



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C10

Category: Asbestos
EPA Office: SSCD
Date: 10/26/1982
Title: Empty Plast. Bags that Contained Friable Asb.
Recipient: Kee, David
Author: Reich, Edward E.
Comments: NOTE: Asb. Reg.s were in Sub. B (61.20 et seq.) before 4/85

Subjects: Part 61, B-Asb, Asbestos Demolition/Renovation (Now Sub. M)

References: 61.141
61.150
61.154

Abstract:

Empty plastic bags that previously contained commercial asbestos, even though they are melted down into nonfriable plastic rocks, still are considered asbestos-containing waste material and must be deposited at waste disposal sites operated pursuant to the provisions of Section 61.25. (Note: memo incorrectly says Section 61.22(w), instead of Section 61.21(w).)

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OCT 26 1982

MEMORANDUM

SUBJECT: Asbestos NESHAPs Applicability Determination

FROM: Director
Stationary Source Compliance Division

TO: David Kee, Director
Air Management Division, Region V

This is in response to your September 16, 1982 request for a NESHAPs applicability determination. The question you raised is whether empty plastic bags that previously contained asbestos must be deposited at waste disposal sites operated in accordance with 61.25, if the bags have been melted down into nonfriable plastic rocks.

This issue arose because the Gibson-Homans Company uses commercial asbestos to manufacture caulks and roofing sealants. The company wants to lower costs by disposing of the bags containing this commercial asbestos at an ordinary waste landfill. The company believes this would not create a hazard, since after melting, the residual asbestos is bound in the plastic and is nonfriable.

The waste disposal standard for manufacturing operations, 40 CFR 61.22(j)(2), requires that all asbestos-containing waste material be deposited at waste disposal sites operated in accordance with the provisions of 61.25. "Asbestos-containing waste material" is defined at 61.22(w) as "any waste which contains commercial asbestos and is generated by a source subject to the provisions of this Subpart, including asbestos mill tailings, control device asbestos waste, friable asbestos waste material, and bags or containers that previously contained commercial asbestos." Since the bags to be melted did previously contain commercial asbestos, the bags clearly are considered asbestos-containing waste material. They must be deposited at waste disposal sites operated pursuant to the provisions of 61.25. No exemption is provided from this requirement even if, after melting, the asbestos in the bags is nonfriable.

Additionally, the provision at 61.22(j)(3)(ii) that asbestos waste may be processed into nonfriable forms is clearly an alternative disposal method to the no visible emissions provision and not an alternative to the requirement to deposit waste at sites operated in accordance with 61.25. See 61.22(j) (3)(ii)(A) which states that for asbestos-containing waste material processed into nonfriable forms, such as Gibson-Homans proposes, "all asbestos-containing waste material shall be formed into nonfriable pellets or other shapes and deposited in waste disposal sites which are operated in accordance with the provisions of 61.25."

Edward E. Reich

cc: Elliott Gilberg
Earl Salo
Linda Chaput
Bruce Varner

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY REGION V

SUBJECT: Asbestos NESHAPs Applicability Determination - Disposal of Melted Empty Plastic Bags

FROM: David Kee, Director
Air Management Division

TO: Edward Reich, Director
Stationary Source Compliance Division

This is to request your determination on whether or not empty plastic bags that previously contained asbestos must be deposited at waste disposal sites operated in accordance with 40 CFR 61.25, if they have been melted down into nonfriable plastic rocks.

The Gibson-Homans Company uses commercial asbestos to manufacture caulks and roofing sealants at its Twinsburg, Ohio plant. They have requested approval to dispose of the melted bags at an ordinary waste landfill for a lower disposal cost. They believe this would not create a hazard, and have submitted a sample to our office which is truly nonfriable. Melting of the bags greatly reduces the volume of the waste, and binds the residual asbestos in the melted plastic.

The waste disposal standard for manufacturing operations, 40 CFR 61.22(j) requires that all asbestos-containing waste material be deposited at waste disposal sites operated in accordance with 40 CFR 61.25. The asbestos standard defines "asbestos-containing waste material" in 40 CFR 61.21 as any waste which contains commercial asbestos, but then cites four types of waste which all contain friable asbestos. It thus appears that the intent of the asbestos standard is to regulate only friable asbestos waste.

Since the company is most anxious to implement the above procedures, we ask that you furnish a response within 2 weeks. If you have any questions, please contact Mr. Bruce Varner of my staff at FTS 353-2088.

cc: Chuck Taylor
Ohio Environmental Protection Agency