



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C2

Category: Asbestos
EPA Office: Region 5
Date: 12/22/1976
Title: Disp. of Waste in Slurry Form
Recipient: Miklovic, E.J., Tempo Products Company
Author: Barrison, Thomas F., Regional Counsel
Comments: NOTE: Asb. Reg.s were in Sub. B (61.20 et seq.) before 4/85

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

References: 61.140
61.150

Abstract:

The provisions of 40 CFR .61.20 et seq. apply only to "sources" of asbestos pollution as specified in Section 61.22. The waste disposal regulations are, therefore, constrained to such sources. They provide that "the owner or operator of any source" covered under Section 61.22 must comply with these waste disposal regulations.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

August 22, 1977

Mr. E. J. Miklovic
Market Manager
Tempo Products Company
6200 Cochran Road
Cleveland, Ohio 44139

Dear Mr. Miklovic:

This is in response to your letter of July 20, 1977. The disposal of asbestos waste material in slurry form poses consequences with respect to abatement of both water and air pollution. As you have noted, asbestos has been named a hazardous air pollutant under section 112 of the Clean Air Act Amendments of 1970. The air pollution regulations pertaining to asbestos are obtained in 40 CFR 61.20 et seq. However, as of this moment, no regulations specifically pertaining to asbestos have been promulgated in the context of water pollution abatement.

The provisions of 40 CFR 61.20 et seq. apply only to "sources" of asbestos pollution as specified in Section 61.22. The waste disposal regulations are, therefore, constrained to such sources. They provide that "the owner or operator of any source" covered under Section 61.22 must comply with these waste disposal regulations. Accordingly, if a source for which you are developing an aqueous solution control methodology is covered by 40 CFR 61.20 et seq., the waste disposal provisions of that section will apply. For instance, if a user of your manufactured product were a fabricating source described by Section 61.22(h), the waste disposal provisions of 61.22(j) would apply, requiring that wet asbestos-containing waste material "shall be sealed into leak-tight containers while wet," and that "such containers shall be deposited at waste disposal sites which are operated in accordance with the provisions of section 61.25." Section 61.22(j)(3) also allows an alternative disposal method which has received the prior approval of the Administrator.

Whether the use of sewage system facilities would be an approvable alternate method would depend on the disposal methods of that particular sewage system.

A request for approval of an alternative method, setting forth a detailed description of the disposal practices of the specific sewage system into which the slurry would be discharged, should be made in writing to Mr. James O. McDonald, Director of our Enforcement Division, at this address.

Sincerely,

Thomas F. Barrison
Regional Counsel

cc: J. O. McDonald, Enforcement

bcc: A.H. Manzardo, Permit Branch
D. Kee, Air Enforcement
M. Muirhead, Regional Counsel
A. Liebling, Regional Counsel