



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A030001

Category: Asbestos
EPA Office: Region 5
Date: 03/06/2003
Title: Abandoned Underground Lines Wrapped in Friable Asbestos
Recipient: Rodney Massey
Author: George Czerniak

Subparts: Part 61, M, Asbestos

References: 61.141
61.151(e)
61.154(h)

Abstract:

Q1: Is there a point at which abandoned underground utility steam lines wrapped in friable asbestos which enter commercial and residential structures are no longer regulated and fall under the residential exemption of 61.141?

A1: No. The lines remain a facility component regulated under the asbestos NESHAP, even if they are abandoned. Determination of which specific requirements of the asbestos NESHAP would apply to future demolitions or renovations would be based, in part, on the amount of asbestos involved.

Q2: Would abandonment of such lines at a residence cause the location to be considered an active waste disposal site under 61.154? If no more asbestos-containing material is buried there for a year, would the location be an inactive waste disposal site per 61.151(e) and 61.154(h)?

A2: No. The residential location would not be considered an active or inactive waste disposal site. If the lines are disturbed, the asbestos NESHAP may apply depending on the type of activity and how it affects the lines.

Q3: When a utility steam line is abandoned at a residence or a commercial property, must the utility or the property owner place a notation on the deed of the property per 61.151(e)?

A3: No. Because the mere existence of these lines does not make the property an inactive waste disposal site, 61.151(e) does not apply. Should the property become an inactive waste disposal site, the property owner would need to insure that a notation was placed on the deed and any other instrument normally examined during a title search.

Q4: Would the asbestos NESHAP regulate the removal of underground utility steam lines from the yard of a residence?

A4: The asbestos NESHAP would apply if the amount of asbestos being removed exceeds the regulatory threshold. Because the lines were once part of an affected facility, they remain potentially subject despite the fact that they are abandoned by the utility and are on residential property.

Letter:

March 6, 2003

Rodney Massey, P.E.
Division Director - Regional Environmental Management Division Minnesota Pollution Control Agency 520 Lafayette Rd. N. St. Paul, Minnesota 55155-4194

Dear Mr. Massey:

This letter is being sent in response to your letter of March 26, 2002, in which you requested a clarification regarding the applicability of the National Emission Standard for Hazardous Air Pollutants for asbestos (asbestos NESHAP) to various situations that involve underground steam lines. In preparing this response, U.S.EPA Region 5 has consulted with U.S.EPA's Office of Enforcement and Compliance Assurance in Washington D.C. Please note that nothing in this letter prohibits a State or local government from imposing additional, or more stringent, requirements than those found in the asbestos NESHAP regulation.

The situation described in your March 22, 2002, letter involved underground steam lines wrapped in friable asbestos which enter commercial and residential structures. The steam lines were used to distribute steam from a public utility system to residences and commercial buildings. One concern is the status of the asbestos covered lines under the asbestos NESHAP if the utility abandons the lines.

Your questions and our answers are provided below.

1. Is there a point when these facility components are no longer regulated and fall under the residential exemption as defined in 61.141?

The asbestos covered steam lines remain a facility component even if they are abandoned. The steam lines continue to be regulated under the asbestos NESHAP. In the future, if the owner or operator conducts a renovation or demolition of the steam lines, the asbestos NESHAP regulations could be applicable. The determination of which specific requirements of the asbestos NESHAP would be applicable would be based, in part, on the amount of asbestos that would be involved in the demolition or renovation operation.

2. Would abandonment of these lines at a residence cause the location to be considered an active waste disposal site subject to the requirements of 61.154, and if no additional asbestos containing waste material is buried there for a year, the site would be an inactive waste disposal site subject to the requirements of 61.151(e) and 61.154(h)?

The residential locations where the abandoned steam lines are located would not be considered an active or inactive waste disposal site under the asbestos NESHAP. As long as the steam lines remain undisturbed the asbestos NESHAP requirements are not triggered. In the future, if the steam lines are disturbed the asbestos NESHAP may apply depending on the type of activity taking place and how that activity affects the steam lines.

3. When a steam line is abandoned at a residence, is it subject to the requirement of placing a notation on the deed of the residential property under 61.151(e)? If so, is it required for the utility or homeowner to place the notation on the deed?

Because we do not consider a residential site to be an inactive waste disposal site merely due to the existence of abandoned buried asbestos covered steam lines on the property, the requirements of 61.151(e) are not applicable. Should the site become an inactive waste disposal site in the future, the owner of the property would need to insure that a notation was placed on the deed and on any other instrument that would normally be examined during a title search.

4. When a steam line is abandoned at a commercial property, is it subject to the requirement of placing a notation on the deed of the commercial property under 61.151(e)? If so, is it required for the utility or commercial property owner to place the notation on the deed?

Because we do not consider a commercial site to be an inactive waste disposal site merely due to the existence of abandoned buried asbestos covered steam lines on the property, the requirements of 61.151(e) are not applicable. Should the site become an inactive waste disposal site in the future, the owner of the property would need to insure that a notation was placed on the deed and on any other instrument that would normally be examined during a title search.

5. If the underground line was removed from the yard of a residential property, would the removal be regulated by the asbestos NESHAP?

The asbestos NESHAP regulations would be applicable if the amount of asbestos being removed meets the threshold requirements of the asbestos NESHAP. Because the steam lines were once part of an affected facility, they remain potentially subject to the asbestos NESHAP despite the fact they have been abandoned by the utility and are on residential property.

Please note that the determinations in this letter are based on the limited background information concerning each scenario you described.

Sincerely yours,

George Czerniak, Chief
Air Enforcement and Compliance Assurance Branch

Enclosures

cc: Jackie Deneen, MPCA