

MEMO TO: Landfill Operators

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SUBJECT: Asbestos Disturbance Within Landfills

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Asbestos has been and is currently being managed within some of the landfills in North Dakota. It is occasionally necessary to re-enter some of these landfill facilities that may be temporarily covered and/or closed. Asbestos should be carefully considered and managed when covered and/or closed disposal areas are going to be disturbed.

The rules concerning asbestos disposal are contained in the North Dakota Air Pollution Control Rules, North Dakota Administrative Code 33-15-13, which is administered by the North Dakota Department of Health's Division of Air Quality. Additionally, rules regulating the operation of landfill facilities are contained in the North Dakota Solid Waste Management Rules, North Dakota Administrative Code 33-20. The North Dakota Department of Health's Division of Waste Management administers these rules.

To provide for worker safety and to limit landfill liability, when re-entering landfills for which asbestos disposal records are not or may not have been required in the past and there is a reasonable expectation that friable asbestos-containing material may be encountered, the Department of Health recommends the following:

1. The landfill owner should complete the enclosed Notification of Demolition form (SFN 17987) and submit it to the Department of Health ten days prior to disturbing temporarily covered and/or closed landfill areas.
2. Have at least one North Dakota Certified Asbestos Abatement Supervisor present at all times during any excavations. The supervisor will identify suspect materials and direct their handling in cooperation with the landfill staff.
3. Appropriate measures should be undertaken at the site to keep unauthorized personnel out of any areas being excavated.
4. If suspect material is found, work during periods of little or no wind to minimize the likelihood of wind-borne asbestos fiber spread.
5. Adequately wet the waste material suspected as asbestos-containing, if above 32°F, and maintain wet during any further handling, transportation and disposal.

6. Release no visible emissions off of the work site from asbestos-containing materials.
7. Suspect materials should be assumed to be regulated asbestos-containing material and must be accompanied by a waste manifest form. Suspected materials (after being carefully deposited within a designated area of the landfill and prior to being compacted) shall be covered by the end of each operating day with at least six inches of nonasbestos-containing material such as soil.
8. After disposing of regulated asbestos-containing material, send a completed waste manifest to the Division of Air Quality within ten days of disposal.
9. Records must be maintained and filed to notify future landowners or interested parties as to the locations and quantities of the asbestos waste buried at the facility.

When re-entering landfills that are defined under the North Dakota Air Pollution Control Rules as an “active waste disposal site” or “inactive waste disposal site,” the Department of Health requires the following:

1. Review records of asbestos waste disposal and determine if asbestos-containing waste material will be disturbed.

If the area to be excavated will disturb regulated asbestos-containing materials, you are required to notify the Department of Health, in writing, at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited. If the excavation will begin on a date other than the one contained in the original notice, notice of a new start date must be provided to the Department of Health at least ten days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification.

2. Include the following information in the notice:
 - (1) Scheduled starting and completion dates.
 - (2) Reason for disturbing the waste.
 - (3) Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material. If deemed necessary, the Department of Health may require changes in the emission control procedures to be used.
 - (4) Location of any temporary storage site and the final disposal site.

The enclosed *Guideline 12 - Asbestos Disposal in ND Landfill Facilities* can be viewed on the web at: www.ndhealth.gov/wm/publications/Guideline12AsbestosDisposalInNDLandfillFacilities.pdf.

For further information regarding asbestos removal or disposal, contact the **Division of Air Quality** at 701.328.5188 or visit www.ndhealth.gov/aq.