

# Federal Requirements for Managing Inactive Asbestos Disposal Sites in New Hampshire

**Background:** The United States Environmental Protection Agency (EPA) first promulgated standards to regulate asbestos emissions on April 6, 1973 (see [38 FR 8826](#)), and added requirements for the control of asbestos emissions at inactive waste disposal sites on October 14, 1975 (see [40 FR 48299](#)). These standards have since been amended several times and re-codified in [40 CFR part 61, subpart M](#), “National Emission Standard for Asbestos” (Asbestos NESHAP). On June 28, 2002, the New Hampshire Department of Environmental Services (DES) submitted a request pursuant to [40 CFR part 63, subpart E](#) to substitute the state administrative rules in Env-Wm 3900 (now Env-Sw 2100) for some sections of the Asbestos NESHAP rule as they apply to certain inactive asbestos waste disposal sites not operated after July 9, 1981. By direct final action (see [68 FR 102](#)), the EPA approved the request for rule substitution, effective July 28, 2003.

**Current NESHAP Requirements:** As a result of the above cited rule substitution approval, the NESHAP requirements for managing inactive asbestos disposal sites in New Hampshire are as follows:

- [40 CFR 61.151](#) for sites operated after July 9, 1981
- [Env-Sw 2100](#) (formerly Env-Wm 3900) for sites **not** operated after July 9, 1981

Note: In both cases, the NESHAP applies to inactive disposal sites operated by sources covered under [40 CFR 61.142](#) (asbestos mills), [40 C CFR 61.144](#) (certain manufacturing operations using commercial asbestos) and [40 CFR 61.147](#) (certain fabricating operations using commercial asbestos).

**Other Federal Requirements:** Other applicable federal regulations include, but are not limited to:

- [49 CFR 107](#) and [49 CFR 171-172](#) pertaining to transportation of asbestos
- [29 CFR 1910](#) and [29 CFR 1926](#) pertaining to occupational safety and health
- [40 CFR 763](#) pertaining to occupational safety and health