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Division of Solid & Hazardous Waste  
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<http://www.state.nj.us/dep/dshw/rrtp/index.htm>

## Guidance Document for the Management of Asbestos-containing Material (ACM) (Updated 01/06/2004)

The information outlined herein is intended to serve only as guidance to persons interested in understanding the regulation of asbestos disposal in New Jersey. This guidance must be consulted in conjunction with the solid waste regulations at N.J.A.C. 7:26 et seq. and other relevant regulations to understand the complete requirements for disposal of asbestos containing materials. For the reader's convenience, an unofficial version of N.J.A.C. 7:26 et seq. can be found using the "NJ Regulations" selection on the Department's Division of Solid and Hazardous Waste web page at <http://www.state.nj.us/dep/dshw> or directly by using the Web link <http://www.state.nj.us/dep/dshw/resource/rules.htm> . This Web page regulation copy is provided as a public service. The official version of New Jersey Regulations can be found in the New Jersey Administrative Code published by WEST PUBLISHING COMPANY (PHONE: 1-800-808-WEST/ 1-800-808-9378).

This guidance document summarizes the New Jersey Department of Environmental Protection's (Department) regulations N.J.A.C. 7:26-1 et seq. pertaining to the generator and transporter requirements for the management, transportation and disposal of asbestos-containing material (ACM). The guidance document is intended only as a guide to the regulations to help the reader understand the regulations and does not replace the regulations in any context.

An unofficial version of the regulations can be accessed through the Department's Web page address at <http://www.state.nj.us/dep/dshw/resource/rules.htm> .

### **Regulatory Agency Overview**

The following is an overview of regulation of ACM and regulated ACM (RACM) among various State and Federal agencies:

The Department regulates only the management, transportation and disposal of ACM. In concert with county health departments, the Department investigates reports of unregistered transporters, illegal disposal and oversees the review of the 10-day notification submissions required by 40 CFR 61.145 to 61.155 and N.J.A.C. 7:26-2.12.

The Department of Labor (DOL), Asbestos Control and Licensing Section, licenses asbestos abatement contractors and issues performance permit identification cards to abatement workers and supervisors employed by those contractors. In the effort to protect public health and safety, DOL enforces the Asbestos Control and Licensing Act (N.J.S.A. 34:5A-32 et seq.) by conducting inspections involving the abatement of friable and non-friable asbestos containing materials in ALL private, public, commercial and residential buildings in New Jersey, including those asbestos projects performed in schools and public buildings under the Asbestos Hazard Abatement Sub-Code. DOL investigates illegal or improper abatements in any type of building, and routinely inspects the work of licensed contractors and their employees. DOL may be reached at telephone number (609) 633-2159. DOL's fax number is (609) 633-0664.

The Department of Community Affairs (DCA), Asbestos/Lead Unit certifies asbestos safety technicians and authorizes asbestos safety control monitoring firms; provides information on methods of asbestos remediation for projects under the jurisdiction of N.J.A.C. 5:23-8 (educational facilities, public buildings, daycare center or nursery.) DCA enforces the provisions of the Asbestos Hazard Abatement Sub-Code pertaining to schools and public buildings. DCA investigates complaints and routinely inspects the work of monitors. DCA may be reached at telephone number (609) 633-6224. DCA's fax number is (609) 633-1040.

The Department of Health and Senior Services (DHSS) is the lead agency for asbestos and environmental health information, administers the Asbestos Hazard Emergency Response Act (AHERA), provides site audits and Quality Assurance/Quality Control program for asbestos abatement in schools. DHSS also provides training and accreditation for asbestos training providers and conducts studies to evaluate asbestos abatement and management methods. DHSS may be reached at telephone number (609) 588-3120 and the DHSS fax number is (609) 588-7618.

The United States Environmental Protection Agency (USEPA) enforces the AHERA and the National Emission Standards for Hazardous Air Pollutants (NESHAP), and regulates ACM abatements in residences of more than 4 units, commercial buildings and Federal facilities. The Department's asbestos regulations mirror Federal requirements. USEPA may be reached at telephone number (212) 637-4080 and USEPA's fax number is (212) 637-3998.

### **Definitions of Terms**

The following definitions of terms used in this guidance document are associated with ACM and are taken from New Jersey's Solid Waste Regulations at N.J.A.C. 7:26-1.4; and the Asbestos Licenses and Permits Regulations at 8:60 et seq.:

**Asbestos** - means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

**Asbestos-containing Material (ACM)** - means any material containing more than one percent asbestos which has been applied on any ceiling, wall, duct, boiler, tank, pipe, structural member, or on any other part of a building or equipment. (N.J.A.C. 8:60-2.1)

**Asbestos-containing Waste Materials (ACWM)** - means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of 40 C.F.R. 61.140. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

**Category I Non-friable Asbestos-containing Material** - means asbestos containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent asbestos as determined using methods specified in appendix A, subpart F, 40 C.F.R. Part 763, Section 1, Polarized Light Microscopy.

**Category II Non-friable Asbestos-containing Material** - means any material, excluding Category I non-friable asbestos-containing material, containing more than one percent asbestos as determined using methods specified in appendix A, subpart F, 40 C.F.R. Part 763, Section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

**ID 13C Construction and Demolition Solid Waste** - means waste building material and rubble resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements and other structures, but not including other solid waste types.

**ID 27A Solid Waste** - means waste material consisting of asbestos or asbestos-containing waste.

**Friable Asbestos Material** - means any material containing more than one percent asbestos as determined using methods specified in appendix A, subpart F, 40 C.F.R. Part 763, Section 1, Polarized Light Microscopy (PLM) that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by PLM, the asbestos content shall be verified by point counting using PLM.

**Non-friable Asbestos-containing Material** - means any material containing more than one percent asbestos as determined using methods specified in appendix A, subpart F, 40 C.F.R. Part 763, Section 1, Polarized Light Microscopy (PLM) that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

**Regulated Asbestos-containing Material (RACM)** - means friable asbestos material, Category I non-friable asbestos-containing material that has become friable. Category I non-friable asbestos-containing material that will be or has been subjected to sanding,

grinding, cutting, or abrading, or Category II non-friable asbestos-containing material that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

**Resilient Floor Covering** - means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than one percent asbestos as determined using polarized light microscopy according to the method specified in Appendix A, Subpart F, 40 C.F.R. part 763, section 1, Polarized Light Microscopy.

### **Material with Less than 1 % Asbestos Content and Category I Waste Material**

If the waste is removed from a residential building (four or less dwelling units) or a commercial facility building and contains less than 1% asbestos as determined by Appendix A, Subpart F, 40 C.F.R. Part 763, Section 1, Polarized Light Microscopy, the waste is not regulated under USEPA's National Emissions Standards for Hazardous Air Pollutants (NESHAP) for asbestos. This waste material must be disposed of as ID 13C, Construction and Demolition Waste as defined at N.J.A.C. 7:26-2.13(g)iv.

If the waste being removed is from a residential building or commercial facility and is a Category I non-friable asbestos material that is not in poor condition and is not friable, this waste may also be disposed of as ID 13C, construction and demolition debris. This is based on the fact that Category I non-friable asbestos materials, which are asbestos-containing resilient floor covering, asphalt roofing products, packing and gaskets rarely become friable if handled responsibly. Generally these materials do not release significant amounts of asbestos fibers, even when damaged. However, during the demolition activity, the waste must be handled in a responsible manner which will not cause the Category I non-friable material to become friable and become a regulated asbestos containing material (RACM).

Prudent guidance for handling any wastes suspected or known to contain any form or amount of asbestos is to maintain the wastes in a fully wetted condition at all times until the waste is safely packaged and disposed of at a permitted disposal facility.

### **Material Containing Greater than 1 % Asbestos but is not NJDEP Regulated ACM**

ACWM that contains 1% or more of asbestos as determined by Appendix A, Subpart F, 40 C.F.R. Part 763, Section 1, Polarized Light Microscopy, and is from either a residential or commercial building shall be disposed of as ID 27A waste as defined at N.J.A.C. 7:26-2.13(g)viii.

ACWM being removed from a residential building having four or fewer dwelling units would not meet the definition of a facility in accordance with 40 C.F.R. 61.141, and

therefore, is excluded from NESHAP regulations, but the material is still required to be disposed of as ID 27A waste.

### **NJDEP Regulated Asbestos-containing Material (RACM)**

If the material cannot retain the classification as a Category I or II non-friable ACM and is classified as RACM and is greater than 260 linear feet or 160 square feet on other facility components or greater than 35 cubic feet of facility components where the length or area could not be measured prior to stripping, removal, dislodging, cutting, or drilling, the generator is required to submit written notification to the Department at least 10 days prior to beginning the renovation activity and comply with the disposal requirements of RACM in accordance with N.J.A.C. 7:26-2.12. The generator shall follow the requirements of 40 C.F.R. 61.145(c) in removing RACM from the facility to control asbestos emissions. These procedures include adequately wetting all RACM exposed during removal and ensuring that it remains wet until collected and is sealed in leak-tight containers or leak-tight wrapping and labeled as specified by Occupational Safety and Health Standards of the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) in preparation for disposal in accordance with 40 C.F.R. 61.150.

#### **Notification Requirements**

Generators of RACM shall submit a written notification of intention to demolish in accordance with 40 CFR 61.145 to 61.155 and N.J.A.C. 7:26-2.12(d) and (e) to the addresses below (excluding residential buildings having four or fewer dwelling units) at least 10 days prior to beginning the demolition activity. The form for the notification of asbestos abatement can be accessed through the Department's web page address at <http://www.state.nj.us/dep/dshw/resource/forms.htm#noaa>.

Generators of RACM shall submit a written notification to renovate in accordance with N.J.A.C. 7:26-2.12(d) and (e) to the addresses below (excluding residential buildings having four or fewer dwelling units) at least 10 days prior to beginning the renovation activity unless the combined amounts of RACM to be stripped, removed, dislodged, cut, drilled or similarly disturbed is less than 260 linear feet or 160 square feet on other facility components or less than 35 cubic feet of facility components where the length or area could not be measured prior to stripping, removal, dislodging, cutting, or drilling.

The required 10-day notifications shall be submitted to the following offices:

New Jersey Department of Environmental Protection  
Division of Solid and Hazardous Waste  
P.O. Box 414  
Trenton, NJ 08625-0414  
Fax Number (609) 633-9839

and

United States Environmental Protection Agency- Region 2  
Division of Enforcement and Compliance Assistance-Air Compliance Branch (DECA-  
ACB)  
290 Broadway -21st Floor  
New York, NY 10007-1866  
Fax Number (212) 637-3998

Pursuant to DCA' s regulation N.J.A.C. 5:23-8, a 10-day notification for any Subchapter  
8 project shall be submitted to the DCA at the following address:

Department of Community Affairs  
Division of Codes and Standards  
Asbestos/Lead Unit  
101 South Broad Street  
P.O. Box 816  
Trenton, NJ 08625-0816  
Fax Number (609) 633-1040

Pursuant to DOL' s regulation N.J.A.C. 12:120-7.2, a 10-day notification for any project  
over 3 linear feet or 3 square feet involving friable and non-friable ACM shall be  
submitted to the DOL at the following address:

Department of Labor  
Division of Public Safety & Occupational Safety & Health  
Asbestos Control & Licensing Section  
225 East State Street, 8th Floor West  
P.O. Box 392  
Trenton, NJ 08625-0392  
Fax Number (609) 633-0664

Pursuant to DHSS's regulation N.J.A.C. 8:60-7.2, a 10-day notification for asbestos  
abatement shall be submitted to the DHSS at the following address:

New Jersey Department of Health and Senior Services  
Indoor Environments Program  
Consumer and Environmental Health Services  
P. O. Box 369  
3635 Quakerbridge Road  
Trenton, NJ 08625-0369  
Fax Number (609) 588-7618

The Department allows notification of less than 10 days in accordance with N.J.A.C.  
7:26-2.12(f) where emergency circumstances require the immediate removal of the  
ACM. The emergency notification shall include a description of the sudden, unexpected



event and an explanation of how the event caused an unsafe condition or a delay causing an unreasonable financial burden or equipment damage.

### **Disposal Requirements for Demolition and Renovation Activities**

In accordance with 40 C.F.R. 61.150, the disposal requirements of major sources of ACM include restrictions on visible emissions, provisions for wetting the ACM, packaging, sealing, labeling, record keeping, and reporting. The requirements of 40 C.F.R. 61.150(a) which address the discharge of visible emissions as applied to demolition and renovation do not apply to Category I non-friable ACM waste and Category II non-friable ACM waste that did not become crumbled, pulverized, or reduced to powder. All ACM material shall be disposed of as soon as practical in accordance with 40 C.F.R. 61.150(b) except for Category I non-friable ACM that is not RACM.

In cases where ACM is produced in quantities below that referenced at N.J.A.C. 7:26-2.12(c) and 40 C.F.R. 61.145(a), that is if the combined amounts of RACM to be stripped, removed, dislodged, cut, drilled or similarly disturbed is less 260 linear feet or 160 square feet on other facility components or less than 35 cubic feet of facility components where the length or area could not be measured prior to stripping, removal, dislodging, cutting, or drilling or from residential buildings having four or fewer dwelling units, the Department recommends the generator contact the county health department and/ or district waste management officials or the local township to determine if local restrictions exist and to what extent they would apply to the generator's activities. The generator should wet all friable ACM, bag or other similarly containing material (poly-wrapping) of the ACM for curbside pick-up or direct delivery to an authorized landfill by a registered transporter. If the ACM is impossible to bag due to its size or shape, the Department suggests the wetting of the ACM (if friable) and placed in a lined (at least 6 mil thick liner) and sealed bulk container for transport for disposal.

It is recommended that when entering into a contract with a licensed asbestos contractor for any demolition or renovation activity, the generator (owner/operator of the site) should assess and fully investigate the transportation and disposal responsibilities of the ACM before any generation of ACM is started at the site.

### **Management of Abandoned-in-place Asbestos Cement Pipe**

The management of abandoned-in-place asbestos-cement pipe (ACP) should adhere to the following regulations and guidelines:

1. Operations involving demolition or renovation activities of ACP, such as crushing ACP in place, are regulated under the United States Environmental Protection Agency's (USEPA) rules defining the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) found at 40 CFR Part 61 Subpart M and the USEPA Applicability Determination Detail Control Number: C99 dated July 17, 1991, from John B. Rasnic for guidance with compliance to 40 CFR Part 61).

2. All abandoned-in-place ACP shall be placed and maintained at a minimum of six feet below final grade.

3. A deed notice must be filed, detailing the risks of exposure and responsible party contact information, with the USEPA, the county and this office.

The intent in having such a documentation requirement is to ensure that the existence of the abandoned ACP is known, to both future property owners and those who may conduct activity that could disturb the abandoned ACP. In cases where the ACP being replaced runs under a public right-of-way, such as a street, sidewalk or other public use, the following steps should be used to ensure adequate notification:

1. Determine if the right-of-way in question has designated lot and blocks. If a lot and block designation does exist, then normal deed notice procedure, detailing the risks of exposure and responsible party contact information, can then be followed.

2. If no lot and block designation exists, then:

a) Written notice shall be provided to the agency (Federal, state, county or municipal) responsible for oversight of the given right-of-way, and this office.

b) This notice should outline the exposure risks associated with disturbance of the abandoned-in-place ACP.

c) Include the name, address and business telephone number of the person/agency responsible for oversight of the repair project.

Regardless of the type of notice required, the agency or company that owns or is responsible for the pipe that is being repaired should ensure that the extent of abandoned-in-place ACP is identified on the electronic and/or hard-copy map of the pipe system used by the agency or company. The mapping should conform to the New Jersey Department of Transportation (NJDOT) specifications for Right-of-Way Plans found in the NJDOT CADD Standards Manual.

Pursuant to State law, all persons planning to perform excavation activities must ascertain the location of all underground utilities in the excavation area by contacting the relevant utility agencies. It is important that this information concerning the abandoned-in-place ACP is available to any persons who may perform any future excavation in the area. By ensuring that detailed information regarding the location of the ACP debris and the need for avoiding disturbance of this material is available, an uncontrolled release incident can be prevented. The party abandoning the ACP in place is responsible for maintaining the six-foot depth of coverage of the ACP.



## **Transportation of Asbestos and ACM**

The transportation of asbestos and ACM shall be in accordance with N.J.A.C. 7:26-3.5(d) and the following:

1. Registered New Jersey solid waste vehicles are required for the transportation of ACM and any solid waste containing asbestos. All vehicles shall be of such a design so as to prevent any spillage or leakage or emissions therefrom.
2. No transporter shall transport asbestos and/or ACM unless such waste is properly packaged in accordance with 40 C.F.R. 61.150.
3. The asbestos or ACM shall be transported in a manner that prevents the rupture of the asbestos containers in loading, transport, and unloading operations.
4. Once collected, asbestos and/or ACM shall be transported directly from the point of generation to the solid waste landfill or transfer station permitted to receive such wastes.
5. There shall be no visible air emissions during loading, transporting, or unloading operations.

If an individual waste generator has properly packaged ACM for disposal, no matter how small the quantity, and is refused curbside pick-up by the local township, the individual may make arrangements for the disposal of the waste at an authorized landfill by contacting the landfill directly. The individuals may elect to transport their own material to an authorized landfill for disposal in accordance with N.J.A.C. 7:26-3.3(a)2 in a vehicle registered with the New Jersey Division of Motor Vehicles as having a maximum gross vehicle weight of 9,000 pounds for a single vehicle or 16,000 pounds combined maximum gross vehicle weight for a vehicle pulling a trailer.

## **NJDEP Approved Operating Commercial Sanitary Landfills**

The following are approved operating commercial landfills authorized to accept ACM, waste type D 27A:

Facility Name	Address	Telephone Number
Atlantic County Sanitary Landfill	Delilah Road, Egg Harbor Twp.	609-646-5500
Cape May County MUA	Kearney Ave & Route 610 Upper Twp. & Woodbine Boro	609-465-9026
Cumberland County Solid Waste Complex	Jesse's Bridge Rd, Deerfield Twp.	Rt. 636 856-825-3700
Gloucester County Solid Waste Complex	Swedesboro-Monroeville Rd. South Harrison Twp.	856-848-4002

Middlesex County Sanitary Landfill Edgeboro Rd.  
East Brunswick 732-246-4313  
Monmouth County Reclamation Center Asbury Ave. & Shafto Rd.  
Tinton Falls 732-922-8686  
Ocean County Landfill Corp. Route 70 & Route 571  
Manchester 732-657-5100  
Pennsauken Sanitary Landfill 9600 River Rd.  
Pennsauken 856-663-2772  
Salem County Sanitary Landfill Route 540 & McKillp Rd.  
Alloway Twp. 609-935-7900  
Sussex County Sanitary Landfill Route 94 & Route 15  
Lafayette Twp. 973-579-6998  
Warren County District Landfill Edison Rd.  
White Twp. 908-453-2174

This information can also be accessed through the Department's Web page address listed below.

#### Licensed Asbestos Contractors

A current list of licensed asbestos contractors can be obtained by calling DOL's Asbestos Control and Licensing Section at 609-633-2159 or by requesting the list in writing from the unit at the following address:

Department of Labor  
Division of Public Safety & Occupational Safety & Health  
Asbestos Control & Licensing Section  
225 East State Street, 8th Floor West  
P.O. Box 392  
Trenton, NJ 08625-0392  
Fax Number (609) 633-0664

#### Authorized Asbestos Safety Control Monitors

A current list of authorized asbestos safety control monitors can be obtained by calling DCA's Asbestos/Lead Unit at 609-633-6224 or by requesting the list in writing from the unit at the following address:

Department of Community Affairs  
Division of Codes and Standards  
Asbestos/Lead Unit  
101 South Broad Street  
P.O. Box 816  
Trenton, NJ 08625-0816  
Fax Number (609) 633-1040

## **Internet Web Page Addresses**

New Jersey Department of Environmental Protection <http://www.state.nj.us/dep/>

New Jersey Solid Waste Regulations, N.J.A.C. 7:26-1.1 et seq.  
<http://www.state.nj.us/dep/dshw/resource/rules.htm>

New Jersey Department of Environmental Protection, Approved Operating Commercial Sanitary Landfills <http://www.state.nj.us/dep/dshw/lrm/>

New Jersey Department of Health and Senior Services Consumer and Environmental Health Services Indoor Environment Program <http://www.state.nj.us/health/eoh/leadasb>

New Jersey Department of Community Affairs, Division of Codes & Standards  
<http://www.state.nj.us/dca/>

United States Environmental Protection Agency Title 40, Subtitle C Protection of Environment Regulations <http://www.epa.gov/epahome/cfr40toc.htm>

Last Updated January 6, 2004

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Last Updated: January 6, 2004