



U.S. Environmental Protection Agency Applicability Determination Index

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Category: Asbestos
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Recipient: Klein, Otta T.
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Subparts: Part 61, M, Asbestos

References: 61.141
61.145
61.150
61.154

Abstract:

Waste containers must be labeled with the name of the waste generator, and vehicles used to transport waste must be appropriately marked; however, the NESHAP-required signs for the transport vehicles do not have to remain affixed during transport. Recordkeeping and reporting requirements now apply to the owner/operator of disposal sites. Reporting significant amounts of improperly contained waste would apply to any amount that can easily be seen and tested; any amount over one-half cubic foot would be significant. A thorough inspection, which is the responsibility of the owner or operator, means every accessible area of an affected facility is inspected; survey results are not required to accompany the notification. The training requirements would be satisfied by state certification courses as long as they cover the topics listed in the NESHAP.

Letter:

United States Environmental Protection Agency
Region 5
230 South Dearborn Street
Chicago, Illinois 60604

December 18, 1990

Otto T. Klein, Jr.
Asbestos D/R Coordinator
Division of Air Pollution Control

Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

Dear Mr. Klein:

This is a response to your questions raised in your letter dated December 3, 1990, regarding the revised NESHAP Regulation, effective November 20, 1990. The answers to your questions are as follows:

1. Page 48416.

The revised regulation requires the owner or operator of an active waste disposal site to maintain Waste Shipment Records (WSRs) and report in writing the receipt of a significant amount of improperly-enclosed or uncovered waste to EPA by the following working day. The owner or operator of an active waste disposal site is required by the revisions to send a signed copy of the WSR back to the waste generator no more than 30 days after receipt of the waste, to attempt to reconcile discrepancy between the quantity given on the WSR and the quantity actually received.

2 Page 48419, 61.145(a).

The word "thoroughly" means that every accessible area is inspected in the affected facility or part of the facility where the demolition or renovation will take place.

A contractor may send a Notice of Demolition/Renovation without a copy of the "owners" survey results including PLM lab results, Categories I and II nonfriable ACM. Such a requirement is not made by the old or the revised asbestos NESHAP.

Page 48419, 61.145(b)(4)(v).

The Illinois Environmental Protection Agency (IEPA) is not responsible for confirming that a "thorough inspection" was done. The owner or operator is liable for providing documentation if requested to do so. Procedure constitutes PLM with point counting. If the amount of asbestos is greater than 10-percent even that is not required.

3. Page 48419, 61.145(a)(4).

By "Combined Amount" we mean summation of amounts of the same units (linear feet, square feet, etc.). The regulation clearly states that the amount of RACM to be stripped, removed, dislodged, cut drilled or similarly disturbed is at least 260 linear feet or 160 square feet, 35 cubic feet.

4. Page 48419, 61,145(a).

The owner or operator is responsible for performing the thorough inspection.

5. Page 48421(B)(8).

The requirements of the training are not accounted for by length and depth. As long as the training is given by an eligible institution or contractor, i e., State EPA certification courses, and covers the topics mentioned in the revised NESHAP, it is accepted by the U.S. EPA. The certificate of completion of such training is sufficient documentation or evidence of training.

6. Page 48429, 61.150(a)(1)(v).

Containers or wrapped materials must be labeled with the name of the waste generator and the name of the waste disposal site as required. Contractors are allowed to purchase bags with the abatement company's name printed on them, if they so desire.

Part (iv) is an independent requirement from (v).

7. Page 48429, 61.150(a)(1)(iv).

No such requirement is made. The signs indicating asbestos transport do not have to remain on the truck during transport. However, the Department of Transportation (D.O.T.) has certain requirements which you might be interested in investigating.

8. Page 48415.

"Malfunction" is not defined for the demo/reno program. Filters and negative air machines are not regulated by the NESHAP demo/reno. However, if visible emissions are a result of such a malfunction, violations are reported.

9. 61.154(e)(iv).

"Significant" is any amount that can easily be seen and tested. For waste containing asbestos material we feel that any amount over half a cubic foot is significant.

For any questions, please don't hesitate to call me at (312) 886-6819.

Sincerely,

Christina Prasinis
Compliance Section II