



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C92

Category: Asbestos
EPA Office: Region 2
Date: 03/25/1991
Title: Asbestos Waste Generator
Recipient: Rosmarin, Susan G.
Author: Kivowitz, Sharon E.
Comments: 61.150 of 90 NESHAP-owner/oper.must comply w/ the waste disp.provisions.contrct.name not req.on waste cont.(owner na

Subparts: Part 61, M, Asbestos

References: 61.141
61.150

Abstract:

If the acts of an asbestos renovation or demolition operation contractor produce asbestos-containing waste material, then the contractor is a waste generator and must affix the contractor's name to the label on the waste container.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
JACOB K. JAVITZ FEDERAL BUILDING
NEW YORK, NEW YORK 10278

MAR 25 1991

Susan G. Rosmarin
Carro, Spanbock, Kaster & Cuiffo
1345 Avenue of the Americas
New York, NY 10105

Re: Asbestos NESHAPS

Dear Ms. Rosmarin:

I am writing in response to your letter to Douglas Blazey, dated March 18, 1991 wherein you requested clarification of the definition of asbestos waste generator as it relates to the labeling requirements set forth in 40 C.F.R. 61.150(a)(1)(v).

The asbestos NESHAP, 40 CFR Part 61, Subpart M, as amended on November 20, 1991 at 55 FR 48406, clearly states that any person who leases, operates, controls or supervises either the facility being renovated or demolished or the renovation or demolition operation, is an operator. If an operator's act or process produces asbestos-containing waste material then the operator is also a waste generator. 40 C.F.R. Section 61.141.

40 C.F.R. Section 61.150 sets forth the disposal requirements which owners as well as operators must comply with to dispose of asbestos waste material. 40 C.F.R. Section 61.150(a)(1)(v) requires, among other things, that the name of the waste generator and the location at which the waste was generated be included on the label to be affixed to each container of asbestos-containing waste material transported off-site. Therefore, if the acts of an asbestos renovation or demolition operation contractor produce asbestos-containing waste material, then the contractor is a waste generator and must affix its name to the label.

If you have further questions, please do not hesitate to call me at 212-264-2211.

Very truly yours,

Sharon E. Kivowitz
Assistant Regional Counsel
Office of Regional Counsel