



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

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**Control Number: C5**

**Category:** Asbestos  
**EPA Office:** DSSE  
**Date:** 07/29/1979  
**Title:** Development of Inactive Disposal Sites  
**Recipient:** Dutton, Diana  
**Author:** Reich, Edward E.  
**Comments:** NOTE: Asb. Reg.s were in Sub. B (61.20 et seq.) before 4/85

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

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**References:** 61.141  
61.151

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### Abstract:

The asbestos regulations do not necessarily preclude the commercial or residential development of inactive disposal sites as long as exposure of the asbestos waste can be avoided. Transfer of ownership of the site does not change the applicability of site maintenance requirements.

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### Letter:

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

Office of Enforcement

MEMORANDUM

SUBJECT: Inactive Asbestos Disposal Sites

FROM: Director  
Division of Stationary Source Enforcement

TO: Diana Dutton, Director  
Enforcement Division, Region VI

This is in response to your memo of April 23, 1979, regarding the applicability of the asbestos regulations to "inactive waste disposal sites" as that term is defined in .61.21(t). Specifically, you asked whether subject inactive waste disposal sites are prevented or restricted from future use as commercial or residential development sites.

The asbestos regulations require that the owners or operators of inactive waste disposal sites minimize asbestos emissions in one of the following ways:

- 1) meet a no visible emissions standard, post warning signs at all entrances to the site and fence the perimeter of the site so as to deter access by the general public, or
- 2) cover the asbestos waste with at least 15 cm. of compacted non-asbestos material and a cover of vegetation which must be maintained so as to prevent exposure of the asbestos, or
- 3) cover the asbestos waste with at least 60 cm. of compacted non-asbestos material which must be maintained to prevent exposure of the asbestos (no vegetation required), or
- 4) use an alternative control method with the prior approval of the Administrator.

The asbestos regulations do not necessarily preclude the commercial or residential development of inactive disposal sites as long as exposure of the asbestos waste can be avoided. While certain types of development projects, particularly those which involve the digging of foundations could probably not be undertaken in accordance with the regulations, other types of development are possible. For instance, a disposal site might be covered with 60 cm. of non-asbestos material and then paved to be used as a parking lot or storage area. The construction and maintenance of the site would have to be conducted so as to prevent exposure of the asbestos. Another possible use of an inactive site might be for grazing land. The site would have to be covered with at least 15 cm. of compacted non-asbestos material with a cover of vegetation. The vegetation would have to be maintained so as to prevent exposure of the underlying asbestos through the action of wind and water. Various other uses of inactive disposal sites are possible as long as exposure of the asbestos can be prevented. Any development project which is planned for an inactive disposal site should receive the approval of the Administrator if a means of control other than those listed above is proposed.

I would add that asbestos is not known to degrade in the environment so that once a site has been used to dispose of asbestos waste it must continue to be maintained in accordance with the regulations to prevent exposure of the asbestos. The transfer of an inactive disposal site from one owner to another does not alleviate any requirement that the site be maintained as prescribed in .61.22(l).

I am not aware of any other applicable legislation or regulations which apply to sources covered by .61.22(l). While the Resource Conservation and Recovery Act of 1976 applies to the disposal of wastes and maintenance of disposal sites, asbestos is not one of the wastes to which the implementing regulations apply. See 43 FR 58946, December 18, 1978.

If you have any further questions, please contact Libby Scopino of my staff at 755-2564.

Edward E. Reich