

**TI-918**

**Prepared:** September 10, 2001

**Short Description:**

Asbestos Removal and Disposal.

**Inquiry:**

The PBS Environmental Hotline caller requested information regarding the proper procedures required by the United States Environmental Protection Agency ("EPA") and Department of Transportation ("DOT"), and the District of Columbia, for the removal and disposal of tested duct seam mastic determined as category II non-friable asbestos containing material that will remain intact as it is removed from a building.

**Response:**

On the federal level, the Clean Air Act ("CAA") National Emissions Standards for Hazardous Air Pollutants ("NESHAP") governs the handling and disposal of asbestos containing material ("ACM"). This does not include all ACM but only that which meets the regulatory criteria and threshold limits (40 CFR Part 61 Subpart M (2001)). The caller must first examine whether the building and activity at issue falls within 40 CFR Subpart M.

Within Subpart M, the regulatory criteria most applicable to the caller's facts are the standards for demolition and renovation found in 40 CFR § 61.145. This section regulates ACM where there is a "renovation" of a "facility" with "RACM" (regulated asbestos containing material) (40 CFR § 61.145(a)). These three criteria are

defined in 40 CFR § 61.141. "Renovation" is defined, in relevant part, as the altering of a facility or its components in such a way that includes the stripping or removal of RACM. "Facility" is defined, in relevant part, as an "institutional, commercial, public, industrial, or residential structure, installation or building..." to include federal facilities. Finally, "RACM" is defined, in relevant part, as "(d) Category II non-[ ]friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations..." Again, the caller must confirm whether this framework applies to the building at issue. If it does, the next step is to consider the threshold limits set forth in 40 CFR § 61.145(a).

The threshold limits most applicable to the caller's facts are set forth in 40 CFR § 61.145(a)(4). Paragraph (a)(4)(i)-(ii) states, in relevant part, that the NESHAP regulations apply if the combined amount of RACM removed from facility components is at least 15

square meters (160 square feet) or, alternatively, 1 cubic meter (35 cubic feet) where the length or area could not be measured previously. If the caller's quantity of RACM meets or exceeds the threshold limits, the caller must comply with the notification and asbestos emission control requirements set forth in 40 CFR § 61.145(b) and (c), respectively. Given the caller's facts and the assumption that the cutting and removal of duct sections will result in RACM, the emission control requirement of wetting set forth in 40 CFR § 61.145(c)(2) and (4) would apply. Paragraph (c)(2) states, in relevant part, that facility components (e.g. air ducts) covered with RACM that are removed in sections require adequate wetting of RACM exposed

during cutting and disjoining of sections, and the careful lowering of sections to ground level in a manner that does not disturb RACM. Paragraph (c)(4) requires that the RACM coated components removed

from the facility are stripped or contained in leak-tight wrapping.

Regardless of whether the caller's facts meet the aforementioned federal regulatory criteria and threshold limits, the caller should consult with the District of Columbia Department of Health ("DC DOH"). The DC DOH may have more stringent criteria and threshold limits than the aforementioned federal requirements under NESHAP. The caller can contact Leela Sreenivas, Chief, Compliance and Enforcement Branch at (202) 535-2991. The caller can also contact inspectors Neil Williams at (202) 535-2267 and Jeff Edwards at (202) 535-2259.

As for transporting RACM, the DOT regulates asbestos as a Class 9 hazardous material. Both bulk and

non-bulk packaging requirements are found in the Hazardous Materials Table of 49 CFR § 172.101. For additional information, contact the DOT at (800) 467-4922.

Finally, for disposal, contact the state or local agencies for which the RACM is destined in order to determine whether the intended landfill is an approved or licensed asbestos disposal site.

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