



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

Control Number: C97

**Category:** Asbestos  
**EPA Office:** SSCD  
**Date:** 06/25/1991  
**Title:** Letter To C. R. Sledge, Suffolk, Virginia  
**Recipient:** Sledge, C.R.  
**Author:** Rasnic, John B.

---

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

---

**References:** 61.141  
61.150  
61.154

---

**Abstract:**

If a structure that was formerly a single-family dwelling is currently being used as storage for a commercially run farm, it is a commercial building and is subject to the NESHAP. For mixed waste, fill out the waste shipment record required by the NESHAP as if the waste contained only asbestos. Additional hazardous waste manifests may be required for other waste materials. The NESHAP does not apply to the debris from the demolition or renovation of a residential building having four or fewer dwellings. The 35-day period that triggers actions by the waste generator starts when the waste material is accepted for transport off the facility. Even when being held at a central collection site awaiting transport to the final disposal site, the waste is still subject to the NESHAP.

---

**Letter:**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 25 1991

Office of  
Air and Radiation

Mr C. R. Sledge, Jr.  
Asbestos Consultant  
3613 Deerfield Drive  
Suffolk, Virginia 23435

Dear Mr. Sledge:

This letter is in response to your January 4, 1991 letter and follow-up conversation of March 18, 1991 with Mr. Sims Roy of the Emission Standards Division of the Office of Air Quality Planning and Standards. You requested clarification on several points of the asbestos NESHAP. Mr. Roy relayed this request to the Stationary Source Compliance Division for a response.

Your first question was regarding the applicability of the asbestos NESHAP (the NESHAP) to a "single family dwelling" currently being used as a storage facility for a farm. The NESHAP does not apply to residential structures having four or fewer dwelling units. However, a building which was formerly a residential structure that is currently being used for commercial purposes is considered to be a commercial structure, and therefore is subject to the NESHAP. The fact that the building was once used for residential purposes does not exclude it from the NESHAP. Consequently, if the building you described is currently being used as a storage facility for a commercially run farm, it is a commercial building and is subject to the NESHAP.

The next question was how to complete the waste shipment record (WSR) for "mixed waste." Section 61.150 requires a WSR for asbestos-containing waste material transported off the facility site. Paragraph 61.150(d)(1)(viii) specifically requires "A certification that the contents of this consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations." The purpose of this requirement is twofold. First, it is to ensure proper packing, marking and shipping of the waste. Second, the WSR enables tracking of the asbestos waste from "cradle to grave." When there is a "mixed waste," fill out the WSR required by the NESHAP as if the waste contained only asbestos. Additional hazardous waste shipment manifests may be required for the other waste material(s). The WSR does not take the place of any hazardous waste shipment manifests.

The third question concerned the proper disposal of asbestos waste generated from a residential building having four or fewer dwellings. As you point out, section 61.154 requires the operator of an active asbestos waste disposal site to maintain waste shipment records for "all asbestos-containing waste material received." Since the definition of a facility excludes residential buildings having four or fewer dwellings, the waste is not being generated by a source subject to the provisions of the NESHAP. The definition of asbestos-containing waste materials does not apply. Therefore, the NESHAP does not regulate the debris from the demolition or renovation of a residential building having four or fewer dwellings.

Finally, you asked when the 35 day clock begins under section 61.150(d) for receipt of the waste shipment record. Section 61.150(b) requires that all asbestos-containing waste shall be deposited as soon as practical by the waste generator at one of two places. The waste shall be deposited at a waste disposal site operated in accordance with the provisions of section 61.154 or at an EPA-approved site that converts regulated asbestos-containing material (RACM) and asbestos-containing waste material into nonasbestos material according to the provisions of section 61.155. It may be practical to accumulate the asbestos-containing waste material at a central collection point and then ship the material to a waste disposal site. A full truckload of waste would be considered "practical" for shipping to the waste disposal site. Even if the waste materials are shipped to a central location, and not directly to a waste disposal site, the 35 day period starts when the waste material is accepted for transport from the facility. The requirements of section 61.150(d) must be met. The cover letter required under Section 61.150(d)(ii) after 45 days must explain where the waste is located. At that point, the Agency responsible for administering the asbestos NESHAP program must follow up on the letter to ensure that the waste does indeed eventually make it to the waste disposal site. It is important to remember that the waste located at the central collection site is still subject to the provisions of the NESHAP that apply to waste awaiting disposal. The owner and/or generator of the waste must ensure that the asbestos NESHAP is being followed. Therefore, it would be beneficial to the owner and/or generator to properly dispose of the waste as soon as possible.

This response 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 further 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: Regional Asbestos NESHAP Coordinators  
Sims Roy, ESD (MD-13)  
Charlie Garlow, OE (LE-134A)  
Omayra Salgado, SSCD (EN-341W)  
Scott Throwe, SSCD (EN-341W)  
Joe Schechter, EAD (TS-799)