

ASBESTOS STORAGE, TRANSPORTATION, AND DISPOSAL

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Description: This document explains WDNR Waste Program requirements for storage, transportation, and disposal of asbestos. Certain requirements differ based on asbestos type. This document also lists other State of Wisconsin agencies and programs with regulatory authority.

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General: Proper storage, transport, and disposal of *asbestos containing material (ACM)* depends on whether it is friable or nonfriable; if nonfriable, whether it is category I or II; and if category I, whether it is a *construction and demolition (C&D) material*. The actual state of materials may vary, so the definitions must be used to classify materials. It is not recommended to burn, grind, cut, or crush ACM, due to potential asbestos fiber release. Ch. NR 447 prohibits burning for all types of ACM. Asbestos types are defined in s. NR 447.02, Wis. Adm. Code:

- "*Category I nonfriable ACM*" is defined as "...packings, gaskets, resilient floor covering & asphalt roofing ... containing ... asbestos ... that ... cannot be crumbled ... to powder by hand pressure." Category I ACM is pliable (not brittle), breaks by tearing rather than fracturing, and does not easily release asbestos fibers upon breaking.
- "*Category II nonfriable ACM*" is defined as "any material, excluding category I nonfriable ACM, containing ... asbestos ... that ... cannot be crumbled ... to powder by hand pressure." This includes rigid exterior siding and boards by the trade name "transite". Category II ACM may not be pliable, and may release asbestos fiber upon breaking.
- "*Friable ACM*" is defined as "any material containing ... asbestos ... that ... can be crumbled ... to a powder by hand pressure." Common types of friable ACM include pipe insulation, sprayed on fire proofing, and tiled sound insulation materials. Friable ACM has little structural strength and contains asbestos fibers that are readily released upon breaking.

C&D material is a solid waste as defined in s. 289.01(3), Wis. Stats. and must be stored, transported, and disposed in accordance with chs. NR 500 to 538, Wis. Adm. Code. S. NR 500.08(2), Wis. Adm. Code exempts certain source separated C&D materials (such as unpainted and untreated clean wood) from most regulations, if the material is not improperly managed (for example, disposal in wetlands and floodplains is prohibited). Local approval is commonly required for waste storage, transportation, processing, and disposal activities, even if a state approval isn't required.

State of Wisconsin Agencies and Programs with Regulatory Authority:

The Asbestos and Lead Program at the Department of Health and Family Services (DHFS) administers training and certification programs for inspectors and contractors performing ACM removal. Direct questions to 608-261-6876, or 608-267-0928 (Shelley Bruce), or Asbestos and Lead Program Staff at your local DHFS office. Building owners may be required to notify DHFS Asbestos and Lead Program at least 10 days prior to commencing building demolition or ACM removal.

The Air Management Program regulates disturbance of *regulated asbestos containing material (RACM)*. This may include material that was category I or II nonfriable ACM when the material was new or prior to disturbance. Contact Air Management if friable or nonfriable ACM removal is being considered, or if any building will be demolished. When required, a building demolition notice or ACM removal notice must be made at least 10 days before demolition or removal occurs. Direct questions to 608-266-3658 (Mark Davis), or 608-264-8892 (Nathan Luedke), or Air Management Program Staff at your local DNR office.

Waste Management Program – Guidance
Asbestos Storage, Transport, and Disposal
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The Waste Management Program regulates transport and disposal of solid wastes, including any C&D material and any ACM for disposal. More information is provided below. Direct questions to 608-267-0557 (Gretchen Wheat), or Waste Management Program Staff at your local DNR office.

Storage: Must be at a solid waste storage facility licensed under s. NR 502.05, Wis. Adm. Code. Two exceptions apply:

At the generation site only, in containers for 90 days or less is exempt under s. NR 502.05(3)(a), Wis. Adm. Code from the solid waste storage facility license requirement. Operational requirements in s. NR 502.05(5), Wis. Adm. Code apply. S. NR 447.13(2)(a), Wis. Adm. Code requires disposal as soon as practical.

At an intermediate location, in a licensed solid waste transportation vehicle that includes the truck tractor is exempt under s. NR 502.06, Wis. Adm. Code from the solid waste storage facility license requirement.

Transport: Must be by a licensed solid waste transporter under s. NR 502.06, Wis. Adm. Code.

One exception applies: An individual or business that transports less than 20 tons/year of solid waste (including asbestos) is exempt under s. NR 502.06(2)(b), Wis. Adm. Code from the requirement to have a solid waste transportation license. (Although disposal requirements still apply.)

ACM can only be transported to proper disposal locations as required by s. NR 502.06(4)(b), Wis. Adm. Code. All ACM must be transported to prevent any visible dust emission from the load, and the following procedures must be met in accordance with s. NR 502.06(4)(d) and ch. NR 447, Wis. Adm. Code:

- Friable ACM must be wetted and bagged prior to transport.
- Category II ACM may be transported in bulk containers, but must be wetted as needed to control dust, and containers must be covered to prevent spilling & dusting.
- Category I ACM may be in bulk containers, but covers must be used to prevent spilling. Wetting is not normally required to prevent asbestos emissions during transport.
- S. NR 447.17(5), Wis. Adm. Code includes requirements for waste shipment records.

Disposal: Requirements are in s. NR 506.10, Wis. Adm. Code and summarized here. Category I ACM which is not a C&D material, all friable ACM, and all category II ACM must be disposed at an *approved* landfill, as defined in s. 289.01(3), Stats., meaning a licensed landfill that has gone through the statutory landfill siting process in subch. III of ch. 289, Stats - this does not include C&D landfills. The landfill must also be engineered with a liner and leachate collection, and specifically approved to accept asbestos. On a case by case basis, approval may be given to dispose of these ACM materials at a licensed landfill without a liner and leachate collection, if the operational practices are consistent with s. NR 506.10 (2), Wis. Adm. Code:

- Dispose in a trench excavated in existing refuse and cover with at least 3 feet of non-asbestos waste or soil prior to compaction.
- Record each disposal location by vertical and horizontal coordinates.
- Do not dispose within previous ACM disposal areas or in locations proposed for future construction of landfill components, such as leachate headwells or gas extraction wells.

Category I ACM which is C&D material must be disposed either at a C&D landfill approved under ch. NR 503, Wis. Adm. Code, or a landfill that is an approved facility as defined in s. 289.01(3), Stats. (described above). No special operational requirements apply to a landfill due to disposing category I ACM.

Improper management of asbestos may result in a hazardous substance discharge subject to clean up under the hazardous substance spill law in s. 292.11, Wis. Stats., even if a state approval wasn't required.

Legal Note: This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.