



U.S. Environmental Protection Agency

Applicability Determination Index

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Category: Asbestos
EPA Office: SSCD
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Title: Landfill Activities
Recipient: Wersan, David
Author: Rasnic, John

Subparts: Part 61, M, Asbestos

References: 61.141
61.145
61.150
61.154

Abstract:

Q. Does normal compaction at a landfill cause demolition debris containing floor tile or asphalt roofing materials to be converted into RACM contaminated debris, or does the application of cover avoid further NESHAP requirements? What are the responsibilities of the original owner, the demolition contractor and the landfill operator?

A. The owner/operator of the waste disposal site must cover nonfriable ACM with a minimum of six inches of nonasbestos-containing material prior to compaction or other activities that could create RACM. The waste disposal site owner/operator is responsible for fulfilling all NESHAP requirements if any RACM creating activities are performed in the landfill. Typical landfill activities such as unloading and waste segregation do not subject ACM to the asbestos NESHAP. The original owner is responsible for selecting a transporter and disposal site owner/operator that will comply with NESHAP.

Q. Would a policy that assumed debris from a demolition or fire to contain asbestos unless an inspection proved otherwise be consistent with the asbestos NESHAP?

A. An inspection should occur before demolition. After a fire an inspection must be done. The area that is subject to the rule can be limited according to the results of the inspection. Notice is required where no asbestos is detected.

Q. What are the responsibilities for the landfill operator with respect to ACM that is pulverized or powdered versus RACM from a regulated source? What about ACM from residential or other unknown sources?

A. The landfill owner is not obligated to distinguish between ACM and RACM from a regulated source. However, the owner is encouraged to investigate and determine the origin of waste suspected of containing asbestos because the owner is responsible for landfilling all RACM from regulated sources in accordance with NESHAP requirements.

Letter:

Mr. David Wersan
Assistant Commissioner
Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
Indianapolis, Indiana 46206-6015

Dear Mr. Wersan:

Your August 6, 1993 letter to Mr. Andrew Anderson of EPA Region 5 was forwarded to the Stationary Source Compliance Division (SSCD) for a response. Specifically, you requested guidance for the handling of various asbestos-containing material (ACM) at landfills.

The following are answers to your questions:

Question 1: Will normal compaction activity at a landfill cause demolition debris containing floor tile to be converted into RACM contaminated debris? If so, what are the specific obligations of the original owner, the demolition contractor and the landfill operator under NESHAP with regard to notification and handling? Does the RACM contaminated debris need to be adequately wetted prior to further compaction or will the application of daily cover per 40 CFR 61.154(c) relieve the landfill of further NESHAP obligation?

Response 1: Compaction activities at a landfill may cause floor tile to become a regulated asbestos-containing material (RACM) if the floor tile is not covered with at least 6 inches of non-asbestos material prior to compaction. As defined in 40 CFR 61.141, Category I nonfriable means asbestos-containing packings, gaskets, resilient floor covering and asphalt products containing more than one percent asbestos determined using the methods specified in Appendix A, Subpart F. 40 CFR Section 1, Polarized Light Microscopy. As defined in section 61.141, Category I nonfriable asbestos-containing material is considered RACM if the material becomes friable or is subjected to sanding, grinding, cutting or abrading.

The original owner is responsible for selecting an acceptable waste transporter and owner/operator of a disposal site that will transport, handle and ultimately dispose of the waste in accordance with the asbestos NESHAP. It is not the intent of EPA to hold the original owner responsible for some of the actions of the transporter or the owner/operator of the disposal site. The owner/operator of the landfill is responsible for fulfilling all NESHAP requirements if any compaction activities that cause the ACM to become RACM are performed in the landfill.

For the owner/operator of the waste disposal site to operate within the boundaries of the asbestos NESHAP, Category I and II nonfriable ACM from a regulated facility shall be covered with a minimum of 6 inches of nonasbestos-containing material prior to 2

undergoing any activities that will crush, pulverize, compact or otherwise cause the material to become RACM. If Category I or II nonfriable material becomes RACM by means of compaction or any other activity, and visible emission is observed, the owner/operator of the landfill is in violation of the asbestos NESHAP.

Question 2: Does EPA believe normal compaction operations at sanitary landfills will result in asphalt roofing materials, gaskets and packings being "...pulverized or reduced to powder..." and therefore converted to RACM?

Response 2: Asphalt roofing materials, gaskets, and packings like floor tile are all defined in section 61.141 as Category I nonfriable ACM. Response 1 applies to all Category I nonfriable ACM.

Question 3: What are the NESHAP handling requirements for disposal of Category II nonfriable ACM?

Response 3: If a landfill owner/operator provides a minimum six inches of nonasbestos-containing cover for Category I or II nonfriable ACM that is in good condition prior to compaction activities, then the owner/operator of the landfill is not subject to the asbestos NESHAP. However, if the Category I or II nonfriable ACM is subjected to compaction activities or other activities that would cause it to become RACM without a minimum of six inches of cover, the owner/operator of the landfill may be in violation of the asbestos NESHAP. Since activities such as unloading off of trucks for disposal and waste segregation (without compaction) do not normally subject nonfriable materials to sanding, grinding, cutting, or abrading, such materials are not considered asbestos-containing waste materials and are not regulated by the asbestos NESHAP.

Question 4: The Office of Solid and Hazardous Waste Management (OSHW) has proposed a policy where debris from ordered demolitions or cleanup after fires or other calamity will be assumed to contain RACM, unless an accredited inspector has certified the debris to be RACM-free. Would this policy be consistent with the Federal NESHAP? If not, what are the specific obligations of the original owner, the demolition contractor and the landfill operator under NESHAP with regard to notification and handling of debris which is potentially RACM contaminated?

Response 4: A thorough inspection should be done prior to demolition of a regulated facility. However, in cases where a thorough inspection could not be performed prior to demolition (e.g., as a result of a fire), an inspection must be conducted to confirm the presence or absence of asbestos in the debris. If the structure was known to contain ACM prior to the burning or if test results show the presence of asbestos in the debris, then the 3

debris must be handled in accordance with section 61.150(a)(3). If the asbestos contamination can be isolated to a certain section of the debris (e.g., wing of a building) then only that area which is contaminated is subject to the rule. If no asbestos contamination is detected in the debris (the asbestos content does not have to be greater than one percent to be classified as asbestos-containing waste material), then the debris is not subject to 40 CFR 61.150 but notification is required.

Question 5: Is a landfill operator required to distinguish between pulverized and/or powdered ACM from an exempt source and RACM from a regulated source? What criteria are used to distinguish nonregulated ACM from RACM after debris has arrived at the landfill? What are the landfill's obligations under NESHAP when handling residential ACM or ACM from unknown sources?

Response 5: ACM from non-regulated sources or from sources not defined as facility under section 61.145 or ACM that is under the threshold amount as defined in section 61.145 is not subject to the requirements for disposal found under section 61.150. However, RACM from a regulated source shall follow the disposal requirements under 40 CFR 61.150 and shall be disposed of in an active waste disposal site that is operating in accordance with 40 CFR 61.154.

The asbestos NESHAP does not require the owner/operator of a landfill to identify the origin of the ACM waste material or make any distinctions between pulverized and/or powdered ACM from an exempt source and RACM from a regulated source after the debris (e.g., wing of a building) arrived at the landfill. However, when debris is suspected to contain asbestos, we recommend that the owner/operator of the landfill identify the origin and content of the ACM waste material. If the ACM waste is RACM from a regulated source, the original owner and the landfill owner/operator are subject to requirements of the asbestos NESHAP.

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 Jeffery KenKnight of my staff at (703) 308-8728.

Sincerely,

John B. Rasnic, Director
Stationary Source
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