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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 305**

Session of  
1987

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G. SNYDER, FOX AND E. Z. TAYLOR, FEBRUARY 11, 1987

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REFERRED TO COMMITTEE ON CONSERVATION, FEBRUARY 11, 1987

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AN ACT

1 Providing for the handling of asbestos-containing waste; and  
2 conferring powers and duties on the Department of  
3 Environmental Resources.

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  
17 disease, such as asbestosis, bronchogenic carcinoma,

1 mesothelioma and other malignancies.

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

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

10 Section 3. Definitions.

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

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

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

18 "Asbestos." The asbestiform varieties of serpentinite  
19 (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite,  
20 anthophyllite and actinolite-tremolite.

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

29 "Asbestos material." Asbestos or material containing  
30 asbestos.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Section 4. Storage and containment.

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

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

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

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

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

28 (2) The containers specified in paragraph (1), shall be  
29 labeled. The labels shall be printed in letters of sufficient  
30 size and contrast as to be readily visible and legible. They

1 shall bear one of the following warnings:

2 CAUTION

3 Contains Asbestos

4 Avoid Opening or Breaking Container

5 Breathing Asbestos is Hazardous to Your Health

6 CAUTION

7 Contains Asbestos Fibers

8 Avoid Creating Dust

9 Breathing Asbestos May Cause Serious Bodily Harm

10 (3) The requirements of this subsection are in addition  
11 to those required by the Federal Environmental Protection  
12 Agency's National Emission Standards for Hazardous Air  
13 Pollutants, 40 CFR 61, Subpart M; 25 Pa. Code Chapter 75  
14 (relating to solid waste management); and other relevant  
15 State or Federal statutes and regulations.

16 (c) Exceptions.--

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

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

24 Section 5. Transportation.

25 (a) General rule.--

26 (1) The asbestos-containing waste material shall be  
27 transported in a vehicle without compaction and in a manner  
28 which will not create visible emission to the outside air. If  
29 asbestos is transported with other waste, it shall be done in  
30 such a manner that the asbestos is segregated from the other

1 waste to ensure the safe handling and disposal without the  
2 risk of commingling.

3 (2) The vehicle transporting asbestos-containing waste  
4 shall be covered by a tarp in all cases.

5 (3) Friable asbestos shall be removed from demolition  
6 waste prior to bulk transportation.

7 (b) Recordkeeping.--

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

10 (2) A transporter shall require a chain-of-custody form  
11 signed by the generator. The chain-of-custody form shall  
12 include:

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

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

15 (iii) The estimated quantity of asbestos-containing  
16 waste.

17 (iv) The types of containers used.

18 (v) The destination of the waste.

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

21 (c) Other law.--The transportation of asbestos containing  
22 waste shall conform to the applicable requirements found in 40  
23 CFR 61, Subpart M; 25 Pa. Code Chapter 75 (relating to solid  
24 waste management); and other relevant State or Federal statutes  
25 and regulations.

26 Section 6. Disposal.

27 (a) Selecting disposal site.--Asbestos-containing waste  
28 shall be disposed of at a site which has a special permit issued  
29 by the department to receive such waste. The department shall  
30 specify in the permit the maximum quantity of the asbestos-

1 containing waste which may be received per day and in total.

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

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

6 (2) The disposal site operator shall:

7 (i) Inspect the loads to verify that asbestos waste  
8 is properly contained in leak-tight containers and  
9 labeled appropriately.

10 (ii) Contact the Federal Environmental Protection  
11 Agency if the operator believes the asbestos-containing  
12 waste is in a condition that may cause significant fiber  
13 release during disposal.

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

17 (c) Waste disposition and covering.--

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

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

23 (i) With at least six inches of compacted  
24 nonasbestos-containing material.

25 (ii) With a resinous or petroleum-based dust  
26 suppression agent that effectively binds dust and  
27 controls wind erosion. This agent shall be used as  
28 recommended for the particular dust suppression agent.  
29 Other equally effective dust suppression agents may be  
30 used upon prior approval by the Federal Environmental

1 Protection Agency.

2 (3) No asbestos-containing waste may be allowed to be  
3 stored onsite. If the cover requirements cannot be met, no  
4 asbestos-containing waste may be accepted at the facility.

5 (4) Asbestos-containing waste shall be disposed into  
6 segregated cells. Asbestos-containing waste may not be mixed  
7 directly with other wastes. There shall be a separate area of  
8 the facility for asbestos waste disposal.

9 (5) Covering asbestos-containing waste shall be  
10 accomplished in a manner to ensure that there will be no  
11 visible emissions by disturbing or puncturing the asbestos-  
12 containing waste containers.

13 (6) Final closure of a cell containing asbestos waste  
14 shall be as follows:

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

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

21 (d) Controlling public access.--

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

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

30 (3) Warning signs shall be displayed at all entrances

1 and at intervals of 330 feet or less along the property line  
2 at the site. The warning signs shall:

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

5 (ii) Conform to the requirements of 51-cm. x 36-cm.  
6 (20" x 14") upright formal signs specified in 29 CFR  
7 1910.145(d)(4).

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

11 Legend	Size
12 Asbestos Waste Disposal Site	2.5 cm. (1 inch) Sans Serif, 13 Gothic or Block
14 Do Not Create Dust	1.9 cm. (3/4 inch) Sans Serif, 15 Gothic or Block
16 Breathing Asbestos is 17 Hazardous to Your 18 Health	14 Point Gothic

19 (e) Conveyance of disposal site property.--The grantor, in a  
20 deed for the conveyance of property in which asbestos-containing  
21 waste is presently being disposed, or has ever been disposed by  
22 the grantor or to the grantor's actual knowledge, shall include  
23 in the property description section of the deed an  
24 acknowledgement of asbestos-containing waste disposal and a  
25 notice warning against excavation of the disposal site. The  
26 acknowledgement shall include, but not be limited to, the extent  
27 the information is available, the surface area size and tract  
28 location of the disposed waste. These requirements shall be made  
29 part of the deed for future conveyances or transfers of the  
30 subject property. The warranty in the deed shall not be

1 applicable to the surface area size and exact location of the  
2 disposed asbestos-containing waste.

3 (f) Other law.--The disposal of asbestos-containing waste  
4 shall conform to the applicable requirements found in 40 CFR 61,  
5 Subpart M, and other relevant State or Federal statutes and  
6 regulations.

7 Section 7. Demolition.

8 (a) General rule.--Removable asbestos concentrations shall  
9 be removed from the buildings or demolition wastes before  
10 storage, transportation and disposal at demolition waste sites.

11 (b) Exception.--A variance to subsection (a) may be  
12 considered if the asbestos concentrations involved are  
13 nonfriable or are in such a small quantity that the removal is  
14 either impractical or unnecessary.

15 Section 8. Applicability of Federal and State laws and  
16 regulations.

17 If the requirements of this act conflict with Federal or  
18 State statutes and regulations, the requirements of this act  
19 shall apply if they are not less restrictive than Federal  
20 statutes and regulations.

21 Section 9. Disapproval.

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

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

25 (2) Waste characteristics are different from those  
26 provided in submitted documents.

27 (3) Waste is handled in an environmentally unsound  
28 manner.

29 (4) Waste disposal, alone or in conjunction with other  
30 waste, would create a nuisance, harm or hazard to the public

1 or the environment.

2 (5) Conditions of the request by the applicant or the  
3 approval by the department conflict with the act of July 7,  
4 1980 (P.L.380, No.97), known as the Solid Waste Management  
5 Act, or relevant Federal regulations.

6 Section 10. Effective date.

7 This act shall take effect in 60 days.