



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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AIR AND RADIATION

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Mr. James T. Dufour
Dufour and Associates
819 F Street
Sacramento, CA 95814

AIR TOXICS AND RADIATION
SECTION
U.S. EPA, REGION V

Dear Mr. Dufour:

This is in response to your letter dated October 27, 1992 requesting current and historical interpretations of the National Emission Standards for Hazardous Air Pollutant (NESHAP) regulations regarding asbestos containing materials (ACM). On the issue of past interpretation (1989-1990) vs. current interpretation, the Environmental Protection Agency's (EPA) current position remains consistent with the past. Since the stringency of the NESHAP regulation has not changed with the November 20, 1990 revision, EPA's position remains the same.

The following are answers to your specific questions:

Question 1: "What is the EPA's policy on drywall joint compound currently, and was this policy different throughout the 8/89-10/11/90 time frame?"

Response 1: A determination dated September 4, 1992, was written by the Stationary Source Compliance Division (SSCD) stating that when joint compound and/or tape is applied to a wallboard, it becomes an integral part of the wallboard system. Therefore, a full composite analysis of the wall system (percent of asbestos in the joint compound, tape and wallboard) must be conducted where a demolition or renovation is to be performed. Previously, there was no national policy pertaining to asbestos containing joint compound and each Region made their own determinations. State and local agencies should be consulted.

Question 2: "Was transite required to be removed from buildings prior to demolition throughout the 8/89-10/11/90 period?"

Response 2: Our policy for the period of 8/89-10/11/90 was that all transite, typically being Category II nonfriable ACM, must be removed prior to demolition if the building contains at least 160 square feet of ACM. Almost all demolition activities will subject such Category II nonfriable ACM to the regulation if left in place. This policy has not changed.

Question 3: "Throughout the 8/89-10/11/90 period, if, after demolition, transite debris (broken pieces, but not crushed) was found within other demolition debris, or in burned debris, how would the debris be treated? Would all the debris be subjected to disposal as regular construction debris? Would it be necessary to have separated the regular debris from the transite debris prior to disposal? Would the entire pile of debris, including the non-ACM debris, have been disposed of as hazardous in 1989 and 1990?"

Response 3: For the period of 8/89-10/11/90, if transite was left in place during a normal demolition, the demolition debris would be contaminated with asbestos and therefore, would be regulated as asbestos containing waste material (ACWM) under the NESHAP rule. The entire pile of debris would have to be disposed of in accordance with the Standards for Waste Disposal for Fabrication, Demolition, Renovation, and Spraying Operations under 40 CFR §61.150(a)(3).

Question 4: "How would the transite debris be treated and disposed of according to current EPA regulations?"

Response 4: The regulation remains the same as discussed in Response 3. The transite debris would have to be disposed of in accordance with the Standards for Waste Disposal for Fabrication, Demolition, Renovation, and Spraying Operation as outlined under 40 CFR §61.150(a)(3).

Question 5: "Throughout the 8/89-10/11/90 period, did window putty containing asbestos need to be removed from a building prior to demolition? If so, how was it required to be disposed of?"

Response 5: To the extent that window putty containing asbestos is a pliable asbestos-containing sealant or mastic that is in good condition, (and therefore, a Category I ACM), it is not required to be removed prior to demolition. However, window putties will become regulated ACM if they have become friable or are subjected to sanding, grinding, cutting or abrading.

Question 6: "Currently, does window putty need to be removed prior to demolition? If so, how is it required to be disposed of?"

Response 6: The stringency of the rule was not increased with the November 20, 1990 revision. The new terms of Category I and II non-friable ACM were added to the rule for clarification that non-friable ACM does not always remain in a non-friable condition (see enclosed).

Question 7: "Under current regulations, is such wetting required during a period when the debris is undisturbed after demolition, or only when it is being disturbed? What if the material has been burned and is laying in a pile?"

Response 7: The debris is subject to the wetting requirements of the asbestos NESHAP rule including 40 CFR 61.150(a)(3) until disposed of according to the rule; even if the material had been burned and is laying in a pile.

Question 8: "Would such wetting be required if the debris contained joint compound, transite and window putty, but such ACM materials were not reduced to a friable state, i.e. crushed or pulverized? What if the material were burned?"

Response 8: Any ACWM will be subject to the rule, if it does not remain Category I or II ACM after demolition. Demolition by burning is not allowed, as stated in 40 CFR 61.145(c)(10) if the building contains greater than the threshold amount of ACM, and is not recommended if the building contains any asbestos.

Question 9: "Would burning of a structure that contained non-friable ACM (transite, window putty, and joint compound) result in all of the debris being considered as friable asbestos hazardous waste, under current or 8/89-10/11/90 policy?"

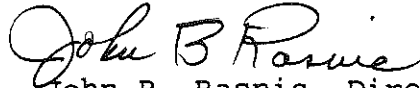
Response 9: Under current policy or the policy for the period of 8/89-10/11/90, if any of the non-friable ACM was not removed prior to the burning, then the debris is/was considered ACWM and therefore, regulated by the rule. If a facility containing asbestos greater than or equal to the threshold was demolished by intentional burning without removing all RACM including Category I and Category II non-friable ACM, then that is a violation of 40 CFR 61.145(c)(10).

Question 10: "Would the Agency accept any testing procedures to determine whether burned debris contains hazardous ACM?"

Response 10: If the structure is known to contain ACM prior to the burning, then the burned debris will be contaminated with RACM. Therefore, an alternative testing procedure will not be accepted by EPA. The rule clearly states that all RACM including Category I and II be removed before burning. In cases where that was not possible, it is also clear that the debris must be removed in accordance with §61.150(a)(3). The rule does not provide for any alternatives.

This determination has been coordinated with EPA's Office of Enforcement and the Emission Standards Division of the Office of Air Quality Planning and Standards. If you have any questions, please contact Chris Oh of my staff at (703) 308-8732.

Sincerely,



John B. Rasnic, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

Enclosure

cc: Sims Roy, ESD (MD-13)
Charlie Garlow, OE (LE-134A)
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Regional Asbestos NESHP Coordinators