

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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## NYSDEC

### GUIDANCE FOR THE MANAGEMENT OF ASBESTOS CONTAINING MATERIALS (ACM) GENERATED DURING SEVERE STORM EVENTS

This document provides New York State Department of Environmental Conservation (Department) guidance for the proper management of storm debris that may contain incidental amounts of asbestos containing materials (ACM). This guidance is intended to provide a streamlined summary of requirements to be used in response to severe storm events and does not supersede any regulation or requirements by New York State Department of Labor (NYSDOL), US EPA, OSHA or any other governmental agency.

ACM can be broadly categorized as either "friable" or "non-friable." The Department's definition of "asbestos waste" includes only friable ACM. The specific regulatory definition can be found at 6 NYCRR 360-1.2(b)(11). Asbestos waste is defined as *"friable solid waste that contains more than 1 percent asbestos by weight and can be crumbled, pulverized or reduced to powder, when dry, by hand pressure. Asbestos waste also includes any asbestos containing solid waste that is collected in a pollution control device designed to remove asbestos."* Non-friable ACM is not considered an asbestos waste under Department regulations, but instead is regulated as construction and demolition (C&D) debris. The following should be used as guidance for handling debris from disasters.

Asbestos waste may be disposed of at a permitted municipal solid waste (MSW) landfill in accordance with the requirements of 6 NYCRR 360-2.17(p), however, facility-specific acceptance restrictions may exist. The Department recommends contacting

landfills directly in order to verify their policy associated with asbestos waste. A list of MSW landfills with contact information is attached to this document.

The packaging of asbestos waste is not directly regulated by the Department. However, in order for a landfill to accept asbestos waste for disposal it must be packaged in accordance with applicable EPA, OSHA, and NYSDOL requirements.

The transportation of asbestos waste is regulated by the Department's Waste Transporter Permit Program (6 NYCRR Part 364). A vehicle transporting asbestos waste will require a permit if the quantity is 500 lbs or more. For more information about the Waste Transporter Permit Program, see below.

Non-friable ACM is not considered an asbestos waste under Department regulations and can be disposed of at any landfill that is authorized to accept construction and demolition debris, though facility-specific acceptance restrictions may exist. The transport of non-friable ACM does not require permitting under the Waste Transporter Permit Program.

### **Storm Debris:**

Severe storm events will generate large quantities of debris which may include demolished homes, household waste generated by cleanup activities, vegetative waste from downed and damaged trees, soils, and sand. Storm debris that is generated during initial storm response activities (e.g., initial building cleanup, clearing of roadways, or as part of a search and rescue operation) and that is not associated with a spill cleanup, can be transported and disposed of as standard municipal solid waste. A Part 364 Permit is not required for the transport of this debris stream. However, the following precautions should be taken due to the possible presence of incidental ACM:

- Material should be kept wet, if possible, particularly during loading and unloading at storage and transfer locations
- Trees, branches, and other vegetative debris should be kept separate from other types of debris at the point of origin and at initial storage facilities

- Appropriate personal protective equipment should be used by all workers who directly or indirectly handle storm debris
- Once loaded in a transport vehicle, storm debris should be enclosed by a cover that is secured on all sides
- Except for trees, branches, or vegetative debris, storm debris should not be processed for the purpose of size reduction
- Storm debris should be tracked separately at solid waste management facilities via a tracking form supplied by or otherwise acceptable to the Department.
- Other site specific conditions may be imposed by a Department issued Emergency Authorization, or by other state or federal agencies based on the specific circumstances of the storm or the site specific conditions found at a storm debris storage or transfer facility

### **Sound and unsound structures:**

Buildings and other structures that have been impacted by a major storm event will have varying degrees of damage. USEPA, NYSDOL, and NYC Department of Environmental Protection (NYCDEP) have governing asbestos regulations that pertain to the demolition of structures. These agencies should be consulted before any demolition or removal of debris occurs at the site of a damaged structure. Whether or not building (or other structure) debris will have to be transported to and disposed of at a landfill as asbestos waste depends on the ability of a licensed asbestos abatement professional to survey and remove asbestos material from the building.

Licensing/certification of asbestos abatement professionals are administered by the NYSDOL and NYC DEP. In general, debris from sound and unsound structures must be assumed to contain friable asbestos which will require transportation by Part 364 permitted haulers and disposal as asbestos waste except in any of the following instances:

- a) The solid waste is accompanied by a current survey by a NYSDOL or NYC DEP certified asbestos inspector indicating no ACM was present in the building prior to demolition.

- b) The solid waste is accompanied by a current survey by a NYSDOL or NYC DEP certified asbestos inspector indicating only non-friable ACM was present in the building prior to demolition, and there is adequate documentation or other evidence that the building was demolished and handled in a way that would not cause the non-friable ACM to become friable.
- c) The waste is accompanied by other documentation acceptable to the NYSDOL or NYCDEP that indicates it does not contain or is not contaminated with friable ACM or non-friable ACM that has become friable.
- d) The waste has been documented to be abated or decontaminated by a NYSDOL licensed asbestos abatement contractor.

Waste from buildings that require demolition because a structure is completely burned (i.e., there are no intact portions remaining) must be presumed to contain friable ACM. Waste from portions of buildings that are not completely burnt may be assessed based on items "a" through "d" above in consultation with the USEPA, NYSDOL, and NYCDEP.

**For more information:**

- Information on the USEPA regulations pertaining to asbestos and the handling of disaster debris can be found in the following document: “Guidelines For Catastrophic Emergency Situations Involving Asbestos” (December 2009).

[http://www.iowadnr.gov/portals/idnr/uploads/air/insidednr/asbestos/asbestos\\_guidelines.pdf](http://www.iowadnr.gov/portals/idnr/uploads/air/insidednr/asbestos/asbestos_guidelines.pdf)

- Information about the NYSDOL’s asbestos regulations (Code Rule 56) can be found at the link below or by calling the Asbestos Control Bureau at (518) 485-8530.

[http://www.labor.ny.gov/workerprotection/safetyhealth/dosh\\_asbestos.shtml](http://www.labor.ny.gov/workerprotection/safetyhealth/dosh_asbestos.shtml)

- Information about the NYC Department of Environmental Protection’s asbestos regulations can be found at the link below or by calling (212) 639-9675.

[http://www.nyc.gov/html/dep/html/asbestos/asbestos\\_abatement.shtml](http://www.nyc.gov/html/dep/html/asbestos/asbestos_abatement.shtml)

- Information about the Department’s Waste Transporter Permit Program can be obtained at the link below or by calling (518) 402-8792.

<http://www.dec.ny.gov/chemical/8483.html>

- Information about handling storm debris in general can be found at the Department’s web site link below, or by calling (518) 402-8678.

<http://www.dec.ny.gov/regulations/8751.html>

- Information about landfills, transfer stations, and other solid wastes management facilities, including contact information for active facilities, can be found at the Department website below:

<http://www.dec.ny.gov/chemical/8495.html>