

PPC 9444.1980(05)

ASBESTOS AS A HAZARDOUS WASTE

NOV 18 1980

Michael S. Rabren  
Technical Director  
U.S. Cylinders  
100 Industrial Park  
Citonello, 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<sub>2</sub> 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) 881-3016

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