



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

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**Control Number: C8**

**Category:** Asbestos  
**EPA Office:** SSCD  
**Date:** 03/31/1981  
**Title:** Disposal Site Applicability  
**Recipient:** Edlund, Carl  
**Author:** Reich, Edward E.  
**Comments:** Waste disposal sites are regulated in the 1990 NESHAP, sec. 61.154.

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

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**References:** 61.149  
61.150  
61.151  
61.154

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**Abstract:**

Is a waste disposal site subject to the asbestos standard when the disposal site is not owned or operated by the generator of the asbestos waste?

Only disposal sites operated by the generators of asbestos waste are subject to the regulations. Otherwise, generators are responsible for disposing of their waste at an acceptable disposal site as defined in Section 61.25. The waste disposal requirements do not apply directly to the waste disposal sites; the exception is the case where the owner or operator of an inactive disposal site previously operated by a generator is subject to the regulations.

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**Letter:**

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

MAR 31 1981

MEMORANDUM

SUBJECT: Applicability of the Asbestos Standard to Disposal Sites

FROM: Director, Division of Stationary Source Enforcement

TO: Carl Edlund, Chief  
Air Enforcement Branch

Recent conversations with Martin Brittain have initiated review of the asbestos standard to determine what requirements are applicable to disposal sites. Region VI is correct in its interpretation that only disposal sites operated by the generators of asbestos waste are subject to the regulation, specifically 61.22(j), 61.22(k), and 61.25. Otherwise, generators are responsible for disposing of their waste at an acceptable disposal site as defined in 61.25.

The preamble of the amendments to the asbestos standard promulgated October 14, 1975 (40 FR 48299) discusses control of asbestos emissions from disposal sites. At the time of promulgation, the Agency estimated that 2500 disposal sites would be covered if the proposed amendments applied directly to the disposal sites. The enforcement burden for this large number of sources seemed a disproportionate use of Agency resources. Therefore, the Agency promulgated the amendments to limit emissions from disposal sites by requiring asbestos waste generators to dispose of the wastes at properly operated sites. Two assumptions were made to justify the promulgation. First, the Agency assumed that generators of large quantities of waste would dispose of the waste themselves. Generator-owned disposal sites have been covered in the regulations in 61.22(j) and (1). Second, the Agency assumed that operations of spraying, demolition, and renovation do not usually operate disposal sites but deposit wastes at dumps accepting varied types of waste therefore ensuring the burial of asbestos and reduction in emissions. For these reasons, the generators of the waste have been required to deposit their wastes only in disposal sites which meet the requirements in 61.22(j), 61.22(1), and 61.25. In summary, waste disposal requirements do not apply directly to waste disposal sites. The exception is that the owner or operator of an inactive disposal site previously operated by a generator of asbestos waste is subject to the regulations.

Although the asbestos standard does not apply to disposal sites, the Region should emphasize to the generators that they are responsible for deposition of their waste at an acceptable disposal site as defined in .61.25. Furthermore, it may be stressed to the operators of disposal sites who advertise to receive asbestos waste that provisions are written in 61.25 to qualify the site as acceptable.

I hope this information has proved helpful. If you have further questions on this matter, please contact Ann Eastham of my staff at 755-2564.

Edward E. Reich

cc: Jim Cahan - OGC  
Linda Chaput - OAQPS  
Martin Brittain - Region VI  
Mark Hooper - Region X  
Joe Gearo - DSSE  
Ken Malmberg - DSSE