



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

**Control Number: A960010**

**Category:** Asbestos  
**EPA Office:** METD  
**Date:** 10/12/1994  
**Title:** Removal of Pipe  
**Recipient:** Franks, Theresa  
**Author:** Rasnic, John

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

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**References:** 61.141

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**Abstract:**

Q. Would the asbestos NESHAP apply to the removal of AC pipe from the ground when there was no original asbestos survey performed on the project, only one water line was identified on the plans as "transits", and it was anticipated that only 125 linear ft. of the identified transits would be encountered and removed?

A. The NESHAP would apply if at least 260 linear ft. of the AC pipe has become or will become RACM as defined at section 61.141. If at least 260 linear ft. of the pipe has become or will become crushed, crumbled or pulverized, then NESHAP applies. Only that portion of the pipe will be counted toward the threshold amount if the debris caused by the disjoining operation is cleaned so that other pipe is not contaminated.

Q. Who would be classified as the owners and operators of the various ACM locations in the project?

A. Any contractor who performs actual work is an operator, as well as the entity who is responsible for the project, in this case the Flood Control District. Each owner of property would be the owner of the pipe on that property, and if the amount of pipe was at least 260 linear ft., the owner is responsible for compliance with NESHAP.

Q. Would breaking the pipe by mechanically cracking it, or pulling it out with a backhoe, classify any of it as "regulated"? How is the 260 linear ft. threshold measured, and how much RACM is created, if any?

A. If any length of piping is crushed, crumbled or pulverized during the breaking or pulling apart of the pipe, that length would be regulated. If the debris is cleaned-up and the pipe is decontaminated, then the bulk of the pipe may be disposed of as nonregulated asbestos-containing waste material. If not, the pipe must be considered contaminated, and the entirety is treated as asbestos-containing waste material.

Q. Where NESHAP regulations apply, who would be responsible for notification and how many notifications are necessary?

A. Any owner or operator as defined by section 61.141 may provide notification. Only one notification is needed covering the entire project.

Q. Is the removal of the AC pipe a demolition or renovation?

A. It is a renovation because the pipe is not a load bearing structural member.

Q. Who is classified as the generator in disposal of the AC pipe?

A. Any owner or operator can be considered a generator of asbestos-containing waste material. If involved in the original renovation, any owner or operator will be responsible for violations of the asbestos NESHAP if the pipe is stored and its condition deteriorates to the point where it becomes regulated.

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**Letter:**

Ms. Theresa Franks  
Constructech Consulting Group  
422 East Southern Avenue  
Tempe, AZ 85282

Dear Ms. Franks:

This is in response to your August 25, 1994 letter and follow-up telephone conversation requesting an applicability determination of the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations (40 CFR Part 61 Subpart M) regarding the removal of asbestos-cement pipe (AC pipe) from public rights-of-way and from private property in Pima County, Arizona.

Based on the letter and telephone conversation, it is our understanding that the Flood Control District's project involves the removal of AC pipe on both commercial and private property so that a flood control drainage ditch may be built. There was no original asbestos survey performed on the project and only one water line was identified on the plans as "transite." It was anticipated that only 125 linear feet of the identified transite would be encountered and removed. Based on the above information, our response to your specific questions are as follows:

Question 1: Given the facts above, when would the asbestos NESHAP apply?

Response: This project is a "renovation" as defined at section 61.141 of the asbestos NESHAP. The NESHAP would apply if at least 260 linear feet of the AC pipe has become or will become "regulated asbestos-containing material" as defined at section 61.141. This means that if at least 260 linear feet of the AC pipe has become or will become crushed, crumbled or pulverized, then the project is subject to the NESHAP. During the disjoining operation of the AC pipe removal, only the portion of pipe that is actually crushed, crumbled or pulverized would be counted toward the threshold amount if the debris caused by the disjoining operation is cleaned so that it does not contaminate a greater length of pipe.

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Question 2: Who would be classified as the owners and/or operators of the various ACM locations?

Response: The Flood Control District and any contractors who perform the actual work would be considered as operators since they control the work on the project. Each owner of each property would be considered as the owner of the AC pipe on that property, and if the amount of regulated AC pipe on an individual property was at least 260 linear feet, then the owner of that property is responsible for compliance with the NESHAP as well.

Question 3: Would breaking the AC pipe by mechanically cracking the pipe, or pulling the pipe out with a backhoe, classify all or any part of the pipe as "regulated?" How would you measure the 260 linear foot threshold, and how much RACM is created if any?

Response: If any length of piping is crushed, crumbled or pulverized during the breaking of the AC pipe or pulling it apart, then that length would be considered to be regulated. If the debris caused by the disjoining is cleaned-up and the AC pipe is decontaminated (by cleaning the loose debris), then the bulk of the AC pipe may be disposed of as nonregulated asbestos-containing waste material. If the debris caused by the disjoining operation is not cleaned-up then the AC pipe must be considered to be contaminated, and the whole length is treated as asbestos-containing waste material.

Question 4: Where the NESHAP regulations apply, who would be responsible for notification and how many notifications would be necessary?

Response: Anyone who is an owner or operator as defined at section 61.141 would be responsible for notification. However, only one notification is needed covering the entire project. The notification may be submitted by the owner or operator.

Question 5: Would the removal of the AC pipe be a demolition or renovation?

Response: The removal of AC pipe would be a renovation since it is not a load bearing structural member.

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Question 6: In disposing of the AC pipe, who would be classified as the generator?

Response: Anyone who is an owner or operator can be considered to be a generator of asbestos-containing waste material. EPA generally expects that the AC pipe will have to be disposed of at a landfill. If the pipe is not buried at a landfill, but is stored for potential future use, then any owner or operator involved in the original renovation may be liable for violations of the asbestos NESHAP should the pipe's condition deteriorate to the point where it becomes regulated.

This determination has been coordinated with EPA's Office of Regulatory Enforcement and the Emission Standards Division of the Office of Air Quality Planning and Standards. If you have any further questions, please call Tom Ripp of my staff at (703) 308-8727.

Sincerely,

John B. Rasnic, Director  
Manufacturing, Energy, and Transportation Division Office of Compliance