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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 443

Session of  
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FEBRUARY 25, 1987

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REFERRED TO COMMITTEE ON CONSERVATION, FEBRUARY 25, 1987

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AN ACT

1 Providing for the handling of asbestos-containing waste;  
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 building, together with  
15 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 (3) The containers specified in paragraph (1) shall be  
3 labeled. The labels shall be printed in letters of sufficient  
4 size and contrast as to be readily visible and legible. They  
5 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 (4) The requirements of this subsection are in addition  
15 to those required by the Federal Environmental Protection  
16 Agency's National Emission Standards for Hazardous Air  
17 Pollutants, 40 CFR 61, Subpart M, and applicable regulations  
18 under the act of July 7, 1980 (P.L.380, No.97), known as the  
19 Solid Waste Management Act.

20 (c) Exceptions.--

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

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

28 Section 5. Transportation.

29 (a) General rule.--

30 (1) The asbestos-containing waste material shall be

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

7 (2) The vehicle transporting asbestos-containing waste  
8 shall be covered by a tarp in all cases unless asbestos-  
9 containing waste is transported by an enclosed trailer.

10 (3) Concentrations of friable asbestos shall be removed  
11 from demolition waste prior to bulk transportation.

12 (b) Recordkeeping.--

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

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

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

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

20 (iii) The estimated quantity of asbestos-containing  
21 waste.

22 (iv) The types of containers used.

23 (v) The destination of the waste.

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

26 (c) Other law.--The transportation of asbestos-containing  
27 waste shall conform to the applicable requirements found in 40  
28 CFR 61, Subpart M, and applicable regulations under the act of  
29 July 7, 1980 (P.L.380, No.97), known as the Solid Waste  
30 Management Act.

1 Section 6. Disposal.

2 (a) Selecting disposal site.--

3 (1) Asbestos-containing waste shall be disposed of at a  
4 site which has a special permit issued by the department to  
5 receive such waste. The department may specify in the permit  
6 the maximum quantity of the asbestos-containing waste which  
7 may be received per day and in total.

8 (2) The department may specify other conditions on the  
9 permit for proper disposal of asbestos-containing waste.

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

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

14 (2) The disposal site operator shall:

15 (i) Inspect the loads to verify that asbestos waste  
16 is properly contained in leak-tight containers and  
17 labeled appropriately.

18 (ii) Contact the department if the operator believes  
19 the asbestos-containing waste is in a condition that may  
20 cause significant fiber release during disposal.

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

24 (iv) Keep records on the source and amount of  
25 asbestos-containing wastes received and notify the  
26 department if waste management problems occur.

27 (c) Waste disposition and covering.--

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



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

3           (i) With at least six inches of compacted  
4 nonasbestos-containing material.

5           (ii) With a resinous or petroleum-based dust  
6 suppression agent that effectively binds dust and  
7 controls wind erosion. This agent shall be used as  
8 recommended for the particular dust suppression agent.  
9 Dust suppression agents must be approved by the  
10 department prior to use. Other equally effective dust  
11 suppression agents may be used upon prior approval by the  
12 department.

13          (3) No friable asbestos-containing waste may be allowed  
14 to be stored onsite. If the cover requirements cannot be met,  
15 no asbestos-containing waste may be accepted at the waste  
16 disposal facility.

17          (4) Asbestos-containing waste shall be disposed into  
18 segregated cells. Asbestos-containing waste may not be mixed  
19 directly with other wastes. There shall be a separate area of  
20 the facility for asbestos waste disposal.

21          (5) Covering asbestos-containing waste shall be  
22 accomplished in a manner to ensure that there will be no  
23 visible emissions by disturbing or puncturing the asbestos-  
24 containing waste containers.

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

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

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

3           (d) Controlling public access.-- Warning signs shall be  
4 displayed at all entrances and at intervals of 330 feet or less  
5 along the property line at the site. The warning signs shall  
6 display that the site contains asbestos.

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 regulations under the act of July 7, 1980  
24 (P.L.380, No.97), known as the Solid Waste Management Act.  
25 Section 7. Demolition.

26           (a) General rule.--Removable, friable asbestos  
27 concentrations shall be removed from buildings prior to  
28 demolition.

29           (b) Exception.--Subsection (a) does not apply if the  
30 asbestos concentrations involved are nonfriable and will remain

1 nonfriable upon demolition or are in such a small quantity that  
2 removal is impractical.

3 (c) Removal.--The degree and methods of removal shall be  
4 conducted under regulations of the department.

5 (d) Timing.--Except as provided in subsection (b), removal  
6 operations shall be conducted prior to the storage,  
7 transportation and disposal of demolition waste.

#### 8 Section 8. Renovation.

9 When renovations to a facility involving the removal of  
10 asbestos concentrations are conducted, the provisions of this  
11 act relating to asbestos removal, storage, processing,  
12 transportation and disposal shall apply.

#### 13 Section 9. Demolition of structures.

14 (a) General rule.--If there is asbestos-containing material  
15 in a structure, friable asbestos shall be removed prior to the  
16 demolition of the structure. A wetting agent shall be applied to  
17 the removed friable asbestos.

18 (b) Inspections.--The department or a designee may perform a  
19 predemolition inspection of a structure in which there is  
20 asbestos-containing material.

#### 21 Section 10. Applicability of Federal and State laws and 22 regulations.

23 If the requirements of this act conflict with Federal or  
24 State statutes and regulations, the requirements of this act  
25 shall apply if they are not less restrictive than Federal  
26 statutes and regulations.

#### 27 Section 11. Disapproval.

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

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

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

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

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

8           (5) Conditions of the request by the applicant or the  
9 approval by the department conflict with the act of July 7,  
10 1980 (P.L.380, No.97), known as the Solid Waste Management  
11 Act, or relevant Federal regulations.

12 Section 12. Appropriation.

13       The sum of \$270,000, or as much thereof as may be necessary,  
14 is hereby appropriated to the Department of Environmental  
15 Resources to carry out the provisions of this act.

16 Section 13. Effective date.

17       This act shall take effect in 60 days.