



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A960008

Category: Asbestos
EPA Office: SSCD
Date: 03/03/1994
Title: Manufacturing or Stripping of Asbestos
Recipient: Kee, David
Author: Rasnic, John

Subparts: Part 61, B-Asb, Asbestos Demolition/Renovation (Now Sub. M)

References: 61.141
61.144
61.145
61.150

Abstract:

Q. Is a source subject to 40 CFR 61.144, "Standards for Manufacturing", when the source does not use commercial asbestos in its manufacturing operations, but does receive components for repair which contain asbestos, which the source strips of asbestos?

A. If a manufacturer does not make components that contain asbestos or handle asbestos in its operations, it is not subject to 61.144. However, if it receives components from which it strips asbestos, then the stripping operation is subject to 61.145(c) if the amount of stripped asbestos exceeds the threshold amount in one year.

Q. If a source is subject to section 61.145, must it comply with 61.150?

A. Yes, if a source is subject of 61.145, "Standard for Demolition and Renovation," then any asbestos containing materials or any asbestos contaminated waste material must be disposed of in accordance with section 61.150, "Standard for Waste Disposal."

Letter:

MEMORANDUM

SUBJECT: Applicability Determination Concerning the Asbestos NESHAP for Eltech Systems

FROM: John B. Rasnic, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: David A. Kee, Director
Air and Radiation Division
Region V

This is in response to Region V's memorandum, dated December 28, 1993, requesting that the Stationary Source Compliance Division (SSCD) make an applicability determination concerning the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) for manufacturing, 40 CFR 61.144. Specifically, Region V's Air Enforcement Branch asked if 40 CFR 61.144 and 61.150 are applicable to the manufacture or remanufacture of diaphragm-anode assemblies.

The following are facts provided by the Ohio Environmental Protection Agency in a letter to EPA Region V, dated November 1, 1993:

1. Eltech Systems (Eltech) is a facility that makes anodes and diaphragms which are leased to their customers (chlorine manufacturing facilities) for use in the production of chlorine. Eltech does not use asbestos containing material in the manufacturing of anodes and diaphragms.
2. Eltech's customers insert asbestos containing materials into the anode-diaphragm assembly at their chlorine manufacturing facilities.
3. Periodically, the anodes and diaphragms must be shipped back to Eltech to be rebuilt. Eltech's customers remove and clean any asbestos containing materials from all anodes and diaphragms prior to shipping the equipment back to Eltech.
4. The diaphragms and anodes are inspected for the presence of asbestos by Eltech. Occasionally, small specks of asbestos (about the size of a pin head) are found. Parts with numerous amounts of these specks are double bagged and returned to the customers for further cleaning.
5. The parts that are not returned are put into an enclosed high pressure water jet parts washer and washed up to four or five times. The wastewater from the washer is filtered before discharging and the filters are double bagged and sent to an approved asbestos landfill.

Chlorine manufacturers utilizing asbestos diaphragm technology are subject to 40 CFR 61.144, the "Standard for Manufacturing." Furthermore, any operation involving stripping of asbestos from anodes and diaphragms is subject to 40 CFR 61.145, the "Standard for Demolition and Renovation." The NESHAP defines a renovation as "altering a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos containing materials (RACM) from a facility component." See 40 CFR 61.141. In addition to the requirements above, RACM must be disposed of according to 40 CFR 61.150, the "Standard for Waste Disposal for Manufacturing, Fabricating, Demolition, Renovation, and Spraying Operations."

The Eltech process, as described above, uses no asbestos in manufacturing equipment for chlorine manufacturers and has limited residual asbestos from the parts washer wastewater. The following are responses to questions raised by the Ohio Environmental Protection Agency relative to Eltech:

Question 1: Is Eltech required to comply with 40 CFR 61.144, "Standards for Manufacturing," even though the company does not use commercial asbestos in their operations or manufacture chlorine utilizing asbestos diaphragm technology?

Response 1: If Eltech's components do not contain any asbestos and the company does not handle or use the asbestos in their operations, then the provisions under 40 CFR 61.144 do not apply. However, if Eltech receives any components that still contain asbestos and they strip the asbestos from the components, then the stripping operation is subject to section 61.145(c) if the amount of stripped asbestos exceeds the threshold amount in one year.

Question 2: Section 61.150, "Standard for Waste Disposal" in the asbestos NESHAP, states that each owner or operator of any sources covered under the provisions of sections 61.144, 61.145, 61.146, and 61.147 shall comply with the "Standard for Waste Disposal." If Eltech is not required to comply with section 61.144, or any other of the above stated sections of the NESHAP, would they still be required to comply with section 61.150?

Response 2: If Eltech is subject to section 61.145, "Standard for Demolition and Renovation", then any asbestos containing materials or any asbestos contaminated waste material must be disposed of in accordance with section 61.150, "Standard for Waste Disposal."

This determination has been coordinated with EPA's Office of Enforcement and the Emission Standards Division of the Office of Air Quality Planning and Standards. If you have any questions, please contact Chris Oh of my staff at (703) 308-8732.

cc: Sims Roy, ESD (MD-13)
Charlie Garlow, OE (LE-134A)
Tom Ripp, SSCD (6306W)
Chris Oh, SSCD (6306W)
Charles Hall, Region V (AE-17J)
Shirley Mitchell, Region V (AE-17J)
Regional Asbestos NESHAP Coordinators