

Asbestos Handling Requirements - NR 502 Solid Waste Transfer Stations

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Asbestos Definitions

Asbestos containing material (ACM) means mill tailings or any waste that contains commercial asbestos and is generated by a source.

Category I nonfriable ACM means asbestos containing packings, gaskets, resilient floor covering and asphalt roofing products containing more than 1% asbestos.

Category II nonfriable ACM means any material, excluding Category I nonfriable ACM, containing more than 1% asbestos.

Friable asbestos material means any material containing more than 1% asbestos that when dry, can be crumbled, pulverized or reduced to a powder by hand pressure.

Nonfriable asbestos material means any material containing more than 1% asbestos that when dry, can't be crumbled, pulverized or reduced to a powder by hand pressure.

Regulated asbestos containing material (RACM) means (a) friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subject to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized or reduced to a powder by the forces expected to act on the material in the course of demolition or renovation operations.

Waste generator means any owner or operator of a source whose act or process produces asbestos-containing waste material.

Issue

Landfill operators have expressed a concern about their liability for consolidated loads from transfer stations that could contain asbestos containing material (ACM) that is deposited in the landfill's active area. Transfer stations are permitted under ch. NR 502, Wis. Adm. Code, to handle construction and demolition waste; however, specific approval is required to accept asbestos. Category I ACM, when found in demolition waste, is not readily susceptible to airborne releases when handled and can be properly managed at transfer stations and landfills as general waste. Category II and friable ACM asbestos, when mixed with construction and demolition waste, as well as from other sources, are more susceptible to releases when improperly handled. Additionally, Category II and friable ACM may come from projects required to meet asbestos handling requirements of NR 447.

Background

Both the Air Management Program (NR 447) and the Waste & Materials Management Program (NR 500) asbestos requirements focus on management practices that minimize the release of asbestos from ACM handling practices. "Friable" and "Category II" ACM have the greatest potential for becoming airborne and are more rigorously controlled. "Category I" ACM, particularly roofing shingles and pliable flooring mastics, are less susceptible to releases.

Prior to 1997, acceptance of asbestos at transfer stations was prohibited. NR 502.07(7)(j) now requires larger transfer stations to have an approved plan to accept asbestos materials. Although new facilities have addressed this requirement in their

initial plan of operation approval, most existing facilities have not modified their approved plans to address asbestos acceptance.

NR 502.07(2) exempts small transfer stations that service hand-unloaded and less than 1 ton capacity vehicles from the requirements of NR 502 due to the relatively small quantities of materials they handle. This exemption makes no reference to the acceptance of ACM. More recent revisions to NR 502, effective in 2006, create a new category of very small transfer stations that handle less than 50 ton per day. NR 502.07(2r) requirements for these very small facilities specifically do not allow the acceptance of asbestos waste.

Landfill operators rely on transfer stations to maintain the controls placed on ACM management in both NR 447 and NR 503. Construction/demolition wastes are a common source of all three categories of ACM. Landfill operation requirements control ACM sufficiently that Category I ACM is allowed to be disposed within the active area. Due to the range of ACM potentially encountered in construction and demolition projects, waste screening protocols aid transfer stations in proper management of ACM that is more susceptible to being release during handling practices at both the transfer station and the receiving landfill.

Conclusion: Asbestos Handling Practices at Solid Waste Transfer Stations

Licensed and properly run transfer stations are not likely to cause ACM to become friable at their facility or the receiving landfill. It is the Department's expectation that ACM, when properly managed at job-sites, will not be compromised and become released due to intermediate waste handling practices.

Considering Category I ACM is less susceptible to release and is allowed to be disposed of in a landfill's active area, less restrictive screening and handling restrictions are needed at transfer stations than Category II and friable ACM. The attached table summarizes practices at solid waste transfer stations that encourage proper ACM handling and reporting to receiving landfills.

Questions?

Contact: DNRWasteMaterials@wisconsin.gov

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ASBESTOS HANDLING PRACTICES AT SOLID WASTE TRANSFER STATIONS

NR 502.07(2) exempt transfer stations. Hand unloaded vehicles with less than 1 ton capacity.

Category I ACM	No Category I ACM outside of the transfer containers
Category II ACM	No Category II ACM outside of the transfer containers
Friable ACM	<ul style="list-style-type: none"> – Accept material only from household generators – Signs or outreach effort to explain concerns with friable asbestos – Encourage material to be bagged and labeled for site worker's safety – Establish procedures with receiving landfill on how bagged material should be identified or placed in the transfer container

NR 502.07(2r) exempt very small transfer stations. Less than 50 tons per day handled.

Category I ACM	No Category I ACM outside of the transfer containers
Category II ACM	Adequate screening protocols and signs prohibiting materials
Friable ACM	Adequate screening protocols and signs prohibiting materials

NR 502.07 Licensed transfer station

Category I ACM	No Category I ACM outside of the waste tipping floor or transfer containers
Category II ACM	<ul style="list-style-type: none"> – Approved plan that minimizes the potential for release of the ACM from handling practices at the transfer station – Protocols for notifying receiving landfill of Category II materials
Friable ACM	<ul style="list-style-type: none"> – Approved plan that minimizes the potential for release of the ACM from handling practices at the transfer station – Protocols for notifying receiving landfill on the friable materials – Record keeping and manifest handling provisions sufficient for the receiving landfill to comply with their NR 447 manifest requirements



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

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Asbestos Handling Requirements - NR 502 Solid Waste Transfer Stations

PROGRAM/BUREAU

Waste and Materials Management

STATUTORY AUTHORITY OR LEGAL CITATION

Ch. 289, Wis. Stats.; chs. NR 447, 500, 502, 503 Wis. Adm. Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

December 16, 2019

DATE FINALIZED

January 28, 2020

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Signature

Date