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Asbestos Disposal at C&DD and Solid Waste Landfills

This Fact Sheet explains the solid waste rules and construction and demolition debris (C&DD) rules as they apply to the acceptance of asbestos-containing materials at solid waste or C&DD facilities.

Is it Solid Waste or C&DD?

Ohio Revised Code 3734.01 and Ohio Administrative Code (OAC) Rule 3745-27-01 define solid waste. OAC Rule 3745-27-19(E)(21) specifies that asbestos or asbestos-containing waste material that is subject to the provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61, subpart M, shall not be accepted at a sanitary landfill facility without the necessary permits.

Ohio Revised Code 3714.01 and OAC Rule 3745-400-01(F) define construction and demolition debris as those materials resulting from the alteration,

construction, destruction, rehabilitation, or repair or any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. This includes the structural and functional materials comprising the structure and surrounding site improvements, such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electric wiring and components containing no hazardous fluids or refrigerants, insulation, wall-to-wall carpeting, asphaltic substances, metals incidental to any of the above, and weathered railroad ties and utility poles.

OAC Rule 3745-400-01(F) further specifies that construction and demolition debris does not include materials whose removal has been required prior to demolition;

materials which are otherwise contained within or exist outside the structure; materials identified or listed as solid wastes, infectious wastes, or hazardous wastes; materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or nonreinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling. Materials excluded from the definition of construction and demolition debris include containerized or bulk liquids, fuel tanks, drums and other closed or filled containers, tires and batteries.

The removal of NESHAP regulated friable asbestos materials is required prior to demolition or construction activities.

The disposal of asbestos for which removal prior to demolition is required but not accomplished constitutes a violation of NESHAP.

NESHAP Regulated Asbestos

The National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart M - Asbestos (40 CFR 61.140 to 61.156), is one source of federal rules which contains requirements relating to the removal, handling, and disposal of asbestos.

Generally, NESHAP regulates materials that contain significant quantities of asbestos that can be broken into fine particles, become airborne, and get into someone's lungs.

NESHAP-regulated asbestos materials can be disposed only in a disposal facility (C&DD facility or solid waste landfill) that has a NESHAP permit to accept such friable asbestos. The demolition or renovation contractor also must submit a Notification of Asbestos Demolition and Renovation to the local air pollution control agency at least ten working days prior to demolition.

Ohio EPA, Division of Solid and Infectious Waste Management

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DSIWM Webpage: <http://www.epa.state.oh.us/dsiwm>

NESHAP Permit

Both solid waste landfills and C&DD landfills may accept NESHAP regulated asbestos containing material only if the facility has been issued the necessary air pollution control permits. Additionally, C&DD facilities can only accept asbestos-containing materials if they are the result of construction or demolition of a structure and the materials were not required to be removed prior to demolition.

Exempt or Nonfriable Asbestos

Solid waste and C&DD facilities can accept asbestos-containing materials that are not subject to NESHAP regulations. Non-NESHAP (e.g. nonfriable) asbestos materials mixed with solid waste must be disposed of in a solid waste landfill. Non-NESHAP asbestos materials which are construction and demolition debris may be disposed of at a C&DD facility.

Additionally, the following four classes of asbestos-containing materials are acceptable at licensed solid waste or C&DD facilities:

1. NESHAP-exempted C&DD materials:

Residential building materials that are NESHAP exempted are acceptable. A single residential building with four or fewer dwelling units is exempt from NESHAP regulations. The facility should use normal operating procedures to minimize dust. (See Federal Register: July 28, 1995 [Volume 60, Number 145], Pages 38725-38726.)

2. Small NESHAP-exempt quantities of friable asbestos:

In general, friable asbestos in quantities of less than 260 lineal feet on pipes or 160 square feet on other components in a structure is exempt from the NESHAP regulations. Facilities should use

normal operating procedures to minimize dust.

3. Asbestos/resin materials:

Asbestos/resin materials, such as vinyl asbestos floor tile and asphalt asbestos shingles, are not friable, and are not subject to NESHAP regulation. (These are NESHAP "Category I" nonfriable asbestos materials).

4. Asbestos-cement products:

Products such as asbestos-cement shingles, asbestos-cement pipe, and transite are acceptable if the operator does not cause them to be broken into fine particles that may become airborne. To minimize asbestos emissions, a facility operator should move such materials to the operating face of the landfill when they are wetted or mixed with soil and should compact them in a wetted or covered state. (These are NESHAP "Category II" nonfriable asbestos materials.)

Disposal Operations

Care should be taken during disposal of the above four classes of asbestos-containing materials so they do not become airborne dust. These materials should not be sanded, ground, abraded, or cut with a saw.

If any asbestos material arrives or becomes friable at the disposal facility, NESHAP does require it to be adequately wetted or encapsulated as necessary to prevent visible emissions and must be covered with at least six (6) inches of non-asbestos containing material before the end of the working day.

The information in this Fact Sheet has been found acceptable by the Air Toxics Unit of the Ohio EPA Division of Air Pollution Control which has been delegated the authority to enforce the US EPA NESHAP regulations for asbestos in Ohio. For more information, call the local Health Department, the Ohio EPA District Office, or the local air pollution control agency. Ohio EPA, Division of Air Pollution Control, Air Toxics Unit is another source of information at <http://www.epa.state.oh.us/dapc/atu>

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