



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

**Control Number: A970002**

**Category:** Asbestos  
**EPA Office:** METD  
**Date:** 01/09/1997  
**Title:** Various Recycling Issues  
**Recipient:** Bowen, Donald  
**Author:** Rasnic, John

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

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**References:** 61.150  
61.155

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**Abstract:**

Q. Can the debris from a demolished building be sent to a recycling center (where the debris will be subject to sanding, grinding, and abrading) if none of the building material contains greater than 1% asbestos or if the building is an exempt residential building?

A. This activity is not prohibited by EPA for debris that is not subject to the asbestos NESHAP; however, EPA would not recommend that any asbestos-containing material be subject to sanding, grinding or abrading without the proper precautions. Local or OSHA regulations may apply.

Q. Does the demolition debris from buildings that are exempt from the asbestos NESHAP (buildings that do not meet the "facility" definition) become subject to the asbestos NESHAP if the debris is sent to a recycling center?

A. No. However, if the building does meet the "facility" definition and contains any asbestos-containing material (greater than 1%), the debris would not be allowed to go to a recycling center.

Q. Would asbestos-free demolition debris from buildings that must comply with the asbestos NESHAP be converted in RACM if it is contaminated at a recycling center with debris from "exempt" buildings that contain more than 160 ft<sup>2</sup> of asbestos-containing material?

A. No.

Q. Is such a recycling center considered to be a "facility?"

A. No. However, if such a facility receives asbestos-containing waste material from a regulated facility, then the recycling center would be in violation of the asbestos NESHAP unless the facility operated in accordance with 40 CFR 61.150(a)(2) (processing asbestos-containing waste material into nonfriable forms or 40 CFR 61.155 (asbestos conversion).

Q. Which Agency (EPA or OSHA) has final jurisdiction for sampling asbestos-containing materials?

A. Where the regulations of both Agencies cover the same material, but the requirements differ, the contractor shall follow the most stringent requirements.

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**Letter:**

Mr. Donald Bowen  
342 West South Avenue  
Fresno, CA 93706

Dear Mr. Bowen:

This is in response to your November 19, 1996, and December 1, 1996, letters requesting clarification of the waste disposal and sample analysis requirements for the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP). The following is a list of your questions with the Environmental Protection Agency's (EPA's) response:

1. Can the debris from a demolished building be sent to a recycling center (where the debris will be subject to sanding, grinding, and abrading) if none of the building material contains greater than 1% asbestos?

Response:

If all of the material in a building contains 1% asbestos or less, or if any material that contains greater than 1% asbestos is properly removed and disposed of, then the building debris is not subject to the asbestos NESHAP; however, EPA would not recommend that any asbestos-containing material (even material containing less than 1% asbestos) be subject to sanding, grinding or abrading without the proper precautions. Please be aware that other Federal (Occupational Safety and Health Administration (OSHA)) or local regulations may apply to this activity, even if all of the building material contains 1% asbestos or less.

2. Can demolition debris from "exempt" residential buildings that contain greater than 160 ft<sup>2</sup> of regulated asbestos-containing material (RACM) be sent to building debris recycling centers?

Response: If the residential

buildings are exempt from the asbestos NESHAP (please see Enclosure I, the July 28, 1995, Federal Register Notice that describes when residential buildings are exempt), then the asbestos NESHAP does not apply, regardless of the amount of material involved. Again, however, EPA would not recommend that any asbestos-containing material be subject to sanding, grinding or abrading without the proper precautions. Please be aware that other Federal (particularly OSHA) or local regulations may apply to this activity.

3. Does the demolition debris from buildings that are exempt from the asbestos NESHAP (buildings that do not meet the "facility" definition) become subject to the asbestos NESHAP if the debris is sent to a recycling center?

Response:

No. However, if the building does meet the "facility" definition and contains any asbestos-containing material (greater than 1%), the debris would not be allowed to go to a recycling center (please see Enclosure II).

4. Would asbestos-free demolition debris from buildings that must comply with the asbestos NESHAP be converted in RACM if it is contaminated at a recycling center with debris from "exempt" buildings that contain more than 160 ft<sup>2</sup> of asbestos-containing material?

Response:

No.

5. Is such a recycling center considered to be a "facility?"

Response:

No. However, if such a facility receives asbestos-containing waste material from a regulated facility, then the recycling center would be in violation of the asbestos NESHAP unless the facility operated in accordance with 40 CFR 61.150(a)(2) (processing asbestos-containing waste material into nonfriable forms or 40 CFR 61.155 (asbestos conversion).

6. Which Agency (EPA or OSHA) has final jurisdiction for sampling asbestos-containing materials?

Response:

Where the regulations of both Agencies cover the same material, but the requirements differ, the contractor shall follow the most stringent requirements.

This response was coordinated with the Office of Regulatory Enforcement and the Office of Air Quality Planning and Standards. If you have any questions, please contact Tom Ripp of my staff at (202) 564-7003.

Sincerely,

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

Enclosures