



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

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**Control Number: C15**

**Category:** Asbestos  
**EPA Office:** OAQPS  
**Date:** 02/07/1985  
**Title:** Contaminated Soil Being Removed  
**Recipient:** Clements, William A.  
**Author:** Wood, Gilbert H.  
**Comments:** See section 61.141 (definitions) 1990 NESHAP definition of renovation.

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

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**References:** 61.141

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**Abstract:**

Asbestos contaminated soil is being removed from a crawl space beneath a building located in Kentucky, and there is no evidence that this contamination was caused by asbestos removal activity that occurred since 1973. The cited activity is not subject to the demolition, renovation, or waste disposal regulations of the NESHAP because the activity is neither demolition nor renovation as defined by the standard.

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**Letter:**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Air Quality Planning and Standards  
Research Triangle Park, North Carolina 27711

FEBRUARY 7, 1985

Mr. William A. Clements  
Manager of Field Operations  
Division of Air Pollution Control  
Kentucky Air Pollution Agency  
18 Reilly Road  
Frankfort, Kentucky 40601

Dear Mr. Clements:

This will confirm the recent telephone conversation between Pat Fincher of your Agency and John Copeland of the Environmental Protection Agency (EPA) regarding interpretation of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP). According to our understanding, asbestos-contaminated soil is being removed from a crawl space beneath a building located in Kentucky, and there is no evidence that this contamination was caused by asbestos removal activity that occurred since 1973.

The cited activity is not subject to the demolition, renovation, or waste disposal regulations of the NESHAP because the activity is neither demolition nor renovation as defined by the standard. Per Subpart M, Part 61, Title 40 of the Code of Federal Regulations, only waste disposal from demolition, renovation, or other activities covered by the NESHAP is subject to the waste disposal regulations.

Thank you for your inquiry.

Sincerely,

Gilbert H. Wood, Chief  
Regulations Preparation Section  
Standards Development Branch