



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

---

**Control Number: C29**

**Category:** Asbestos  
**EPA Office:** Region 4  
**Date:** 12/26/1986  
**Title:** Road Paving with Asb. Waste Prohibited  
**Recipient:** Rocco, John M.  
**Author:** Wilburn, James T.  
**Comments:** Remv'd asb. shingles are not auto. considered ACWM. However, they're not allowed to go to any fac.that wld trn into ACWM.

---

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

---

**References:** 61.141  
61.143  
61.144  
61.145  
61.150  
61.152  
61.154

---

**Abstract:**

The use of any asbestos-containing waste material, as defined in 40 CFR Section 61.141, to surface any roadway (including highways, roads, streets, parking areas and driveways) is prohibited under 40 CFR Section 61.143.

---

**Letter:**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IV  
345 Courtland Street  
Atlanta, Georgia 30365

DECEMBER 26, 1986

4APT-AC

Mr. John M. Rocco  
Vice President/Sales & Marketing  
Resource Recovery Association Inc.  
509 East Jackson Street  
Tampa, Florida 33602

Dear Mr. Rocco:

This letter is in reply to your letter of October 27, 1986 to Mr. Beals of my staff concerning applicability of federal rules to your recycling operation in Tampa Florida.

The federal rule promulgated at 40 CFR .61, Subpart M National Emission Standard for Asbestos is designed to prevent asbestos fibers from becoming airborne and therefore a threat to human health.

We have researched your situation and have determined that the use of any asbestos-containing waste material, as defined in 40 CFR .61.141, to surface any roadway (including highways, roads, streets, parking areas and driveways) is prohibited under 40 CFR .61.143. The term "asbestos-containing waste material", as used above is defined, in part, as "any waste material that contains commercial asbestos and is generated by a source subject to the provisions of this subpart." The asbestos in the shingles you propose to process is commercial asbestos since it was extracted from asbestos ore and was a deliberate additive in the manufacture of shingles which is considered a fireproofing/ insulating material whose manufacture is regulated by 40 CFR - .61.144. The shingles, and like material, you propose to process for use on roadways are waste material containing asbestos. The removal of thee shingles from their original site is regulated under 40 CFR .61.145 through .61.147. Consequently, upon removal, these shingles became asbestos-containing waste material. Thus, the recycled material cannot be used on roadways if it is derived solely or from a portion of these asbestos-containing waste materials. Analysis of samples taken by our inspector during the week of October 27, 1986, indicate that asbestos is present in the recycled product. Since non-friable asbestos-containing material may become friable during disposal at a waste disposal site, if subject to mechanical forces such as from bulldozers, this material is subject to the regulations at 40 CFR .61.152 and .61.156 which prescribe certain work practices to prevent asbestos fibers from becoming airborne. The regulations state that no visible emissions are permitted to the outside air at landfill operations where asbestos-containing waste material is deposited.

Lastly, if you choose to process asbestos-containing waste material for some other purpose, the provisions of 40 CFR .61.152(b) (2) will apply. Specifically, the resulting product must be in a non-friable form and there must be no visible emissions discharged from the collection or processing operations. Alternatively, air cleaning provisions specified at 40 CFR - .61.154 may be utilized.

Since your operation is subject to the provisions of 40 CFR .61, a new source construction permit will be required according to 40 CFR .61.07. Since we have delegated the implementation of the federal asbestos regulations to the Florida Department of Environmental Regulation, it will be necessary to obtain appropriate construction and operating permits from them.

In closing, I want to emphasize that the Environmental Protection Agency considers asbestos to be a very hazardous material and it is our intent to regulate the use and processing of this material as strictly as possible since exposure to asbestos can result in devastating health consequences. If you have any questions concerning this letter please call me or Brian Beals of my staff at 404/347-2904.

Sincerely yours,

James T. Wilburn, Chief  
Air, Compliance Branch  
Air, Pesticides, and Toxic  
Management Division

Enclosure (40 CFR .61 - Subpart M)

cc: Mr. Darrell Graziani  
Hillsborough County Environmental Protection Commission  
Mr. Mike McCann  
Mr. Ed Palagyi  
Florida Department of Environmental Regulation