



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A970001

Category: Asbestos
EPA Office: Region 4
Date: 11/13/1996
Title: Disposal of Category 1 Non-friable ACM
Recipient: Thanasides, John
Author: Spagg, Beverly

Subparts: Part 61, M, Asbestos

References: 61.150

Abstract:

Q. Can non-friable asbestos containing valve packing and gaskets be shipped to a smelter for disposal? Would the requirements of 40 CFR Part 61, Subpart M, section 61.150 apply to the non-friable packing material?

A. The disposal of the waste would be subject to 40 CFR, Part 61.150, if the waste is incinerated.

Q. What licensing requirements apply to the scrap material hauler and the scrap processor and/or smelter?

A. The scrap material hauler does not need to be licensed, as long as the material that he is transporting is in fact, Category I non-friable. The Owner or Operator of the scrap processor and/or smelter would be responsible for complying with the requirements of 40 CFR, Part 61.150 Each Owner or Operator of this provision shall discharge no visible emissions to the outside air during the processing (including incineration) of any asbestos containing waste materials.

Letter:

November 13, 1996
Mr. John Thanasides
Regional Manager
Olshan Demolishing Management, Inc.
400 Statesville Blvd.
Salisbury, North Carolina 28144

Dear Mr. Thanasides:

This is response to your October 11, 1996 letter, requesting clarification of several items regarding the determination of Category I non-friable asbestos-containing materials (ACMs). Your specific questions are discussed below.

I. Can non-friable asbestos containing valve packing and gaskets be shipped to a smelter for disposal?

Response: Asbestos valve packing, and gaskets are identified as category I non-friable materials if they are in good condition. Therefore, these materials are not regulated (i.e., removal nor disposal) by the Asbestos National Emissions Standard for Hazardous Air Pollutants (NESHAP), unless greater than 160 square feet or 35 cubic yards (accumulative) are being disturbed and the materials were made friable during the disturbance (i.e., can be crumbled by hand pressure, or reduced to powder by forces from the demolition).

II. Would the requirements of 40 CFR Part 61, Subpart M, Section 61.150 apply to the non-friable packing material?

Response: The disposal of the waste would be subject to 40 CFR, Part 61.150, if the waste is incinerated.

III. If valve packing is completely encased in the body of a valve, and during the course of demolition the packing would be exposed, does the packing need to be removed prior to demolition or would the body of the valve be sufficient to ship to a smelter?

Response: If the threshold amount of the material (as stated in response No. I.) is not exposed and the materials remain in a non-friable state during the demolition activity, the materials need not be removed prior to the demolition.

IV. Does the scrap material hauler need to be a licensed asbestos material hauler when transporting Category I non-friable ACM?

Response: No. The scrap material hauler does not need to be licensed, as long as the material that he is transporting is in fact, Category I non-friable.

V. Are there any special licenses or certifications required by the scrap processor and/or smelter for handling category I non-friable ACM?

Response: The Owner or Operator of the scrap processor and/or smelter would be responsible for complying with the requirements of 40 CFR, Part 61.150 [Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations]. Each Owner or Operator of this provision shall discharge no visible emissions to the outside air during the processing (including incineration) of any asbestos containing waste materials.

If you have any questions regarding the above determination, please contact Caroline Robinson of my staff at (404) 562-9203.

Sincerely yours,

Beverly A. Spagg, Chief
Air and EPCRA Enforcement Branch Air, Pesticides & Toxics Management Division