



# U.S. Environmental Protection Agency Applicability Determination Index

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**Control Number: C58**

**Category:** Asbestos  
**EPA Office:** SSCD  
**Date:** 11/28/1988  
**Title:** Applicability to Dump Piles  
**Recipient:** Asbestos Regional Coordinator  
**Author:** Salgado, Omayra

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

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**References:** 61.150

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**Abstract:**

A reported case is important because EPA asked for and received a preliminary injunction, and because the court found .61.152 applicable to a dump pile on the renovation site, not limiting the regulation to final disposal sites.

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**Letter:**

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

NOV 28 1988

MEMORANDUM

SUBJECT: U.S. v. Tzavah Urban Renewal Corp., et al. Asbestos Enforcement Case -  
Region II

FROM: Omayra M. Salgado  
Technical Assistance Section  
Stationary Source Compliance Division

TO: Asbestos Regional Coordinators

The attached memorandum from Douglas R. Blazey, Regional Counsel, Region II, highlights the decision by Judge Alfred J. Lechner, Jr. of the United States Court for the District of

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The defendants were found to be in violation of Section 113 (b) of the Clean Air Act and the National Emission Standard for Hazardous Air Pollutants ("NESHAP"), 40 C.F.R. Part 61, Subpart M.

This case sets a precedent for enforcing compliance with EPA orders and the NESHAP regulations. In particular, the case is important because EPA asked for and received a preliminary injunction, and because the court found 61.152 applicable to a dump pile on the renovation site, not limiting the regulation to final disposal sites.

Attachment