. Additionally, the tailings do not contain commercial asbestos since the asbestos in this case is a contaminant and does not add value to the vermiculite. Since the tailings are not considered to be commercial asbestos, they can not be considered to be asbestos-containing waste materials. Therefore, the tailings from the vermiculite mining operation are not subject to the Standard for Roadways under the Asbestos NESHAP.

This determination has been coordinated with EPA's Office of Enforcement 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.

cc: Sims Roy, ESD (MD-13)
Charlie Garlow, OE (LE-134A)
Tom Ripp, SSCD
Chris Oh, SSCD
Regional Asbestos NESHAP Coordinators