

10/17/02

Shipping Papers and Labels for Waste Shipments of Asbestos Containing Material from Cleanups Under the World Trade Center Indoor Dust Cleaning Program for Residences

Contractors working in the World Trade Center Indoor Dust Cleaning Program ("Program") have requested information about the form of the manifest and the label needed for disposal of waste generated from Scope A and Scope B World Trade Center ("WTC") residential cleanups.

Background

Asbestos waste is not a hazardous waste and accordingly is not regulated by the U.S. Environmental Protection Agency ("EPA") under the Resource Conservation and Recovery Act or by New York State under the State's hazardous waste law and regulations. Asbestos is a hazardous substance under the Comprehensive Environmental Response, Compensation and Liability Act. New York State does not have a manifest requirement for hazardous substances under its solid waste regulations. Nor does the New York State Department of Transportation have regulations for the transportation of hazardous substances. There are federal regulations addressing labeling and appropriate shipping paperwork for hazardous substances.

Under the U.S. Department of Transportation ("DOT") regulations, asbestos is listed as a hazardous substance and shipments of such hazardous substances are regulated by DOT. Among other things, the Hazardous Materials Table at 49 Code of Federal Regulations ("C.F.R.") § 172.101 identifies asbestos as a Class 9 waste with an identification number of NA2212 and a label code of 9. The table and the regulations at 49 C.F.R. Subchapter C - Hazardous Materials Regulations contain the DOT regulations for shipments of asbestos.

In the Program, EPA, in consultation with the New York City Department of Environmental Protection ("NYCDEP"), decided that the waste collected in the cleaning of homes would generally have less than 1% asbestos. Rather than paying to test the wastes generated from the cleaning, including, but not limited to, bulk wastes such as carpets and upholstered furniture, and awaiting the sampling results before taking any further action, EPA, in consultation with NYCDEP, decided to assume for packaging and disposal purposes that the waste generated from the Program meets EPA's definition for asbestos containing material ("ACM"), and it would be disposed of at a landfill permitted to accept ACM.

Manifest Form

For disposal of ACM in this Program, the cleaning contractors may use a modified manifest form which has been approved by EPA and DOT for the Program. The form is attached hereto as Attachment 1. On the manifest, the contractor should state for the site name: "World Trade Center Indoor Dust Cleaning Program." The modified form does not require the owner's name, address and phone number, but does require identification of the contractor and the contractor's certification. The waste is described as "RQ Asbestos, Class 9, NA 2212, PG III." The modified form requires the following information:

- 1) Waste manifest number; 2) site name; 3) contractor's name and address; 4) waste disposal site; 5) responsible NESHAPs agency (*i.e.*, EPA Region 2, 290 Broadway, New

York, NY 10007-1866); 6) description of the materials as "RQ Asbestos, Class 9, NA 2212, PG III" and amount by bags, cubic yards, drums or tons, or other. 7) operator's (*i.e.*, contractor's) signed certification with the language in (1) or (2) below; 8) transporter's name and address, signatures and date by each transporter; 9) space for discrepancy indication; 10) waste disposal site owner or operator's certification noting "receipt" of above [described] waste and that it was "accepted."

The form requires one of the following certifications:

(1) "This is to certify that the above-named [or "herein named"] materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation."

(2) "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded and are in all respects in proper condition for transport according to applicable international and national governmental regulations."

The manifest form in Attachment 1 is based on a format that was previously provided to EPA. If a contractor's manifest has a different format, it would be acceptable provided all the basic information stated above is included.

Label for Waste

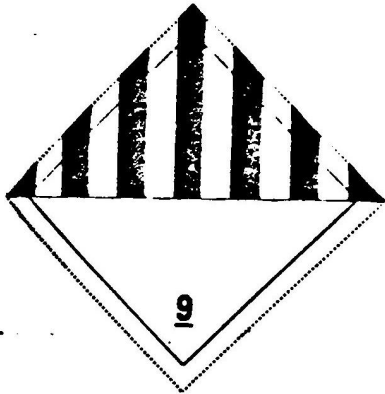
When the ACM is packaged for disposal from each apartment or building, the packages should have Class 9 labels, as noted in the regulations at 49 C.F.R. § 172.446. A copy of label from the regulations is attached hereto as Attachment 2. The wastes from the apartments and buildings may be consolidated for disposal, and disposal must be at a landfill permitted to accept ACM.

NYSDEC #		NYDCA #	
Transporter Name, Address:		Emergency Telephone Number: Telephone: Fax:	
Waste Manifest #			
1. Work Site Name WTC INDOOR DUST CLEANING PROGRAM			
Contractor's Name, Address		Waste Disposal Site	
Name and Address of Responsible NESHAPS Agency _____ Other _____ U.S. EPA REGION II, 290 BROADWAY, NEW YORK, NY 10007			
Description of Materials		Bags:	Cubic Yds
RQ Asbestos, Class 9, NA2212, PGIII _____		Drums or Tons	OTHER
Special Handling Instructions and Additional Information:			
OPERATOR'S CERTIFICATION: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded and are in all respects in proper condition for transport according to applicable international and national governmental regulations			
_____ Printed/Typed Name	_____ Title	_____ Signature	_____ Date (m/dd/yy)
Transporter 1 (Acknowledgement of Receipt of Materials)			
Company Name and Address:		Signature:	Telephone Number
		Printed Name:	Date
		Title: <i>Driver</i>	
Transporter 2 (Acknowledgement of Receipt of Materials)			
Company Name and Address:		Signature:	Telephone Number
		Printed Name:	Date
		Title: <i>Driver</i>	
Discrepancy Indication Space:			
Company Name and Address:		Waste Disposal Site Owner or Operator's Certification (Receipt of Above Waste Acceptance)	
		Signature:	Telephone Number
		Printed Name:	Date
		Title:	

Attachment 1

§172.446 CLASS 9 label.

(a) Except for size and color, the "CLASS 9" (miscellaneous hazardous materials) label must be as follows:



(b) In addition to complying with 172.407, the background on the CLASS label must be white with seven black vertical stripes on the top half. The black vertical stripes must be spaced, so that, visually, they appear equal in width to the six white spaces between them. The lower half of the label must be white with the class number "9" underlined and centered at the bottom.

[Adopted: 172-123, 56 FR 66259, Dec. 20, 1991]

Attachment 2