



DIRECTIVE NUMBER: 9444.05(80)

TITLE: Asbestos as a Hazardous Waste

APPROVAL DATE: 11-18-80

EFFECTIVE DATE: 11-18-80

ORIGINATING OFFICE: Office of Solid Waste

☒ **FINAL**

☐ **DRAFT**

STATUS:

- | | |
|-----|--|
| [] | A- Pending OMB approval |
| [] | B- Pending AA-OSWER approval |
| [] | C- For review &/or comment |
| [] | D- In development or circulating
headquarters |

REFERENCE (other documents):

OSWER OSWER OSWER
/E DIRECTIVE DIRECTIVE DA

Key Words: Asbestos, Mixture Rule

Regulations: 40 CFR 261.33(f), Part 261, Subpart C

Subject: Asbestos as a Hazardous Waste

Addressee: Michael S. Rabren, Technical Director, U.S. Cylinders,
100 Industrial Park, Citonelle, Alabama 36522

Originator: Gary N. Dietrich, Associate Deputy Assistant Administrator for
Solid Waste

Source Doc: #9444.05(80)

Date: 11-18-80

Summary:

Pursuant to §261.33(f), manufacturing process waste containing asbestos as a normal constituent waste is not a hazardous waste. This is because §261.33 (e) and (f) listings apply only to commercial chemical products. Waste streams containing one or more of these §261.33 (e) and (f) listed wastes do not become hazardous unless the listed waste was itself discarded as an off-specification or commercial chemical product which is then mixed with the waste stream pursuant to the mixture rule. The waste may, however, be deemed a hazardous waste if it exhibits any of the characteristics of hazardousness identified in Subpart C of §261.

NOV 18 1990

Michael S. Rabren
Technical Director
U.S. Cylinders
100 Industrial Park
Citonelle, Alabama 36522

Dear Mr. Rabren:

This is to respond to your letter of October 30, 1990, to Ms. Filomena Chau asking for clarification of our hazardous waste management regulations as they apply to your company's waste.

You indicate that your waste is CaO , SiO_2 and asbestos and ask if it is a hazardous waste. We listed asbestos as a hazardous waste in §261.33(f) of our regulation, but this only applies to technical grade asbestos if, for some reason, it is discarded or intended to be discarded. This listing does not cause a manufacturing process waste containing asbestos as a normal waste constituent to be a hazardous waste. From my understanding of your letter, your waste is such a manufacturing process waste. If this is correct, it is not a hazardous waste because of its content of asbestos.

Your waste may be a hazardous waste because it exhibits any of the characteristics of hazardous waste identified in Subpart C of Part 261. From the information provided in your letter, I cannot make a judgement on this point. You may want to check on this. If you need further guidance, I recommend that you contact:

James Scarbrough
Chief, Residuals Management Branch
345 Courtland Street, N.E.
Atlanta, Georgia 30265
(404) 261-3016

If you should find that your waste is a hazardous waste and you are a small quantity generator, you are allowed to dispose of your waste in a facility that is approved by the State for disposal of municipal or industrial waste (not a necessarily hazardous waste facility). A small quantity generator is one who generates less than 1000 kilograms of hazardous waste in a calendar month. Your letter

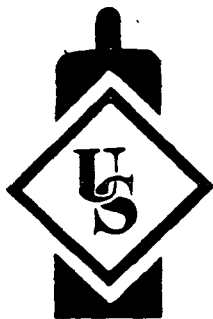
states that you dispose of 500 kilograms per month of asbestos. Our regulation is based on the quantity of the total waste, not just the quantity of the asbestos or any other constituent in the waste. Therefore, I cannot make a judgement on whether you are a small quantity generator. You may wish to discuss this with Mr. Scarbrough.

I hope I have been helpful. I apologize for the tardiness of this response but we have been overwhelmed with requests for clarification of our regulations.

Sincerely yours,

Gary N. Dietrich
Associate Deputy Assistant Administrator
for Solid Waste

bcc: Filomena Chau w/incoming



US Cylinders

100 Industrial Park

Citronelle, Alabama 36522

Telephone (205) 866-5523

October 30, 1980

Ms. Filomena Chau
U.S. Environmental Protection Agency
Office of Solid Waste
401 M Street, S.W.
Washington, D. C. 20460

Dear Ms. Chau:

We have a waste which is made up of CaO , SiO_2 and Asbestos or to be simple, asbestos in concrete. This waste is in a heavy slurry with water and, upon drying, it turns into a solid mass. We have to dispose of approximately 500 kg per month of asbestos in the above mixture which does not leak out when wetted underground.

In order to comply with the recent EPA regulation on disposing of hazardous waste, we plan to do the following. Since we are a small quantity generator, our waste will be dumped each month in a controlled state permitted industrial dump site.

Do we have a hazardous waste, since we confine the asbestos in a lime-silica mixture which does not leak out when wetted? Presently, we dump at a site that is very similar to the state permitted site. The state permitted site will cost us ten times what our present site costs. As a small business (less than 50 employees), this extra cost is very tough to absorb.

I look forward to your reply.

Sincerely,


Michael S. Rabren
Technical Director

MSR/jt

compressed gas cylinders

NOV 12 1980

± 27

Mr. Michael S. Rabren
Technical Director
U.S. Cylinders
100 Industrial Park
Citronelle, Alabama 36522

Dear Mr. Rabren:

Thank you for your request of October 30, 1980. In that request, you asked that EPA issue a Clarification concerning whether you have a hazardous waste if you confine the asbestos in a lime-silica mixture.

I have submitted your request to Mr. Gary Dietrich, Associate Deputy Assistant Administrator for Solid Waste. Mr. Dietrich is considering your request and, if appropriate, will assign a member of the Solid Waste staff to draft a Clarification for this subject. Should EPA decide to issue a Clarification for your specific request, please be assured that we will indicate how we intend to answer your request.

If I can be of further assistance, please let me know.

Sincerely yours,

Filomena Chau
Environmental Protection Specialist
Office of Solid Waste (WH-562)

WH-562:F.Chau:cb:11/12/80

NOV 18 1980

Michael S. Rabren
Technical Director
U.S. Cylinders
100 Industrial Park
Citronelle, Alabama 36522

Dear Mr. Rabren:

This is to respond to your letter of October 30, 1980, to Ms. Filomena Chau asking for clarification of our hazardous waste-management regulations as they apply to your company's waste.

You indicate that your waste is CaO , SiO_2 and asbestos and ask if it is a hazardous waste. We listed asbestos as a hazardous waste in §261.33(f) of our regulation, but this only applies to technical grade asbestos if, for some reason, it is discarded or intended to be discarded. This listing does not cause a manufacturing process waste containing asbestos as a normal waste constituent to be a hazardous waste. From my understanding of your letter, your waste is such a manufacturing process waste. If this is correct, it is not a hazardous waste because of its content of asbestos.

Your waste may be a hazardous waste because it exhibits any of the characteristics of hazardous waste identified in Subpart C of Part 261. From the information provided in your letter, I cannot make a judgement on this point. You may want to check on this. If you need further guidance, I recommend that you contact:

James Scarbrough
Chief, Residuals Management Branch
345 Courtland Street, N.E.
Atlanta, Georgia 30365
(404) 381-3016

If you should find that your waste is a hazardous waste and you are a small quantity generator, you are allowed to dispose of your waste in a facility that is approved by the State for disposal of municipal or industrial waste (not a necessarily hazardous waste facility). A small quantity generator is one who generates less than 1000 kilograms of hazardous waste in a calendar month. Your letter

states that you dispose of 500 kilograms per month of asbestos. Our regulation is based on the quantity of the total waste, not just the quantity of the asbestos or any other constituent in the waste. Therefore, I cannot make a judgement on whether you are a small quantity generator. You may wish to discuss this with Mr. Scarbrough.

I hope I have been helpful. I apologize for the tardiness of this response but we have been overwhelmed with requests for clarification of our regulations.

Sincerely yours,

Gary N. Dietrich
Associate Deputy Assistant Administrator
for Solid Waste

bcc: Filomena Chau w/incoming