



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

---

**Control Number: A930009**

**Category:** Asbestos  
**EPA Office:** SSCD  
**Date:** 07/01/1993  
**Title:** Leak-tight Chutes--roofs  
**Recipient:** Sampson, Arthur F.  
**Author:** Rasnic, John B.

---

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

---

**References:** 61.145(c)(6)

---

**Abstract:**

The issue is the use of leak-tight chutes to transport to the ground regulated asbestos-containing material (RACM) waste, provided such waste has first been placed in leak-tight containers, and provided the receptacle has been made leak-tight. The use of leak-tight chutes to transport RACM to the ground for roofs that are less than 50 feet off the ground is permitted, and the method outlined above would meet the requirements of 61.145 (c)(6). Section 61.145(c)(6) applies to asbestos-containing waste material, not just RACM waste.

---

**Letter:**

Arthur F. Sampson, III  
Coudert Brothers  
1627 I Street, N.W.  
Washington, DC 20006

Dear Mr. Sampson:

This letter is in response to your request that the Environmental Protection Agency (EPA) clarify whether 40 C.F.R. 61.145(c)(6) permits the use of leak-tight chutes to transport asbestos-containing material to the ground for roofs that are less than 50 feet off the ground.

Specifically, you ask whether or not the use of leak-tight chutes to transport to the ground regulated asbestos-containing material (RACM) waste, provided such waste has first been placed in leak-tight containers (e.g., plastic bags or linings), and provided the receptacle (e.g., the truck bed or dumpster) has been made leak-tight (e.g., by the use of plastic linings).

The use of leak-tight chutes to transport RACM to the ground for roofs that are less than 50 feet off the ground is permitted, and the method outlined above would meet the requirements of 61.145(c)(6).

Additionally you state that NRCA assumes that the above construction would apply to: (i) the dust and debris created by the use of a rotating blade roof cutter to remove asbestos-containing roofing materials; (ii) removed sections of asbestos-containing roofing material, where such material is required to be disposed of as asbestos-waste; and (iii) "used" HEPA filters (e.g., from a vacuum cleaner) as well as to the material captured by the filters.

Section 61.145(c)(6) applies to asbestos-containing waste material, not just RACM waste and would therefore apply to the three examples mentioned above.

This determination has been coordinated with EPA's Office of Enforcement, the Office of General Counsel, and the Emission Standards Division of the Office of Air Quality Planning and Standards. If you have any 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: Sims Roy, ESD (MD-13)  
Charlie Garlow, OE (LE-134A)  
Chris Oh, SSCD  
Sally Sasnett, OCM (EN-342)  
Tom Ripp, SSCD  
Regional Asbestos NESHAP Coordinators