

Asbestos Storage, Transport and Disposal

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Waste & Materials Management
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Description

This publication primarily summarizes Wisconsin's solid waste rules related to asbestos storage, transport and disposal. In addition, references are provided for other department programs and Wisconsin state agencies with regulatory authority for asbestos management activities.

General Information

Asbestos Definitions, s. NR 447.02, Wis. Adm. Code: 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* (described below). The actual state of materials may vary, so the definitions must be used to classify materials. Burning, grinding, cutting or crushing of ACM is not recommended and is prohibited by ch. NR 447, Wis. Adm. Code, due to potential asbestos fiber release. Asbestos types are defined as follows:

- "*Category I nonfriable ACM*" means "...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*" means "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 fibers upon breaking.
- "*Friable ACM*" means "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 tile sound insulation. Friable ACM has little structural strength and contains asbestos fibers that are readily released upon breaking.

C&D Material Definition, s. 289.01(33), Wis. Stats.: The term, *C&D material*, has a specific legal definition. C&D material is a solid waste (SW) and must be stored, transported and disposed in accordance with chs. NR 500 to 538, Wis. Adm. Code.

Disposal Exemption, s. NR 500.08(2), Wis. Adm. Code: Certain source separated C&D materials (such as unpainted and untreated wood) are exempt from most regulations, if the material is not improperly managed (for example, wetland and floodplain filling is generally prohibited). Local approval may be required for storage, transport, processing and disposal, even if a state approval isn't required.

State of Wisconsin Agencies and Programs with Regulatory Authority

DHFS: The Asbestos and Lead Program at the Department of Health and Family Services (DHFS) administers training and certification programs for inspectors and ACM removal contractors. Direct questions to Asbestos and Lead Program Staff at 608-261-6876 or 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.

DNR AM: The Air Management (AM) Program at DNR 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.

DNR WA: The Waste & Materials Management (WA) Program at DNR regulates transport and disposal of C&D material and ACM, as described below. Direct questions to DNRWasteMaterials@wisconsin.gov.

DNR RR: The Remediation & Redevelopment (RR) Program at DNR oversees implementation of the spill law in s. 292.11, Wis. Stats. It is important to be aware that improper management of asbestos may result in a hazardous substance discharge subject to clean up under the spill law. This may be true even if the asbestos management activity was exempt from the WA Program and AM Program rules.

Asbestos Storage, Transport and Disposal Requirements

Storage, NR 502.05, Wis. Adm. Code: Must be at a licensed SW storage facility. The following two exceptions apply:

- At the generation site in containers for up to 90 days is exempt under s. NR 502.05(3)(a), Wis. Adm. Code, from the SW 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 SW transportation vehicle (includes the tractor) is exempt under s. NR 502.06, Wis. Adm. Code, from the SW storage facility license requirement.

Transport, NR 502.06, Wis. Adm. Code: Must be a licensed SW transporter. The following exception applies:

An individual or business that transports less than 20 tons/year of SW (including asbestos) is exempt under s. NR 502.06(2)(b), Wis. Adm. Code, from the SW transportation license.

ACM must be transported to a proper disposal location., and transport must comply with procedures in ss. NR 502.06(4)(d) and NR 447.13, Wis. Adm. Code, summarized here:

- Category II and I ACM may be transported in bulk containers. Materials should be wetted as needed to control dust and covered as needed to prevent spilling and dusting.
- Friable ACM must be wetted and bagged prior to transport.

Disposal, NR 506.07, 506.10 & 506.16, Wis. Adm. Code: Additional requirements for active waste disposal sites are listed in s. NR 447.17, Wis. Adm. Code, and are not all described here. Landfills must post a sign that lists waste types accepted. MSW landfills must implement a program to exclude non-approved wastes (ie: random load inspections).

Category I ACM that 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” (described below). No special operational requirements apply to a landfill due to disposing Category I ACM that is a C&D material.

Category I ACM that is not a C&D material, all friable ACM, and all category II ACM must be disposed at a landfill that is an “approved facility” (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 friable and category II ACM at a licensed landfill without a liner and leachate collection, if operation is consistent with these requirements listed in 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 locations subject to future construction.

Shipment Records, NR 447.13(4) & 447.17(5), Wis. Adm. Code: Asbestos transport must be accompanied by a shipment record, and after disposal, the disposal facility must return a signed copy of the shipment record to the generator. If, within 35 days of initial shipment, the generator doesn’t receive a return copy of the shipment record, the generator must contact the transporter or disposal facility to determine the shipment status. If, within 45 days, the generator still doesn’t receive a return copy of the shipment record, the generator must report to DNR.

For More Information

For more information on this subject, including publications, staff contacts, and administrative codes and statutes, go to dnr.wi.gov and search “waste.” Emails may be directed to DNRWasteMaterials@wisconsin.gov.

***Disclaimer:** 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. 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.*

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