

BULLETIN

NO. 710

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ASBESTOS AND CURRENT EPA REQUIREMENTS
REGULATING HAZARDOUS WASTE DISPOSAL

By Balaban

Because of the concern of Members as to EPA requirements for hazardous waste disposal, the Institute's Health and Environmental Affairs Committee wishes to advise on two points: (1) Asbestos and products or waste materials containing asbestos are not now specifically named and included in the regulations governing the disposal of hazardous wastes promulgated by the EPA under the Resource Conservation and Recovery Act of 1976 (RCRA). (2) However, other substances used in the manufacture of friction products may be covered by the EPA's hazardous waste rules, as well as friction products and manufacturing process wastes which contain these substances or which test out as exhibiting any of the four hazardous waste "characteristics" established by EPA.

While the regulations as originally published specifically listed asbestos in its raw form as a hazardous waste, it was later "temporarily" removed from the list by EPA in a subsequent notice (Federal Register, Vol. 45, No. 229, page 78533 of November 25, 1980). In the current regulations, asbestos is no longer listed as a "toxic," and therefore hazardous, waste substance. We are informed that the EPA has—at least temporarily—deferred control of asbestos to the regulations in the National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

However, the definitions of hazardous waste and the listing of other wastes as hazardous wastes shall apply. A waste may be considered hazardous if it is listed in 40 CFR 261, Subpart D and/or meets the characteristics of hazardous waste (ignitability, corrosivity, reactivity and EP toxicity) as specified in 40 CFR 261, Subpart C. Friction Materials manufacturers should be aware that some heavy metals, including lead and barium, when found in certain concentrations in a waste and when tested using a specified method, may make the waste a hazardous waste and therefore, subject to the Resource Conservation and Recovery Act. It is up to the waste "generator" (normally the manufacturer or processor) to determine if his waste is, for such reasons, in fact a hazardous waste under the EPA regulations.

A copy of Title 40, Code of Federal Regulations, Part 261 - Identification and Listing of Hazardous Waste, as published in the Federal Register of May 19, 1980, is enclosed. As noted above, asbestos was subsequently removed from the list found in Part 261.33 (f), on page 33126.

END/erc

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