



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C20

Category: Asbestos
EPA Office: ESD
Date: 06/20/1985
Title: Responsibility for Abandoned Waste
Recipient: Wainwright, Phyllis
Author: Copeland, John O.

Subparts: Part 61, M, Asbestos

References: 61.150
61.154

Abstract:

En route to a site, mechanical or other difficulties were experienced that caused a driver to abandon a rented vehicle. The rental agency towed the vehicle to its premises where the presence of asbestos-containing waste was discovered and then confirmed. Both the State of North Carolina (facility owner) and the contractor are responsible for depositing the waste at an acceptable site as described in Section 61.156. The premises of the rental agency do not meet the criteria of Section 61.156.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

June 20, 1985

Phyllis Wainwright
North Carolina Division of Environmental Management 3800 Barrett Drive Raleigh, North Carolina 27609

Dear Phyllis:

Regarding our telephone conversation of June 7, 1985, it appears that there may have been a violation of the asbestos national emission standard for hazardous air pollutants (NESHAP) for the situation that you described.

According to your description, it appears that asbestos was removed from a State of North Carolina facility and that such removal was subject to Sections 61.145, 61.146, and 61.147 of Subpart M, Part 61, Code of Federal Regulations. After removal, you indicated that the removal contractor rented a vehicle and began transporting asbestos-containing waste to a disposal site. En route to the site, mechanical or other difficulties were experienced that caused the driver to abandon the vehicle. Subsequently, the rental agency towed the vehicle to their premises where the presence of asbestos-containing waste was discovered and then confirmed by your agency.

Our interpretation of Section 61.152 of the asbestos NESHAP is that both the State of North Carolina and the contractor are responsible for depositing the waste at an acceptable site as described in Section 61.156. The premises of the rental agency do not appear to meet the criteria of Section 61.156.

Regarding the proper course of legal action on this matter, I suggest contact with our attorney, Mr. William D. Anderson of EPA Region IV (404) 881-2335 for advice on how long the material can be stored at the rental agency site before a violation occurs. Regarding your question about past EPA experience with this kind of situation, I suggest contact with our headquarters attorney Mr. Elliott J. Gilberg (202) 382-2864.

Thank you for your inquiry. If there is a need for further assistance, please do not hesitate to contact me.

Sincerely,

John O. Copeland
Industrial Studies Branch
Emission Standards and
Engineering Division

cc: William Anderson (Region IV)
Rich Biondi (EN-341)
Elliott Gilberg (LE-134A)
Joe Riley (Region IV)
Gil Wood (EPA/ESED)