



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

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**Control Number: A960021**

**Category:** Asbestos  
**EPA Office:** METD  
**Date:** 08/28/1995  
**Title:** Warning Signs  
**Recipient:** McGilvray, Andrew  
**Author:** Rasnic, John

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

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**References:** 61.151

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**Abstract:**

Q. When do asbestos warning signs have to be posted at asbestos landfills, where must they be located, and for how long must they be maintained?

A. Section 61.151(b) of the asbestos NESHAP specifies the requirements concerning asbestos warning signs. This section provides that if barriers are maintained according to (a)(2) or (a)(3), warning signs are not required. However, the closure plan must also comply with state and local regulations which may be more stringent.

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**Letter:**

Mr. Andrew McGilvray  
Department of Public Works  
715 Princess Anne Street  
P.O. Box 7447  
Fredericksburg, VA 22404-7447

Dear Mr. McGilvray:

This is in response to your June 12, 1995, letter requesting clarification to several questions on the applicability of the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) to the closure of a landfill that accepted asbestos-containing waste material.

You stated that the landfill operated until 1988, when municipal waste disposal was terminated. During the time that the landfill operated, bagged asbestos-containing waste material was disposed of in a pit, fifteen feet deep, and covered with, approximately, seven feet of fill material, prior to closing the landfill. During closure, the asbestos disposal area received an eighteen inch clay cap with two feet of a vegetative layer on top of the cap. Additionally, the area has been seeded, and a growth of grass is covering the area. An access control fence was erected along the length of the property line adjacent to a residential area, as well as along the access road to the landfill. "No Trespassing" signs have been installed, and the access gates are kept locked. Residents have complained about the asbestos warning signs at the site. These have been erected as required by paragraph 8.1.E.7.b of the Virginia Solid Waste Management Regulations (VR 672-20-10).

You specifically ask if the asbestos warning signs can be eliminated from the closure plan, or if not, can signs be posted only at the entrance to the asbestos disposal area? Additionally, you ask that if the warning signs are required, how long must they remain in place?

Unless a natural barrier adequately deters access by the general public, install and maintain warning signs and fencing as follows, or comply with paragraph (a)(2) or (a)(3) of this section.

Section 61.151(a)(2) states:

Cover the asbestos-containing waste material with at least 15 centimeters (6 inches) of compacted nonasbestos-containing material, and grow and maintain a cover of vegetation on the area adequate to prevent exposure of the asbestos-containing waste material.

Section 61.151(a)(3) states:

Cover the asbestos-containing waste material with at least 60 centimeters (2 feet) of compacted nonasbestos-containing waste material, and maintain it to prevent exposure of the asbestos-containing waste.

Your closure plan appears to meet the requirements of sections 61.151(a)(2) and (a)(3). Therefore, you would not be required to meet section 61.151(b). However, local regulations (e.g., Virginia Solid Waste Management Regulations) are allowed to be more stringent than the Federal Regulations, and the closure plan must meet the local requirements, as well as the Federal requirements.

This response was coordinated with the Office of Regulatory Enforcement (ORE) and the Office of Air Quality Planning and Standards (OAQPS). If you have questions, please contact Tom Ripp of my staff at (202) 564-7003.

Sincerely,

John B. Rasnic, Director  
Manufacturing, Energy and Transportation Division Office of Compliance

cc: Asbestos NESHAP Coordinators  
Regions I-X  
Charlie Garlow, AED (2242A)  
Susan Fairchild-Zapata, OAQPS (MD-13)