



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

**Control Number: C45**

**Category:** Asbestos  
**EPA Office:** SSCD  
**Date:** 06/03/1988  
**Title:** Asbestos Containing Mastic  
**Recipient:** Loving, T. Joel  
**Author:** Seitz, John S.  
**Comments:** See determination 4/9/91 to William Loch from John B. Rasnic

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

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**References:** 61.145(b)  
61.145(c)  
61.150  
61.154

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**Abstract:**

At issue is asbestos-containing mastic beneath non-asbestos-containing floor tiles. If the mastic is strong enough to prevent the release of fibers, then the work practice and visible emission portions of the regulations would not apply. If it is not strong enough, the asbestos materials thus created become subject to the regulation from the time of creation.

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**Letter:**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 3 1988

T. Joel Loving  
Environmental Health Consulting, Inc.  
2421 Jefferson Park Avenue  
Charlottesville, VA 22903

Dear Mr. Loving:

This responds to your May 12, 1988, letter to Jim Engel, setting forth conditions surrounding a proposed demolition of one of the older school buildings in the Albemarle County School System in Virginia. In developing our response, we consulted with EPA Region III, Office of Enforcement and Compliance Monitoring, and the Emission Standards Division of OAQPS. In addition, Mr. Kenneth Malmberg of my staff has been in touch with you to facilitate a complete response.

Your specific request was for an "appropriate asbestos abatement strategy" for asbestos-containing mastic beneath non-asbestos-containing floor tiles on 2 floors of the subject building. You further stated that the mastic is nonfriable in its present state, and should remain so unless "disturbed" in some way.

As you know, the NESHAP regulations are designed to prevent the escape of asbestos fibers into the air. Based upon the facts you gave us, we cannot be sure asbestos fibers will not be released during demolition of this building. The question of releasing asbestos into the air depends on whether or not the mastic in which the asbestos is contained is strong enough to prevent their release under demolition conditions. If the mastic is strong enough to prevent the release of fibers, then we would agree that there would be no release and the work practice and visible emission portions of the regulations would not apply. Should it not be strong enough, the asbestos materials thus created become subject to the regulation from the time of creation (see December 4, 1987 letter, John Seitz, EPA to Richard Miller, enclosed).

EPA is not in a position to determine whether or not friable asbestos emissions will be created from this type of operation. However, should that occur, the owner or operator would be responsible for complying with the notification, work practices, visible emissions, and waste disposal regulations under 40 CFR 61, Subpart M. The owner or operator would also be subject to federal enforcement procedures of Section 113 of the Clean Air Act, 42 USC Section 7413, for any violations of the NESHAP regulations.

My staff informs me that the Region III office of EPA has not yet been notified of this impending demolition. I suggest that, to avoid any inconvenience, notification by the owner or operator include all asbestos present in both friable and nonfriable form.

My staff also informs me that the owner or operator intends to dispose of the asbestos containing waste onsite. Page 24 of the enclosed EPA document titled "Asbestos Waste Management Guidance," (EPA/530.SW-85-007, May, 1985), contains references for proper disposal of asbestos waste material under Part 61 (NESHAP) and Part 257 (RCRA). Please note the NESHAP regulations require advance EPA notification and approval of the intended disposal site.

Sincerely,

John S. Seitz, Director  
Stationary Source Compliance Division  
Office of Air Quality Planning and Standards

Enclosures

cc: Air and Waste Management Division Director  
Region II  
Air Management Division Directors  
Regions I, III, and IX  
Air, Pesticides, and Toxics Management Division Directors Regions IV and VI Air and Radiation Division Director Region V Air and Toxics Division Directors Region VII, VIII, and X Air Programs Branch Chiefs Region I, IV, VI, VII, VIII, and X Air Compliance Branch Chiefs Regions II, III, and X Sims Roy, OAQPS Carol Febbo (Region III) Charley Garlow (OECM)