



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

October 16, 2003

Bill Cavness
Director
The Asbestos Institute
8102 N. 23rd Avenue, Suite A
Phoenix, AZ 85021

Dear Mr Cavness:

Thank you for your question regarding the Asbestos NESHAP requirements for asbestos cement pipe that has been damaged and mixed with soil. EPA has consistently determined that asbestos cement pipe that has been extensively damaged or crushed by mechanical means becomes Regulated Asbestos Containing Material (RACM). In addition, EPA has determined that when RACM is mixed with other waste or soil the contaminated area must be treated as RACM and asbestos-containing waste and must be cleaned to background levels. I have enclosed Agency determinations on these issues.

EPA and Arizona agencies have concluded enforcement actions where asbestos cement pipe has been improperly removed and the material has become RACM. In these instances, contaminated soil has been disposed of as regulated waste.

I would caution any public or municipal agency working with asbestos cement pipe that repetitive disturbance, such as a bypass or tie in, could trigger the planned non-scheduled provision of the asbestos NESHAP and would make all operations subject to the Asbestos NESHAP. Failure to conduct proper notification, work practices, and disposal of contaminated material may result in Asbestos NESHAP enforcement action. Proper work-practices and housekeeping, such as wetting, dropcloths and regulated areas, have been in practice with municipalities to meet NESHAP requirements.

If you have any further questions on the Asbestos NESHAP, please feel free to call me at (415) 972-3989.

Sincerely,

A handwritten signature in black ink that reads "Robert S. Trotter".

Robert S. Trotter
Asbestos NESHAP Coordinator

enclosures