

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2404

Session of
1986

INTRODUCED BY SAURMAN, ITKIN, GEORGE, REBER, STABACK, FOX,
NAHILL, ARTY, HERSHEY, J. TAYLOR, WOGAN, KOSINSKI, WESTON,
HERMAN, TRELLO, E. Z. TAYLOR, FISCHER, BUNT, R. C. WRIGHT,
JOSEPHS, MORRIS, PHILLIPS, DAVIES, BELARDI, RICHARDSON,
D. W. SNYDER AND CIVERA, APRIL 16, 1986

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 22, 1986

AN ACT

1 Providing for the handling of asbestos-containing waste; and <—
2 conferring powers and duties on the Department of
3 Environmental Resources; AND MAKING AN APPROPRIATION. <—

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Asbestos
8 Waste Disposal Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) Substantial amounts of asbestos materials are being
12 removed from schools and buildings throughout this
13 Commonwealth.

14 (2) Exposure to asbestos fibers and particles in the air
15 has been linked, by reputable medical and scientific
16 authorities, to a significant increase in the incidence of

disease, such as asbestosis, bronchogenic carcinoma,
mesothelioma and other malignancies.

(3) Present storage, containment, transportation and
disposal methods of asbestos-containing waste do not meet
acceptable standards and, therefore, constitute a potential
significant health hazard.

(4) The purpose of this act is to provide for the proper
storage, containment, transportation and disposal of
asbestos-containing waste to ensure that exposure to asbestos
fibers is limited or nonexistent.

Section 3. Definitions.

The following words and phrases when used in this act shall
have the meanings given to them in this section unless the
context clearly indicates otherwise:

"Active waste disposal site." A disposal site other than an
inactive site.

"Adequately wetted." Sufficiently mixed or coated with water
or an aqueous solution to prevent dust emissions.

"Asbestos." The asbestiform varieties of serpentinite
(chrysotile), riebeckite (crocidolite), cummingtonitegrunerite,
anthophyllite and actinolite-tremolite.

"Asbestos-containing waste materials." Waste that contains
commercial asbestos and is generated by a source subject to 40
CFR Part 61, Subpart M. The term includes asbestos mill
tailings, asbestos waste from control devices, friable asbestos
waste material and bags or containers that previously contained
commercial asbestos. As applied to demolition and renovation
operations, the term includes only friable asbestos waste and
asbestos waste from control devices.

"Asbestos material." Asbestos or material containing

1 asbestos.

2 "Asbestos mill." A facility engaged in converting, or in any
3 intermediate step in converting, asbestos ore into commercial
4 asbestos. Outside storage of asbestos material is not considered
5 a part of the asbestos mill.

6 "Asbestos tailings." Solid waste that contains asbestos and
7 is a product of asbestos mining or milling operations.

8 "Asbestos waste from control devices." Waste material that
9 contains asbestos and is collected by a pollution control
10 device.

11 "Commercial asbestos." Asbestos that is extracted from
12 asbestos ore.

13 "Demolition." The wrecking or taking out of a load-
14 supporting structural member of a ~~facility~~ BUILDING, together <—
15 with related handling operations.

16 "Department." The Department of Environmental Resources of
17 the Commonwealth.

18 "Emergency renovation operation." A renovation operation
19 that was not planned but results from a sudden, unexpected
20 event. The term includes operations necessitated by nonroutine
21 failures of equipment.

22 "Fabricating." Processing of a manufactured product that
23 contains commercial asbestos. The term does not include
24 processing at temporary sites for the construction or
25 restoration of facilities.

26 "Facility." An institutional, commercial or industrial
27 structure, installation or building. The term excludes apartment
28 buildings having four or less dwelling units.

29 "Facility component." A pipe, duct, boiler, tank, reactor,
30 turbine or furnace at or in a facility or a structural member of

1 a facility.

2 "Friable asbestos material." Material containing more than
3 1% asbestos by weight that hand pressure can crumble, pulverize
4 or reduce to powder when dry.

5 "Inactive waste disposal site." A disposal site or portion
6 of it where additional asbestos-containing waste material will
7 not be deposited and where the surface is not disturbed by
8 vehicular traffic.

9 "Manufacturing." The combining of commercial asbestos or, in
10 the case of woven friction products, the combining of textiles
11 containing commercial asbestos, with other material, including
12 commercial asbestos, and the processing of this combination into
13 a product.

14 "Outside air." The air outside buildings and structures.

15 "Particulate asbestos material." Finely divided particles of
16 asbestos material.

17 "Planned renovation operations." A renovation operation, or
18 a number of such operations, in which the amount of friable
19 asbestos material that will be removed or stripped within a
20 given period of time can be predicted. Individual nonscheduled
21 operations are included if a number of such operations can be
22 predicted to occur during a given period of time based on
23 operating experience.

24 "Remove." To take out friable asbestos materials from a
25 facility.

26 "Renovation." Altering one or more facility components. The
27 term does not include operations in which load-supporting
28 structural members are wrecked or taken out.

29 "Roadways." Surfaces on which motor vehicles travel. The
30 term includes highways, roads, streets, parking areas and

1 driveways.

2 "Strip." To take off friable asbestos materials from part of
3 a facility.

4 "Structural member." A load-supporting member of a facility,
5 such as beams and load-supporting walls, or a nonload-supporting
6 member, such as ceilings and nonload-supporting walls.

7 "Visible emissions." Emissions containing particulate
8 asbestos material that are visually detectable without the aid
9 of instruments. The term does not include condensed uncombined
10 water vapor.

11 Section 4. Storage and containment.

12 (a) General rule.--Friable asbestos containing waste shall
13 either be processed or formed into nonfriable forms, treated
14 with water (wetted), or treated by another method approved by
15 the department.

16 (b) Storage.--After wetting, friable asbestos-containing
17 waste shall be sealed in leak-tight containers while wet.
18 Sealing shall be interpreted as rendering the container
19 sufficiently closed from the outside air as far as storage,
20 transportation and disposal is concerned so that no leak occurs
21 which could cause visible asbestos emission to the outside air.

22 (1) The following two container forms are acceptable for
23 the proper storage of asbestos-containing waste:

24 (i) Multiple leak-proof plastic bags with 12 mils
25 cumulative thickness.

26 (ii) Single/multiple leak-proof plastic bags with
27 six mils cumulative thickness enclosed in a steel or
28 cardboard drum.

29 (2) NO OBJECTS WHICH COULD CAUSE LEAKAGE OR VIOLATE THE
30 AIRTIGHT INTEGRITY OF THE BAG MAY BE PLACED IN THE LEAK-PROOF

<—

1 PLASTIC BAGS.

2 ~~(2)~~ (3) The containers specified in paragraph (1), shall <—
3 be labeled. The labels shall be printed in letters of
4 sufficient size and contrast as to be readily visible and
5 legible. They shall bear one of the following warnings:

6 CAUTION

7 Contains Asbestos

8 Avoid Opening or Breaking Container

9 Breathing Asbestos is Hazardous to Your Health

10 CAUTION

11 Contains Asbestos Fibers

12 Avoid Creating Dust

13 Breathing Asbestos May Cause Serious Bodily Harm

14 ~~(3)~~ (4) The requirements of this subsection are in <—
15 addition to those required by the Federal Environmental
16 Protection Agency's National Emission Standards for Hazardous
17 Air Pollutants, 40 CFR 61, Subpart M; ~~25 Pa. Code Chapter 75~~ <—
18 ~~(relating to solid waste management); and other relevant~~
19 ~~State or Federal statutes and regulations.~~, AND APPLICABLE <—
20 REGULATIONS UNDER THE ACT OF JULY 7, 1980 (P.L.380, NO.97),
21 KNOWN AS THE SOLID WASTE MANAGEMENT ACT.

22 (c) Exceptions.--

23 (1) Nonfriable asbestos-containing waste does not
24 require processing treatment or special packaging as long as
25 the waste is not rendered friable at any stage.

26 (2) The department may approve an alternative storage
27 method if the waste quantity or physical form does not lend
28 itself to storage under subsection (b). No visible emissions
29 should occur due to the alternative methods.

30 Section 5. Transportation.

1 (a) General rule.--

2 (1) The asbestos-containing waste material shall be
3 transported in a vehicle without compaction and in a manner
4 which will not create visible emission to the outside air. If
5 asbestos is transported with other waste, it shall be done in
6 such a manner that the asbestos is segregated from the other
7 waste to ensure the safe handling and disposal without the
8 risk of comingling.

9 (2) The vehicle transporting asbestos-containing waste
10 shall be covered by a tarp in all cases UNLESS ASBESTOS- <—
11 CONTAINING WASTE IS TRANSPORTED BY AN ENCLOSED TRAILER.

12 (3) ~~Friable~~ CONCENTRATIONS OF FRIABLE asbestos shall be <—
13 removed from demolition waste prior to bulk transportation.

14 (b) Recordkeeping.--

15 (1) Before accepting wastes, a transporter shall
16 determine if the waste is properly wetted and containerized.

17 (2) A transporter shall require a chain-of-custody form
18 signed by the generator. The chain-of-custody form shall
19 include:

20 (i) The name and address of the generator.

21 (ii) The name and address of the pickup site.

22 (iii) The estimated quantity of asbestos-containing
23 waste.

24 (iv) The types of containers used.

25 (v) The destination of the waste.

26 (vi) The signature of the disposal site operator
27 upon delivery at a waste disposal facility.

28 (c) Other law.--The transportation of asbestos containing
29 waste shall conform to the applicable requirements found in 40

30 CFR 61, Subpart M; ~~25 Pa. Code Chapter 75 (relating to solid~~ <—

1 ~~waste management); and other relevant State or Federal statutes~~
2 ~~and regulations.~~, AND APPLICABLE REGULATIONS UNDER THE ACT OF <—
3 JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE SOLID WASTE
4 MANAGEMENT ACT.

5 Section 6. Disposal.

6 (a) Selecting disposal site.--

7 (1) Asbestos-containing waste shall be disposed of at a <—
8 site which has a special permit issued by the department to
9 receive such waste. The department ~~shall~~ MAY specify in the <—
10 permit the maximum quantity of the asbestos-containing waste
11 which may be received per day and in total.

12 (2) THE DEPARTMENT MAY SPECIFY OTHER CONDITIONS ON THE <—
13 PERMIT FOR PROPER DISPOSAL OF ASBESTOS-CONTAINING WASTE.

14 (b) Receiving asbestos-containing waste.--

15 (1) A disposal site approved for receipt of asbestos-
16 containing waste shall require notification by the generator
17 that the load contains asbestos.

18 (2) The disposal site operator shall:

19 (i) Inspect the loads to verify that asbestos waste
20 is properly contained in leak-tight containers and
21 labeled appropriately.

22 (ii) Contact the ~~Federal Environmental Protection~~ <—
23 ~~Agency~~ DEPARTMENT if the operator believes the asbestos- <—
24 containing waste is in a condition that may cause
25 significant fiber release during disposal.

26 (iii) After verification that the load is
27 acceptable, sign the chain-of-custody form to release the
28 asbestos-containing waste from the hauler.

29 (IV) KEEP RECORDS ON THE SOURCE AND AMOUNT OF <—
30 ASBESTOS-CONTAINING WASTES RECEIVED AND NOTIFY THE

1 DEPARTMENT IF WASTE MANAGEMENT PROBLEMS OCCUR.

2 (c) Waste disposition and covering.--

3 (1) The permitted disposal site shall be required to
4 cover friable asbestos-containing waste immediately upon
5 receipt at the disposal facility.

6 (2) Asbestos-containing waste shall be covered in one of
7 the following ways:

8 (i) With at least six inches of compacted
9 nonasbestos-containing material.

10 (ii) With a resinous or petroleum-based dust
11 suppression agent that effectively binds dust and
12 controls wind erosion. This agent shall be used as
13 recommended for the particular dust suppression agent.

14 DUST SUPPRESSION AGENTS MUST BE APPROVED BY THE <—
15 DEPARTMENT PRIOR TO USE. Other equally effective dust
16 suppression agents may be used upon prior approval by the
17 ~~Federal Environmental Protection Agency~~ DEPARTMENT. <—

18 (3) No FRIABLE asbestos-containing waste may be allowed <—
19 to be stored onsite. If the cover requirements cannot be met,
20 no asbestos-containing waste may be accepted at the WASTE <—
21 DISPOSAL facility.

22 (4) Asbestos-containing waste shall be disposed into
23 segregated cells. Asbestos-containing waste may not be mixed
24 directly with other wastes. There shall be a separate area of
25 the facility for asbestos waste disposal.

26 (5) Covering asbestos-containing waste shall be
27 accomplished in a manner to ensure that there will be no
28 visible emissions by disturbing or puncturing the asbestos-
29 containing waste containers.

30 (6) Final closure of a cell containing asbestos waste

shall be as follows:

(i) The disposal facility shall cover the cell containing asbestos waste with at least an additional 30 inches of compacted nonasbestos material to provide a 36-inch final cover.

(ii) To control erosion of the final cover, the area shall be properly graded and vegetated.

(d) Controlling public access.--

~~(1) Sites which dispose of asbestos containing waste shall require fencing around the perimeter of the sections of the sites where asbestos containing waste is deposited. The fencing shall be at least six feet high, and it shall be topped with a barb wire guard to deter public access.~~

~~(2) Access to the facilities shall be limited to one or two entrances with gates that can be locked if left unattended.~~

~~(3) Warning signs shall be displayed at all entrances and at intervals of 330 feet or less along the property line at the site. The warning signs shall:~~ DISPLAY THAT THE SITE CONTAINS ASBESTOS.

~~(i) Be posted in such a manner and location that a person can easily read the legend.~~

~~(ii) Conform to the requirements of 51 cm. x 36 cm. (20" x 14") upright formal signs specified in 29 CFR 1910.145(d)(4).~~

~~(iii) Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this subparagraph.~~

Legend

Size

~~Asbestos Waste Disposal 2.5 cm (1 inch) Sans Serif,~~

1 ~~Site~~ ~~Gothic or Block~~
2 ~~Do Not Create Dust~~ ~~1.9 cm (3/4 inch) Sans Serif,~~
3 ~~Gothic or Block~~
4 ~~Breathing Asbestos is~~ ~~14 Point Gothic~~
5 ~~Hazardous to Your~~
6 ~~Health~~

7 (e) Conveyance of disposal site property.--The grantor, in a
8 deed for the conveyance of property in which asbestos-containing
9 waste is presently being disposed, or has ever been disposed by
10 the grantor or to the grantor's actual knowledge, shall include
11 in the property description section of the deed an
12 acknowledgment of asbestos-containing waste disposal and a
13 notice warning against excavation of the disposal site. The
14 acknowledgment shall include, but not be limited to, the extent
15 the information is available, the surface area size and tract
16 location of the disposed waste. These requirements shall be made
17 part of the deed for future conveyances or transfers of the
18 subject property. The warranty in the deed shall not be
19 applicable to the surface area size and exact location of the
20 disposed asbestos-containing waste.

21 (f) Other law.--The disposal of asbestos-containing waste
22 shall conform to the applicable requirements found in 40 CFR 61,
23 Subpart M, and ~~other relevant State or Federal statutes and~~ <—
24 ~~regulations.~~ REGULATIONS UNDER THE ACT OF JULY 7, 1980 (P.L.380, <—
25 NO.97), KNOWN AS THE SOLID WASTE MANAGEMENT ACT.

26 Section 7. Demolition.

27 ~~(a) General rule. Removable asbestos concentrations shall~~ <—
28 ~~be removed from the buildings or demolition wastes before~~
29 ~~storage, transportation and disposal at demolition waste sites.~~

30 ~~(b) Exception. A variance to subsection (a) may be~~

1 ~~considered if the asbestos concentrations involved are~~
2 ~~nonfriable or are in such a small quantity that the removal is~~
3 ~~either impractical or unnecessary.~~

4 (A) GENERAL RULE.--REMOVABLE, FRIABLE ASBESTOS <—
5 CONCENTRATIONS SHALL BE REMOVED FROM BUILDINGS PRIOR TO
6 DEMOLITION.

7 (B) EXCEPTION.--SUBSECTION (A) DOES NOT APPLY IF THE
8 ASBESTOS CONCENTRATIONS INVOLVED ARE NONFRIABLE AND WILL REMAIN
9 NONFRIABLE UPON DEMOLITION OR ARE IN SUCH A SMALL QUANTITY THAT
10 REMOVAL IS IMPRACTICAL.

11 (C) REMOVAL.--THE DEGREE AND METHODS OF REMOVAL SHALL BE
12 CONDUCTED UNDER REGULATIONS OF THE DEPARTMENT.

13 (D) TIMING.--EXCEPT AS PROVIDED IN SUBSECTION (B), REMOVAL
14 OPERATIONS SHALL BE CONDUCTED PRIOR TO THE STORAGE,
15 TRANSPORTATION AND DISPOSAL OF DEMOLITION WASTE.

16 SECTION 8. RENOVATION.

17 WHEN RENOVATIONS TO A FACILITY INVOLVING THE REMOVAL OF
18 ASBESTOS CONCENTRATIONS ARE CONDUCTED, THE PROVISIONS OF THIS
19 ACT RELATING TO ASBESTOS REMOVAL, STORAGE, PROCESSING,
20 TRANSPORTATION AND DISPOSAL SHALL APPLY.

21 SECTION 9. DEMOLITION OF STRUCTURES.

22 (A) GENERAL RULE.--IF THERE IS ASBESTOS-CONTAINING MATERIAL
23 IN A STRUCTURE, FRIABLE ASBESTOS SHALL BE REMOVED PRIOR TO THE
24 DEMOLITION OF THE STRUCTURE. A WETTING AGENT SHALL BE APPLIED TO
25 THE REMOVED FRIABLE ASBESTOS.

26 (B) INSPECTIONS.--THE DEPARTMENT OR A DESIGNEE MAY PERFORM A
27 PREDEMOLITION INSPECTION OF A STRUCTURE IN WHICH THERE IS
28 ASBESTOS-CONTAINING MATERIAL.

29 Section & 10. Applicability of Federal and State laws and <—
30 regulations.

1 If the requirements of this act conflict with Federal or
2 State statutes and regulations, the requirements of this act
3 shall apply if they are not less restrictive than Federal
4 statutes and regulations.

5 Section ~~9~~ 11. Disapproval. <—

6 The department may disapprove or rescind a prior approval if
7 any of the following applies:

8 (1) The requirements of this act are not met.

9 (2) Waste characteristics are different from those
10 provided in submitted documents.

11 (3) Waste is handled in an environmentally unsound
12 manner.

13 (4) Waste disposal, alone or in conjunction with other
14 waste, would create a nuisance, harm or hazard to the public
15 or the environment.

16 (5) Conditions of the request by the applicant or the
17 approval by the department conflict with the act of July 7,
18 1980 (P.L.380, No.97), known as the Solid Waste Management
19 Act, or relevant Federal regulations.

20 SECTION 12. APPROPRIATION. <—

21 THE SUM OF \$270,000, OR AS MUCH THEREOF AS MAY BE NECESSARY,
22 IS HEREBY APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENTAL
23 RESOURCES TO CARRY OUT THE PROVISIONS OF THIS ACT.

24 Section ~~10~~ 13. Effective date. <—

25 This act shall take effect in 60 days.