



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A930015

Category: Asbestos
EPA Office: SSCD
Date: 03/18/1992
Title: Adequ. Wetting Cat. I or II Nonfriable ACM
Recipient: Bieller, Ann
Author: Biondi, Richard

Subparts: Part 61, M, Asbestos

References: 61.145(c)(1)
61.145(c)(9)
61.150(a)(3)
61.150(a)(5)
61.154
61.155

Abstract:

Section 61.150 (a) (3) requires that asbestos-containing waste material be kept adequately wet. Asbestos-containing waste material as applied to demolitions and renovations includes regulated asbestos-containing waste materials and materials contaminated with asbestos (including disposable equipment and clothing). Category I or Category II nonfriable ACM that has been contaminated by RACM and which cannot be decontaminated (e.g., building debris in a pile contaminated with RACM), must be treated as asbestos-containing waste material.

Letter:

Ms. Ann Bieller, Area Manager
Environmental Management
Southwestern Bell Telephone
Procurement Organization
500 North Broadway, Room 1400
St. Louis, Missouri 63102

Dear Ms. Bieller:

This letter is in response to your January 28, 1992 letter requesting a clarification of 40 CFR 61.150(a)(3) as it relates to 61.145(c)(1)(i) and (iv), of the Asbestos NESHAP Revision; Final Rule, dated November 20, 1990.

In your letter, you present your understanding that there are no special requirements for adequately wetting Category I or Category II nonfriable asbestos-containing material (ACM) during the course of a demolition or renovation if it does not meet the definition of regulated asbestos-containing material (RACM). You also state that this conclusion is further supported by 61.150(a)(5), until 61.150(a)(3) is taken into consideration. Section 61.150(a)(3) requires, "for facilities demolished where RACM is not removed prior to demolition according to 61.145(c)(1)(i),(ii),(iii) and (iv) or for facilities demolished according to 61.145(c)(9), adequately wet asbestos-containing waste material at all times after demolition and keep wet during handling and loading for transport to a disposal site." You question the correctness of the 61.150(a)(3) reference to 61.145(c)(1)(i) and (iv).

Section 61.150(a)(3) correctly cites 61.145(c)(1)(i),(ii),(iii) and (iv). It is required under 61.150(a)(3) that asbestos-containing waste material be kept adequately wet. Asbestos-containing waste material as applied to demolitions and renovations includes RACM waste and materials contaminated with asbestos including disposable equipment and clothing. Category I or Category II nonfriable ACM that has been contaminated by RACM, and cannot be decontaminated (e.g., building debris in a pile contaminated with RACM) must be treated as asbestos-containing waste material. Category I or Category II ACM that does not meet the definition of RACM after a demolition or renovation, and is not contaminated with RACM, is not asbestos-containing waste material and is not subject to the wetting requirement of 61.150(a)(3).

If, after a demolition, material left in the facility according to 61.145(c)(1)(i) or (iv) is intentionally ground-up (such as by repeatedly running over the debris with a bulldozer to compact the material), then 61.150(a)(3) applies. The material must be adequately wetted and kept adequately wet during collection and transport to a site or facility operated in accordance with 61.154 or 61.155. However, if the bulldozer is moving the debris or picking it up to be put in a vehicle and inadvertently runs over Category I material, then it is not subject to the NESHAP standard.

Category I or II nonfriable ACM that is not subject to 61.150(a)(3) would still have to be disposed of in a landfill that accepts building debris, in a landfill that operates in accordance with 61.154, or at a facility that operates in accordance with 61.155. This waste material would not be allowed to go to any facility that would sand, grind, cut or abrade the non-RACM waste or otherwise turn it into RACM waste (such as a cement recycling facility). In addition, if Category I or II nonfriable ACM is sanded, ground, cut or abraded during disposal at a landfill, before it is buried, it is subject to the NESHAP.

This response has been coordinated with EPA's Office of Enforcement and with 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,

Richard Biondi, Acting Director Stationary Source Compliance Division Office of Air Quality Planning and Standards

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