



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
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July 13, 2007

To: Mobile Home Dismantlers in Wisconsin

Subject: Asbestos Regulations and Guidance

This letter is being sent to businesses in Wisconsin that we believe may be engaged in the business of dismantling mobile homes. Mobile homes may contain asbestos, especially in the flooring and flooring adhesive. Dismantling activities may release asbestos from some of the asbestos-containing materials in the mobile homes, which may go into the air. Asbestos fibers are a known human carcinogen, and there is no safe level of exposure. Avoiding or minimizing asbestos exposure is in your own self interest and is needed for protection of your and your family's health, your employees and the general public. Whereas most of the remainder of this letter deals with asbestos regulations, we want to emphasize above all else that unwanted mobile homes should not be burned or shredded nor should quantities of unused mobile homes that are actively being demolished be accumulated.

Asbestos is regulated by a variety of federal and state agencies. (See Attachment 1 for details.) The Department of Natural Resources (DNR) regulates asbestos removal under Chapter NR 447 of the Wisconsin Administrative Code consistent with US EPA regulations. This letter describes the federal and counterpart state DNR asbestos requirements as they pertain to mobile home dismantling. Bear in mind that accumulating large quantities of unused mobile homes may mean that you may need to meet requirements for licensed waste operation and asbestos requirements.

What Mobile Homes Are Regulated?

Single Family Residence Exemption

An owner occupied mobile home used as a single family residence is generally exempt from the asbestos inspection and abatement requirements of Chapter NR 447 when it is removed from its foundation for demolition. This exemption continues to apply throughout the time that the mobile home is removed from its foundation, is transported, is demolished, and until it is reduced to scrap metal and the wastes are disposed. Under federal and state regulations, however, this exemption **does not** apply if an owner of multiple mobile homes has more than one mobile home removed from the same property for demolition in one year. For example, if a mobile home park owner or a mobile home dealer owns mobile homes on his or her property and wishes to have them demolished, the asbestos exemption only applies if no more than one mobile home is removed from the property per year.

When there are individually owned mobile homes that are located in the same mobile home park and one or more of individual owners of those homes wishes to have his/her home removed for demolition, each of those individually owned homes **does qualify** for the single family residence exemption. Therefore, from a regulatory standpoint, it's important to know who owned the mobile homes that you are accepting.

Please be aware that a mobile home used for business or institutional purposes (e.g. school classroom or construction site trailer) is not considered a single family residence and therefore would not be exempt from NR 447 requirements.

Non-Exempt Mobile Homes

If you are dealing with a mobile home that doesn't qualify for an exemption (as described above), please be aware that DNR Air Management regulations (NR 447) require that you notify and pre-inspect for asbestos each non-exempt mobile home prior to demolition or dismantling. If a notice and pre-inspection has already been done on a mobile home that enters your facility, you do not have to perform another. However, if you are going to dismantle a mobile home that has not had an asbestos inspection it is your responsibility to file a notice and conduct the inspection prior to dismantling. You must also ensure that asbestos is properly removed, handled and disposed of, regardless of who has done the notice and pre-inspection.

These are the steps we recommend you follow as part of your dismantling operation:

1. Prior to dismantling and demolition of each non-exempt mobile home, have it inspected for asbestos and complete and file the Asbestos Notification Form 4500-113, both required by Air regulations in s. NR 447.07 and 447.08, Wis. Adm. Code. Pay the appropriate fee with the Asbestos Notification Form. You can find the Asbestos Notification Form and instructions at <http://dnr.wi.gov/org/aw/air/reg/asbestos/asbes8a.htm> . There is a ten working day waiting period from filing the asbestos notification with the Department and starting to dismantle or demolish the non-exempt mobile home(s). Ensure that any asbestos present is properly removed and disposed. The asbestos inspector must be certified through the Wisconsin Department of Health and Family Services (DHFS). You may find a list of certified companies at: <http://dhfs.wisconsin.gov/asbestos/AsbCompanies/Companyindex.htm>.

Although not required for exempt single family mobile homes, we strongly suggest for the protection of your employees that an asbestos inspection be completed and that all asbestos be removed prior to demolition. Sending a courtesy Asbestos Notification Form 4500-113 to the DNR is also encouraged.

2. If all or a portion (remnant) of a mobile home is taken to a landfill or a recycling operation, provide a copy of the asbestos inspection results and the Asbestos Notification Form to the landfill or recycling operation to help document compliance with air regulations.
3. Follow publication WA651 "Pre-Demolition Environmental Checklist". This specifically addresses environmental concerns related to demolition activities, including steps to reduce exposure to hazardous materials such as asbestos, CFCs, mercury, lead, PCBs.

Mobile homes still having asbestos containing materials (ACM), whether exempt or not, must not go to any auto shredding or hammermill operations, because of the danger that such operations will make the ACM friable and release it into the air, causing serious contamination problems. If you desire to take a mobile home to an auto shredder or a hammermill operation, all ACM in the mobile home must be removed prior to being processed. You should also be aware that burning mobile homes is illegal and accumulating mobile homes that aren't being actively demolished may require solid waste licensure.

In addition to contacting dismantlers, we are also contacting each of the active landfills in Wisconsin reminding them that they are responsible for proper disposal of asbestos delivered to their sites and should

be asking mobile home dismantlers for documentation of asbestos inspection prior to accepting the mobile homes.

If you have questions about this letter or your requirements under the law, please contact the following staff at the nearest DNR office:

Air Management Staff:

Mark Davis (414) 263-8674 Southeast Region plus Rock, Jefferson and Dodge Counties

Larry Weix (920) 662-5473 Northeast Region and Northern Region - East of I-39

Troy Gansluckner (715) 684-2914 Ext. 132 West Central Region and Northern Region - West of I-39

Amy Walden (608) 266-3658 for all other South Central Region Counties, not including Rock, Jefferson and Dodge Counties;

Waste and Materials Management Staff at: <http://dnr.wi.gov/staffdir/SearchDNREmp.asp>.

You may see a map of the Department of Natural Resources Regions at

<http://dnr.wi.gov/org/caer/cs/ServiceCenter/SSbyRegion.html>

Sincerely,

Kevin Kessler, Director
Bureau of Air Management

Suzanne Bangert, Director
Bureau of Waste and Materials Management

cc: (via e-mail)

Regional Waste and Materials Management Leaders

Regional Air Leaders

Jack Connelly – WA

Amy Walden – AM/7

Larry Weix – NER

Patrick Kirsop – AM/7

Shelley Bruce – DHFS

Kate Cooper - WA

Mark Davis – SER

Troy Gansluckner – Baldwin

Michael Scott – LS/5

Attachment 1: Federal and State Agencies that Regulate Asbestos

The Occupational Safety and Health Administration (OSHA) has a construction standard for the construction industry (29 CFR Part 1926.1101, see www.osha.gov) that regulates demolishing or salvaging structures where asbestos is present.

The Wisconsin Department of Health and Family Services (DHFS) administers the certification (licensure) (Chapter HFS 159, Wis. Adm. Code, see <http://dhfs.wisconsin.gov/asbestos/Cert/Index.htm>) required to perform asbestos activities in Wisconsin, including workers that perform the asbestos abatement and removal.

The Wisconsin Department of Natural Resources (DNR) administers for the U.S. Environmental Protection Agency (USEPA) the federal asbestos rule known as a National Emission Standard for Hazardous Air Pollutants (NESHAP) to protect the general public from exposure to asbestos (Chapter NR 447, Control of Asbestos Emissions, Wis. Adm. Code, see <http://dnr.wi.gov/org/aw/air/reg/asbestos/>



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July 13, 2007

To: Municipal Solid Waste Landfill Owners in Wisconsin

Subject: Assuring Proper Asbestos Notification and Disposal for Mobile Homes

This letter is being sent to owners of municipal solid waste landfills in Wisconsin to remind you of your responsibility to properly dispose of asbestos containing materials from the dismantling of mobile homes. Asbestos that has not been abated from mobile homes prior to dismantling and disposal may be released into the air. Asbestos fibers are a known human carcinogen. Avoiding asbestos exposure is in your own self interest and is needed for protection of your health, your employees and the general public.

Unless eligible for the single family exemption described below, DNR Air Management regulations (Chap. NR 447, Wis. Adm. Code) require that the mobile home be pre-inspected for asbestos and that the DNR Notification Form 4500-113 be completed prior to dismantling.

An owner occupied mobile home used as a single family residence is generally exempt from the asbestos inspection and abatement requirements of Chapter NR 447. This exemption continues to apply throughout the time that the mobile home is removed from its foundation, is transported, is demolished, and until it is reduced to scrap metal and the wastes are disposed. Under federal and state regulations, however, this exemption **does not** apply if an owner of multiple mobile homes has more than one mobile home removed from the same property for demolition in one year. For example, if a mobile home park owner or a mobile home dealer owns mobile homes on his or her property and wishes to have them demolished, the asbestos exemption only applies if no more than one mobile home is removed from the property per year. This exemption only applies to residences and does not apply to mobile homes used for business or institutional purposes (e.g., a school classroom or construction site trailer).

Unless your landfill facility's plan of operation addresses asbestos notification in an alternative way, we expect that you will request to see a completed copy of Form 4500-113 prior to accepting any mobile home that does not meet the exemption criteria above. The Department has notified the mobile home dismantlers that we are asking landfills to request this documentation before allowing disposal or recycling of any non-exempt mobile homes at their sites.

Despite the single family residence exemption in the Air Management regulations, the asbestos disposal concerns for solid wastes still apply at the landfill, even if the mobile home arrives intact. Therefore, we recommend that anyone in the scale house or checking trucks as they enter the site ask if the mobile home was checked for asbestos, and whether any asbestos, or materials that may have contained asbestos, was removed. This information will help you protect the health of your employees and implement the correct asbestos management protocol for mobile homes.

Please also note that those who demolish buildings prior to transporting the demolition waste to a landfill must also follow the requirements of Chapter NR 447, Wis. Adm. Code described above, unless the building is exempt (single family residence or dwelling with 4 or fewer dwelling units). Whether or not a landfill load contains waste from a demolished building or is a mobile home, the landfill operator is responsible for performing due diligence to identify waste that may contain asbestos and handle it separately.

There are several ways to assure that asbestos received by the landfill is properly handled. Here are some recommended steps to consider:

1. Maintain good overall compliance with NR 500 approval and rules.
2. Maintain compliance with operational requirements in ss. NR 506.05 and 506.07(1) that reduce airborne release of wastes and contaminants, including: daily cover, confined active area and provisions to prevent escape of windblown material.
3. In complying with signage requirements in s. NR 506.07(10)(L), include information that the law requires identification of friable and category II Asbestos Containing Material (ACM).
4. Maintain a random load inspection program.
 - Ensure the random load inspection program is implemented and records maintained, as required by s. NR 506.16.
 - Include construction and demolition loads in the random load program.
 - Train scale house, equipment operators and inspection staff in identifying friable and category II ACM.
 - Establish protocols for identifying violators, contacting the Department, charging increased fees for the extra handling and other deterrents to non-compliance.
 - Dispose of all discovered friable and category II ACM in compliance with s. NR 506.10.
5. In the list of “wastes not specifically approved” in your plan of operation, include friable and category II ACM that has not been identified by the transporter.

Following these guidelines will encourage contractors to identify asbestos. We have instructed members of the DNR staff who inspect landfills to ensure that landfills are complying with code and approved plan requirements for asbestos.

If you have any questions, please contact the engineer or hydrogeologist assigned to your site. Thank you for helping us in our efforts to keep improperly handled asbestos from entering landfills.

Sincerely,

Suzanne Bangert
Director, Bureau of Waste and Materials Management

Kevin Kessler
Director, Bureau of Air Management

cc: (via e-mail)

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