

Chapter 15

Landfill Inspections

The asbestos NESHAP provides emission control and work practice requirements from the time the asbestos is disturbed (potentially releasing airborne fibers) until it is interred in a landfill or converted into asbestos-free materials. However, since the availability of conversion operations is very limited, demolition/renovation ACWM typically is transported to landfills for disposal. Regulatory agents should be prepared to conduct inspections of such sites and use appropriate personal protective equipment and bulk sampling procedures when doing so.

This section details waste disposal site owner/operator responsibilities and the procedures an inspector should use to ascertain whether a landfill is being operated in compliance with the asbestos NESHAP. A sample inspection form for landfills has been included as an appendix in this manual.

Owner/Operator Responsibilities

It is important to recognize that *both* the owner or operator of a demolition or renovation operation and the owner or operator of the active waste disposal site where ACWM is brought are required to meet waste disposal provisions of the asbestos NESHAP.

Generators must comply with §61.150 (*Standard for waste disposal for ... demolition, renovation ... operations*), and waste disposal site operators must comply with §61.10 (*Source reporting...*), §61.153 (*Reporting*), and §61.154 (*Standard for active waste disposal sites*). To assist waste disposal site operators, EPA produced and distributed the document *Reporting and Recordkeeping Requirements for Waste Disposal* (EPA 340/1-90-016).

Targeting Waste Disposal Sites

Waste disposal sites should be selected for inspection based on their size, the amount of asbestos waste accepted for disposal, other enforcement actions (i.e., RCRA), and exception reports, etc. Such information may be obtained from a variety of sources:

- **Landfill lists.** Lists of landfills may be obtained from EPA Regional Offices, and state and local agencies. Only some of these lists indicate whether ACWM is accepted by a particular landfill; however, individuals noted on the lists **may** be contacted to provide additional information.
- **Notifications.** Information pertaining to landfills not previously known to accept ACWM may be found in generator notifications. Additionally, any landfill noted which is scheduled to receive large quantities of ACWM should be targeted for inspection.

- **Previous inspection reports.** Waste disposal sites identified in inspection reports concerning demolitions or renovations performed out of compliance should be targeted for inspection.

Planning the Waste Disposal Site Inspection

An asbestos NESHAP inspector who takes the time to properly plan a field inspection will find that the actual inspection will be accomplished more efficiently and will be more productive. To prepare for an asbestos landfill inspection:

- Become familiar with the types of records a facility is required to maintain.
- Review agency files.
 - Determine whether the landfill to be inspected has been identified as the waste disposal site on demolition/renovation notifications received. Make copies of such notifications for comparison to waste shipment records kept by the owner or operator of the waste disposal site.
 - Determine if any reporting or recordkeeping problems have been reported for the site (e.g., an unexpectedly large number of exception reports). If the removal jobs and the disposal site are in the same regulatory jurisdiction, this will be easy to do, since generators are required to inform the regulatory agency in charge if there are problems with the disposition of their ACWM. If the disposal site is located outside the regulatory jurisdiction, however, such information may not be available, for generators are not required to inform the agency responsible for the waste disposal site. Make copies of such information.
 - Examine landfill-generated reports (discrepancy, stationary source, improperly-contained ACWM, closure, and excavation/disturbance reports).
 - Review any complaints submitted.
- Communicate with other agencies or departments. Building departments may issue demolition/renovation and construction permits. Health departments may issue landfill-operating permits or have records of complaints. Review pertinent reports filed by these agencies.
- Acquire the following information:
 - where records are maintained;
 - directions to this location;
 - the business hours where records are kept;
 - who is in charge of maintaining these records;
 - the hours this person works;
 - directions to the landfill;
 - landfill operating hours;

- how much ACWM is accepted by the landfill;
 - on what days and how (appointment only?) the landfill accepts ACWM; and
 - how often records are sent to the central storage area from the landfill.
- Plan for the efficient use of time. Since records of interest will probably be stored at both the landfill and at an office or storage area elsewhere, determine the traveling distance/time between the locations and plan accordingly. A full day may be necessary to properly inspect all records and ACWM disposal operations.
 - Accumulate necessary inspection materials:
 - copies of applicable notifications, exception reports, etc;
 - employee identification;
 - copy of regulation;
 - bound notebook and writing implements;
 - manila folders;
 - large envelopes;
 - landfill recordkeeping checklist;
 - shipping supplies (if necessary);
 - business cards;
 - personal protective equipment; and
 - sampling equipment.
 - Try to plan the inspection for a day when asbestos is being accepted by the landfill so that landfill deposition and recordkeeping operations may be observed first-hand. Bring personal protective equipment, a camera, landfill inspection checklist, and asbestos sampling materials as needed.
 - If the landfill records are expected to be too numerous to review individually, devise a sampling strategy that will fulfill the objectives of the inspection.

Recordkeeping Requirements

The revised asbestos NESHAP requires waste disposal site operators to maintain both waste shipment records and ACWM deposition information.

Waste Shipment Records (WSRs)

Landfill operators must check the WSR that accompanies each asbestos waste shipment that arrives at the facility to make sure that the information on the WSR accurately describes the waste shipment. The landfill operator must verify that the information in WSR Item 6 (number and type of containers) coincides with the quantities reported in WSR Item 7 (cubic meters or yards) and determine if the load contains a significant amount of improperly-enclosed or uncovered waste. Any discrepancy seen must be noted in Item 12 (discrepancy indication space) of the WSR.

Waste disposal site operators need not open bags or other containers to verify that they contain ACWM; the WSR accompanying the load is sufficient verification. Once the load has been examined and discrepancies noted, the waste disposal site operator must complete Item 13 (certification of receipt) of the WSR, return a copy to the generator (within 30 days), and maintain a file copy.

Copies of all WSRs must be kept for at least 2 years. To facilitate future reference, WSRs should be kept in chronological order in a secure, watertight file. Copies of WSRs must be provided upon request to the agency(ies) responsible for implementation of the asbestos NESHAP program, and the file must be made available for inspection during normal business hours.

ACWM Deposition Information

Waste disposal site operators are also required to maintain, until closure, accurate records of the location, depth and area, and quantity in cubic meters (cubic yards) of ACWM within the disposal site on a map or diagram of the disposal area.

Reporting Requirements

The revised asbestos NESHAP also subjects waste disposal site owners/operators to several new reporting requirements. Required reports concern stationary source information, WSR discrepancies, improperly contained waste, disturbance of disposed ACWM, and disposal site closures.

Waste Site/Stationary Source Report (§61.153, §61.10)

Within 90 days of the effective date of the revisions to the asbestos NESHAP (by February 18, 1991) for existing sources, or within 90 days of the initial startup date for sources having a startup date after the effective date, disposal site operators are required to submit the following information about their waste site operations to the agency responsible for administration of the asbestos NESHAP program:

- a brief description of the waste disposal site (location, size, etc.) and
- a description of the method or methods that will be used to comply with the asbestos NESHAP, or a description of alternative methods that will be used.

Methods to be used may include covering asbestos waste daily with six (6) inches of nonasbestos-containing material, or using a dust suppressant. Other information that might be reported includes procedures used to prevent public access to the asbestos waste disposal area, such as the use of warning signs and fencing. This information must be reported using the format in 40 CFR Part 61 Appendix A: *National Emission Standards For Hazardous Air Pollutants Compliance Status Information*.

In addition to the information listed above, the waste disposal site operator also has to report (within the same time period) the following information to comply with the source reporting requirements of 40 CFR Part 61 Subpart A §61.10:

- name and address of the owner or operator;
- location of the source;
- type of hazardous pollutants emitted by the stationary source;
- brief description of the nature, size, design, and method of operation of the stationary source, including the operating design capacity of the source. Identify each point of emission for asbestos;
- the average weight per month of asbestos being processed by the source over the last 12 months preceding the date of the report; and
- whether the source can/cannot comply with the standard within 90 days of the effective date.

If there is a change in any of the information listed above, the waste disposal site owner/operator must report the changes to the appropriate agency within 30 days after they occur as required by 40 CFR 61.10(c).

Discrepancy Reports [§61.54(e)(3)]

If there is a discrepancy between the number of containers shown on the WSR and the number counted in the load, waste disposal site operators must make note of this in Item 12 of the WSR and contact the generator to determine if there is a reasonable explanation for the discrepancy. If the discrepancy is resolved, the waste disposal site operator must note this on the WSR, send a signed copy of the WSR to the generator (within 30 days), and retain a file copy.

If the discrepancy cannot be resolved within 15 days of receipt of the ACWM, the waste disposal operator must send a written discrepancy report immediately to the agency that is responsible for the generator of the waste and, if different, the agency in whose jurisdiction the disposal site is located. The report must describe the discrepancy and steps taken to resolve it. Information provided should include how and when the waste disposal site operator attempted to reach the generator and the results of these efforts. A copy of the WSR in question must be submitted as well.

Improperly-Contained Waste Report [§61.154(e)(1)(iv)]

As disposal site operators check asbestos waste shipments that arrive at their facilities, they are required to note whether a significant amount of improperly-enclosed or uncovered waste exists in the load. If such material is discovered, the waste disposal site operator must make note of this in Item 12 of the WSR and send, by the following working day, a written report of the problem to the agency responsible for administering the asbestos NESHAP program for the jurisdiction where the job site is located (identified on the WSR). If the disposal site is in a different jurisdiction than the job site, the written report must also be sent to the agency responsible for the disposal site.

The written report must include a copy of the WSR and a detailed description of the improperly-enclosed or uncovered waste so that the Agency can determine the urgency of the situation and the course of action to pursue.

Note: Some landfill operators require waste depositors to wear PPE and bring extra waste bags with them so that improperly-contained waste can be re-bagged at the waste disposal site.

Excavation/Disturbance Report [§61.151(d)]

If an owner or operator of an asbestos landfill plans to excavate or otherwise disturb (e.g., drill methane vents) any ACWM that has been deposited and covered at a waste disposal site, the Administrator must be informed in writing at least 45 days prior to the disruptive activity. The following information must be contained in the notice:

- scheduled starting and completion dates;
- reason for disturbing the waste;
- procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated ACWM (If deemed necessary, the Administrator may require changes in the emission control procedures to be used.); and
- location of any temporary storage site and the final disposition site.

If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator at least 10 working days before excavation begins. In no event shall excavation begin earlier than the date specified in the original notification.

Closure Report [§61.151(e)]

Agency Notification

Upon closure of a facility, the owner or operator of the site must submit to the Administrator a copy of records of asbestos waste disposal locations and quantities.

Deed Notation

In addition, within 60 days of closing a waste disposal site, the owner/operator must record, in accordance with State law, a notation on the deed to the facility property and on any other instrument that would normally be examined during a title search, that:

- the land was used for the disposal of ACWM;
- the survey plot and record of the location and quantity of ACWM disposed of within the disposal site have been filed with the Administrator; and

- the site is subject to the National Emission Standards for Hazardous Air Pollutants: Asbestos (40 CFR Part 61 Subpart M).

Landfill Inspection Activities

Preliminary Interview

During the preliminary interview it is critical that discussions be properly documented, for they may later prove useful if violations are detected. The following steps should be followed upon arrival.

- Show your identification and request to see the person in charge of ACWM disposal.
- When this person arrives, introduce yourself and give him/her your business card.
- Document the name and title of the person interviewed. Get his/her business card if possible.
- Explain the authority [Section 114 (a)(2)] of the Clean Air Act, purpose (asbestos NESHAP compliance), and components (landfill inspection, records review) of the inspection.
- Inform the representative that the facility may be required to provide the inspector copies of various records.
- If offloading will be observed, discuss safety requirements and emergency procedures and indicate that photographs and/or samples may be taken.
- Determine whether the landfill has a State-required permit to operate. If it does, check the expiration date of the permit and record pertinent information on the inspection form.
- Ask the person to describe the procedures used for verifying information on and maintaining WSRs, and recording locations, depth and quantity of ACWM deposited at the site.
- Complete applicable sections of the *Landfill Inspection Checklist*.
- If this is the facility's first asbestos NESHAP compliance inspection, explain the waste disposal requirements to the interviewee and answer any questions to the best of your ability.
- Request the files you wish to review. If permission is denied, **do not** be forceful. Simply explain again the authority of your visit and ask the person to contact his/her supervisor regarding the situation. Either you or your agency's attorney may need to contact the facility's attorney directly to resolve the difficulties.

Reviewing Records

The records of most interest at a waste disposal site are 1) WSRs for each shipment of ACWM disposed of at the site, and 2) up-to-date records (on a map or diagram) that indicate the location, depth and area, and quantity of ACWM within the site. Other records that may be of interest include stationary source reports, discrepancy reports, improperly-contained waste reports, excavation/disturbance reports and closure reports.

Waste Shipment Records

For all ACWM received, the owner or operator of the active waste disposal site must comply with the following waste shipment recordkeeping provisions:

- Record and maintain the following information on a form similar to that noted in the regulation:
 - waste generator's name, address and telephone number;
 - transporter's name, address and telephone number;
 - quantity of ACWM received (cubic yards or meters);
 - presence of improperly-enclosed or uncovered waste, or any ACWM not sealed
 - in leak-tight containers; and
 - date of receipt.
- Send a copy of the waste shipment record to the waste generator as soon as possible but no longer than 30 days after receipt of the waste.
- Attempt to reconcile differences between the amounts of ACWM received and those recorded on the WSR form brought by the transporter. If the discrepancy is not resolved within 15 days after receiving the waste, immediately submit a discrepancy report (which details both the discrepancy and attempts made to reconcile it) to the governmental agency responsible for administering the asbestos NESHAP program for the *waste generator* (identified in the waste shipment record), and, *if different*, the governmental agency responsible for administering the asbestos NESHAP program for the disposal site.
- Retain a copy of all records and reports required by this paragraph for at least 2 years.

While inspecting the WSR file, note how the file is maintained and if the WSRs have been filled out completely, including all of the required signatures. **All signatures should be handwritten.**

Note any WSRs that have an entry pertaining to discrepancies or improperly-contained waste (See Item 12 on the sample WSR in the revised NESHAP) and ask how those discrepancies were resolved. Ask to see copies of any discrepancy reports or reports of improperly-contained waste submitted to the responsible agency for the WSRs in question.

Attempt to match information obtained during the pre-inspection agency file review (notifications, discrepancy reports, etc.) with records maintained by the waste disposal site.

Pay attention to the dates of shipment of ACWM and acceptance by the landfill. Transporters often store until a full load is accumulated.

Photocopy WSRs that lack the required information. If a photocopier is not available, either 1) record the necessary information in sufficient detail or 2) remove the records from the facility, photocopy them and return them later. (If records are to be removed from the facility, sign a receipt indicating that they will be returned as soon as possible).

ACWM Deposition Records

Ask the site operator for the most recent tally of the total quantity of ACWM deposited at the site. The operator should be able to provide you with a total that includes all but the most recent shipments. Examine the records showing the location, depth and area, and quantity of ACWM within the site to determine that they are up-to-date. Check to see that the proper information is being collected and the backlog of information to be added to the records is only for current waste shipments.

Site Observations

Inspectors visit landfills primarily to determine owner/operator compliance with the requirements of §61.154 (*Standard for active waste disposal sites*). However, while conducting a landfill inspection, inspectors may note a number of other potential violations of the asbestos NESHAP. By asking the right questions and documenting appropriate information (photographs, samples, etc.), inspectors may be able to identify non-notifiers or determine other generator non-compliance with certain provisions of the NESHAP regulation.

At a landfill:

- Wear appropriate protective gear (See *Health and Safety Guidelines for EPA Asbestos Inspectors*).
- Stand upwind when viewing ACWM offloading.
- Verify that the landfill meets *one* of the following requirements of §61.154:
 - No visible emissions are produced. Warning signs must be posted and fencing is required unless a natural barrier adequately deters access by the public.
 - A 6-inch cover of compacted, non-asbestos material is provided within 24 hours of the time the waste is deposited. No sign posting or fencing is required.
 - An effective resinous or petroleum-based (other than waste oil) dust suppressant is provided within 24 hours of the time the waste was deposited. Warning signs must be posted and fencing is required unless a natural barrier adequately deters access by the public.

- An alternative method previously approved by the Administrator is used. Warning signs must be posted and fencing is required unless a natural barrier adequately deters access by the public.
- Observe ACWM being offloaded into the landfill. Note how the load is verified, whether improperly-contained waste is present, and whether the vehicle is properly marked during offloading. Take samples as necessary to help assess compliance with the provisions of the waste disposal provisions of the asbestos NESHAP.
- If suspect ACWM is being offloaded and is not accompanied by a waste shipment record, attempt to determine the following:
 - Has the suspect ACWM come from one or multiple sites? (For the NESHAP regulation to be applicable, ACWM must be generated at a site that meets the definition of a "**facility**" and meets the **260/160/35** quantity requirements.)
 - Is the vehicle properly marked with an asbestos hazard warning sign during offloading?
 - Is the suspect ACWM in properly labeled, leak-tight containers?
 - Is the suspect ACWM adequately wet?
 - Is there a valid reason for the presence of uncontained suspect ACWM?
- If offloading cannot be observed, interview the person directly in charge of waste disposal site operations. Ask him/her to describe waste handling, load verification, and recordkeeping activities.
- Inspect the asbestos disposal site and compare observations with information recorded on the required site map.
- Note the accessibility of the asbestos landfill area to the general public. If the landfill operator claims that a natural barrier or fence is being used to deter access, determine if the Administrator has been informed and has agreed that access is sufficiently restricted.
- If improperly-containerized, inadequately-wetted or unlabeled suspect materials are seen, determine:
 - whether 260/160/35 is met;
 - the source of the material; and
 - whether the source is a "facility."
 - Take samples as needed.

Post-Inspection Interview

After completing the inspection, conduct a quick, wrap-up interview to obtain any additional information and to convey to the owner/operator the findings of the inspection.

If potential violations were seen, discuss the specific provisions of the asbestos NESHAP that **may** have been violated. Highlight these areas in a copy of the regulation and document how the owner/operator reacts to the items discussed; this may prove useful if similar violations are identified during follow-up inspections. Give the owner/operator the highlighted copy of the regulation and make note of this in the logbook.

Do not convey compliance determinations to the owner/operator while onsite because:

- Laboratory analyses have not been completed.
- There has been no time for reflection upon and correlation of observations.
- Statements such as "No violations were seen." or "Everything is OK." may create difficulties if violations are recognized later.
- The intricacies of EPA-administered statutes/regulations do not lend themselves to "off the-cuff" assessments.
- Onsite findings may represent only a portion of the enforcement case.

Also, **do not** provide the facility a copy of field notes or inspection checklist at the time of the inspection, for changes or additions made to such documents after leaving the site may be called into question should an enforcement action be pursued.