

DPH/DEEP Interpretation:  
Abandonment of Below-Grade ACM

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# Inquiry from CT Consultant

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- Building foundation walls or basement slabs can contain ACM (e.g., weatherproofing tars or mesh/flashing between slab layers).
- Can these be backfilled and abandoned in place?
- How about underground tunnels or utilities that contain ACM (e.g., pipes, wires, etc.)?

## DPH/DEEP Response

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- DPH asbestos regulations would require abatement of all ACM found on the interior of the facility prior to demolition.
- ACM found exterior to the facility would have to be abated if it is rendered Regulated Asbestos Containing Material (RACM), per the EPA NESHAPs, during demolition.
- However, non-friable ACM found exterior to the facility that will not become RACM during demolition does not necessarily need to be abated.
- DPH regulations do not require the removal of non-friable ACM found below-grade (e.g. damp proofing tar or ACM between layers of a slab).

# DPH/DEEP Response (Cont.)

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- ACM pipes, etc. in tunnels that can be accessed from within a facility are subject to DPH regulation.
- DPH regulations do not prohibit the abandonment in place of ACM pipes, etc. found in inaccessible tunnels or underground trenches.
- DEEP considers the abandonment of basement walls and/or slab that waterproofing tars with ACM to be a de facto disposal activity.
  - Does not qualify as “clean fill.”
  - CGS Section 22a-252 prohibits the disposal of > 1 cubic foot of ACM w/o a permit.

## DPH/DEEP Response (Cont.)

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- DEEP does not consider the abandonment in place of tunnels or trenches containing ACM materials to be a disposal activity if they are inaccessible and unexposed.
- However, if the tunnels or trenches containing ACM are excavated or exposed at some later time, they would have to be properly removed and disposed of at that time.
- Both DPH and DEEP recommend that ACM that is abandoned in place be clearly documented for future reference, preferably in the land records for the site.

# Questions?

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