

ASBESTOS DISPOSAL FACT SHEET

- I. Asbestos is a known carcinogen and may cause disease (cancers) up to 20-30 years from date(s) of exposure, primarily through inhalation of asbestos fibers.
- II. According to the Solid Waste Act and the New Mexico Solid Waste Rules (“SWR”), 20.9.2 – 20.9.10 NMAC, “regulated asbestos waste” is a “special waste” in New Mexico.
- III. Information regarding the New Mexico Environment Department (“NMED”) and its rules may be found on the website at <http://www.nmenv.state.nm.us>. The SWR may be reviewed and/or downloaded at <http://www.nmenv.state.nm.us/swb/CurrentRules.htm>.
- IV. “Regulated asbestos waste” is a special waste – see 20.9.2.7.S(13)(c) NMAC.

20.9.2.7.S(13) NMAC

“Special waste” means solid waste that has unique handling, transportation, or disposal requirements to assure protection of the environment and the public health, welfare and safety, including:

- (a) treated formerly characteristic hazardous wastes (TFCH);
- (b) packing house and killing plant offal;
- (c) **regulated asbestos waste**;
- (d) ash;
- (e) infectious waste;
- (f) sludge, except; sludge that is land applied under 40 CFR Part 503 as intermediate or final cover at a landfill and meets the requirements of Subpart B of 40 CFR Part 503;
- (g) industrial solid waste that, unless specially handled or disposed, may harm the environment or endanger the public health or safety;
- (h) spill of a chemical substance or commercial product that, unless specially handled or disposed, may harm the environment or endanger the public health or safety; and
- (i) petroleum contaminated soils, that have a sum of benzene, toluene, ethylbenzene, and xylene isomer concentrations of greater than 50 mg/kg, or benzene individually greater than 10 mg/kg, or a total petroleum hydrocarbon concentration of greater than 100 mg/kg.

20.9.2.7.A(10) NMAC

"Asbestos waste" means a solid waste that contains more than 1 percent asbestos:

- (a) "friable asbestos material" means any material containing more than 1 percent asbestos, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure;
- (b) "category I non-friable asbestos containing material" means asbestos containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos;

- (c) "category II non-friable asbestos containing material" means any material, excluding category I non-friable asbestos containing material, containing more than one percent asbestos, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand; and
- (d) "regulated asbestos waste" 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 broken, crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of excavation, renovation, demolition, storage, transportation, or while exposed during disposal operations.

V. Regulated asbestos waste must be transported by a registered commercial or special waste hauler authorized to transport this type of special waste – see 20.9.3.31-39, 20.9.5.14, 20.9.8.8, 20.9.8.9.A and C, 20.9.8.10, 20.9.8.11, 20.9.8.12 and 20.9.8.19 NMAC.

20.9.3.31 NMAC – Registration of Commercial Haulers and Haulers of Special Waste

- A. Commercial haulers of solid waste and any haulers that transport special waste shall register with the department 30 days prior to beginning operations and every five years thereafter, and shall submit the following information:
 - (1) the name, address, and telephone number of the operation for which registration is sought, and the name, address, telephone number, date of birth, driver's license number, and social security number of the owner and operator, unless the owner and operator are public entities or are a publicly held corporation that has on file and in effect with the federal securities and exchange commission a registration statement required under 15 U.S.C. Section 77e (c);
 - (2) the anticipated startup date, hours of operation, and days of collection;
 - (3) a list of types of storage containers required for residences, commercial, institutional and industrial establishments to be served;
 - (4) location of vehicle maintenance yard;
 - (5) certification that drivers, trailers and vehicles are, and will continue to be, properly licensed or registered;
 - (6) means of controlling and mitigating odors;
 - (7) the transport distance from the nearest and farthest points of collection to the solid waste facility where the waste will be disposed;
 - (8) any transfer requirements;
 - (9) location of transfer station(s) to be used, if any;
 - (10) the name and location of any storage or collection or solid waste disposal facility to be used, and including;

- (a) the size and type of all storage and collection facilities to be used; and
 - (b) methods use to mitigate odor and litter from any storage and collection facilities to be used;
 - (11) an outline of proposed training for drivers and crew to be able to differentiate between hazardous waste, special waste and other solid waste;
 - (12) certification that the waste identification training program will be implemented;
 - (13) a statement whether any of the owners or operators have been fined for violation of any environmental laws of any state or the United States (for owners or operators that are public entities or publicly held corporations, this statement may be limited to fines for violations within the last 5 years and within the state of New Mexico);
 - (14) a statement whether any of the owners or operators have had any permit or registration revoked or permanently suspended for cause under the environmental laws of any state or the United States (for owners or operators that are public entities or publicly held corporations, this statement may be limited to revocations or suspensions within the last 5 years and within the state of New Mexico); and
 - (15) [evidence of financial responsibility, as a warrant is no longer required].
- B. All haulers that transport special waste, in addition to the requirements of Subsection A of this section, shall:
- (1) register with the department on a form provided by the department;
 - (2) submit the exact locations and permit number(s) of solid waste facilities to be used;
 - (3) submit a contingency plan to address potential emergency situations to the department for approval; and
 - (4) submit a list of contents of clean-up kits to be carried in each vehicle used for hauling.

20.9.3.32 NMAC – Commercial Hauler Registration Procedures

- A. The registration procedures in 20.9.3.31-36 NMAC apply to commercial haulers of solid waste.
- B. Upon receipt of an application for registration, the department shall review the application to determine if additional information is necessary or shall deem the application complete. If the department determines that additional information is necessary, it shall notify the applicant in writing;
- C. Within 60 days of receipt of a request for additional information regarding any commercial hauler registration application, the owner or operator shall submit the information requested by the department, or the secretary may deny the registration application without prejudice.

20.9.3.33 NMAC – Commercial Hauler Registration Issuance

- A. Within 30 days after an application for a commercial hauler registration is deemed complete, the secretary shall issue the registration, issue the registration with terms and conditions, or deny the registration.
- B. The secretary shall issue a registration if the owner or operator demonstrates that the requirements of 20.9.2 – 20.9.10 NMAC and the Solid Waste Act are met and that neither a hazard to public health, welfare or the environment nor undue risk to property will result.
- C. The terms and conditions of a registration shall be specifically identified by the secretary.

20.9.3.34 NMAC – Registration Denial, Revocation, or Suspension

- A. The secretary may deny, revoke, or suspend a commercial hauler registration on the basis of information in the application or evidence in the administrative record, or both, after taking into consideration the seriousness of the violation, any good faith efforts to comply with the applicable requirements and other relevant factors.
- B. Causes for denying, revoking, or suspending a registration include a finding that the applicant or owner or operator has:
 - (1) knowingly misrepresented a material fact in the application, or at any time after issuance of the registration;
 - (2) refused to disclose or failed to disclose the information required under the provisions of 20.9.2 - 20.9.10 NMAC or the Solid Waste Act;
 - (3) exhibited a history of willful disregard for the environmental laws of any state or the United States;
 - (4) had any permit revoked or permanently suspended for cause under the environmental laws of any state or the United States; or
 - (5) violated a term or condition of the registration, any requirement of 20.9.2 – 20.9.10 NMAC, or any requirement of the Solid Waste Act.
- C. If the department recommends denial of a commercial hauler registration, notice shall be provided to the applicant by registered mail. The applicant may request a hearing on the registration denial by filing a written request for hearing with the hearing clerk within 30 days of receipt of the notice. A request for hearing shall be treated as a hearing determination and the hearing conducted pursuant to 20.1.4 NMAC. If no request for hearing is filed within 30 days of receipt of the notice, the recommended denial shall become a final action of the secretary.
- D. A commercial hauler registration may be revoked or suspended in accordance with the procedures set forth in 20.1.5 NMAC, Adjudicatory Procedures - Environment Department. Construction, modification and interim operation, if any, shall cease upon the effective date of the revocation or suspension.

20.9.3.35 NMAC – Effect of Registration

- A. Any terms or conditions of the registration shall be enforceable to the same extent as a regulation of the board.
- B. The existence of a registration issued under 20.9.2 - 20.9.10 NMAC shall not constitute a defense to a violation of 20.9.2 - 20.9.10 NMAC or the Solid Waste Act.

20.9.3.36 NMAC – Registration Renewal

- A. A commercial hauler shall renew its registration every five years. To renew a registration, the commercial hauler shall file a complete renewal application no later than 30 days prior to the expiration date of the registration. A registration renewal application shall include the same information required in 20.9.3.31 NMAC, and in addition provide a complete description of its compliance history and any other information requested by the secretary.
- B. A registered commercial hauler may continue to operate under the terms and conditions of the existing registration until the registration renewal is issued or denied provided that:
 - (1) the owner and operator are in compliance with the existing registration, 20.9.2 - 20.9.10 NMAC, and any applicable federal regulations;
 - (2) a complete renewal application was submitted in a timely fashion in accordance with this section; and
 - (3) the owner or operator adequately submits any requested additional information by the deadline specified by the secretary.

20.9.3.37 NMAC – Registration Expiration

- A. A commercial hauler registration shall expire five years from the date of issuance of the registration.
- B. A commercial hauler registration shall terminate upon any change of owners or operators of the registered commercial hauler, and the new owner or operator shall obtain a new registration prior to operation.

20.9.3.38 NMAC – Confidentiality of Information

- A. Permit applicants, owners or operators, or commercial haulers who submit information to the department may claim such information as confidential. Any claim of confidentiality must be asserted at the time of submittal.
- B. To claim confidentiality of information in a submittal, the submitter must clearly mark each page in the document on which the submitter claims there is confidential information, and submit to the department a written description of the basis for the claim of confidentiality at the time of submission. The department shall review the claim of confidentiality based on the written submittal and determine whether the information may be maintained as confidential pursuant to the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1, et seq. If the department determines

that information in a submittal is confidential, the department may require submission of redacted copies of the submittal for the public record.

- C. If no claim of confidentiality is made at the time of submission, any such claims are deemed waived and the department may make the information available to the public without further notice.
- D. Information that is determined by the department to be confidential may be disclosed to officers, employees, or authorized representatives of the United States concerned with implementing RCRA, or when relevant in any proceedings under the Solid Waste Act or this chapter.

20.9.3.39 NMAC – Fee Schedule

- A. Fees are required from applicants for all permit applications, modifications, and applications for permit renewals. Fees shall be paid by the applicant at the time of application and are non-refundable. Fees for individual facility types shall be cumulative if more than one type is included in the permit application.
- B. For a municipal or special waste landfill which receives, based on the projected operational rate:
 - 1. 20 tons or less of waste per day, annual average, the permit application fee shall be \$6,000;
 - 2. more than 20 tons of waste per day, annual average, the permit application fee shall be \$10,000;
 - 3. special waste, in addition to the facility permit application fee, an additional \$1000 per type of special waste, up to \$10,000 shall be paid.
- C. For a construction and demolition landfill, the permit application fee shall be \$5,000.
- D. For a processing facility, the permit application fee shall be \$5,000.
- E. For a transformation facility, the permit application fee shall be \$10,000.
- F. For a transfer station, the permit application fee shall be \$5,000.
- G. For a recycling facility or composting facility that accepts solid waste, the permit application fee shall be \$2,000.
- H. For a commercial [or special waste] hauler registration, the registration fee shall be \$100 if the hauler registers two trucks or fewer and hauls no special waste, and shall be \$300 if the hauler registers three trucks or more or hauls any special waste.
- I. Fees for permit modifications shall be half of the stated permit application fee for that type facility.
- J. Fees for permit renewals shall be the same as for new facilities.
- K. The fee for resubmittal of an application that has been denied without prejudice shall be half of the stated permit application fee for that type of facility.
- L. Fees shall be paid by check or money order, payable to "New Mexico Environment Department."

20.9.5.14 NMAC – Commercial Hauler Operating Requirements

- A. Commercial haulers shall:
- (1) collect and transport waste so as to prevent environmental, safety, and public health or welfare hazards and nuisances;
 - (2) utilize equipment that is designed, constructed and operated so as to be leak-proof and protective of human health and safety and the environment;
 - (3) cover or enclose the waste to prevent littering during transportation;
 - (4) keep collection and transportation equipment in a clean condition through the use of sufficient washings and cleanouts;
 - (5) only transport waste to a facility that is permitted or registered under 20.9.2 - 20.9.10 NMAC or that is authorized by another government; provided that this is not to be construed to limit initial sorting of solid waste on site;
 - (6) immediately clean up any solid waste spilled during collection or hauling operations;
 - (7) conspicuously label all solid waste collection vehicles with the company, municipality, or county department name;
 - (8) conspicuously label all solid waste collection vehicles with the environment department registration number;
 - (9) take reasonable measures to assure that unauthorized wastes are not accepted; and
 - (10) if hauling special waste, carry a contingency plan and clean-up kit as approved pursuant to Paragraphs (3) and (4) of Subsection B of 20.9.3.31 NMAC.
- B. Commercial haulers shall provide prior notification to the department, in writing, of any major changes in collection operations or disposal facility being used. A major change includes an addition of a type of waste, a change in ownership, a change in location and a change in the disposal facility being used. In the case of emergency, where prior notice cannot be given, written notice shall be given within 48 hours after the change.
- D. Commercial haulers shall maintain an operating record documenting activities for at least the preceding three year period. The operating record shall include:
- (1) type and weight or volume of solid waste hauled;
 - (2) state, county, and municipality in which the solid waste originated; and
 - (3) solid waste facilities utilized.

VI. Special Waste Requirements – Asbestos waste [including both regulated asbestos waste and asbestos-containing waste to be transported and disposed as non-regulated asbestos waste] must be handled, containerized, labeled, stored, transported and disposed in accordance with all applicable provisions of 20.9.8.8 – 20.9.8.12, and 20.9.8.19 NMAC.

20.9.8.8 NMAC – General

The generator of a special waste shall assure that the special waste is disposed of in a solid waste facility permitted to accept the special waste or treated at a permitted facility, prior to disposal, to render it a non-special waste.

20.9.8.9 NMAC – Restrictions

- A. No solid waste facility shall accept special waste unless the facility owner or operator has been issued a permit to accept that type of special waste for disposal, transfer, processing, or transformation.
- C. A hauler of special waste shall not deliver special waste to any place or person except to a facility that has been issued a permit to accept that type of special waste for disposal, transfer, processing or transformation.

20.9.8.10 NMAC – General Requirements for Special Waste

- A. Any person who stores a special waste shall assure that the special waste is stored at designated special waste storage areas meeting the requirements of 20.9.8 NMAC.
- B. No person who stores special waste shall store the waste for longer than 90 days from the date the waste is placed in storage awaiting transportation, processing, or final disposal, unless otherwise approved by the department...
- C. A generator of special waste shall assure that all containers of special waste when deemed full and placed in storage are clearly labeled or marked, indicating the name and address of the generator, contents, date placed in storage and potential health, safety, and environmental hazards associated with the waste.
- D. A generator of special waste shall assure that all containers of special waste that are prepared for transportation are clearly labeled or marked, indicating the name and address of the generator, contents, and potential health, safety, and environmental hazards associated with the waste.
- E. A hauler of special waste shall assure that all containers of special waste are clearly labeled or marked prior to transportation, indicating the name and address of the generator, contents, date transported, and potential health, safety, and environmental hazards associated with the waste.
- F. Any generator or hauler of special waste shall assure that a manifest in accordance with 20.9.8.19 NMAC accompanies each load of special waste originating in or to be disposed in New Mexico;
- G. A hauler of special waste shall carry an appropriate clean-up kit in each vehicle used for hauling.

20.9.8.11 NMAC – Required Analysis

- A. The generator of a special waste shall document the physical and chemical characteristics of all special wastes for storage, transportation or disposal, by means of:
 - (1) records of the results of analyses performed in accordance with this section as applicable; or

- (2) detailed descriptions of the generator's knowledge of specific wastes, including process, source and chemical and physical properties;
- (3) or both.
- B. All laboratory analyses shall be performed by a laboratory that follows U.S. EPA quality assurance and quality control procedures in accordance with U.S. EPA approved analytical methods or such other methods acceptable to the department.
- C. Representative sample(s) shall be analyzed in conformance with the following parameters as appropriate:
 - (1) ignitability characteristic as defined in 40 CFR Part 261;
 - (2) corrosivity characteristic as defined in 40 CFR Part 261;
 - (3) reactivity characteristic as defined in 40 CFR Part 261;
 - (4) toxicity characteristic as defined by U.S. EPA test method 1311: toxicity characteristic leaching procedure (TCLP);
 - (5) paint filter liquids test as defined by U.S. EPA Test Method 9095;
 - (6) additional parameters as identified by the department;
 - (7) RCRA Subtitle C listed wastes as defined in 40 CFR Part 261; and
 - (8) Toxic Substance Control Act (TSCA), Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), or other applicable statutes.

20.9.8.12 NMAC – Asbestos Waste Management Requirements

- A. The generator of asbestos waste shall prevent public access to asbestos wastes at the point of generation. Haulers of asbestos waste shall prevent public access to asbestos waste during transportation.
- B. Generators of asbestos waste shall determine whether the asbestos waste is regulated asbestos waste. If it is not regulated asbestos waste, and it is to be disposed as non-regulated asbestos waste, the generator shall assure that the asbestos waste is handled in a manner to prevent the asbestos waste from becoming regulated asbestos waste. The handling of non-regulated asbestos waste shall include measures to assure that any category I non-friable asbestos containing material is not subjected to sanding, grinding, cutting or abrading and that any category II non-friable asbestos containing material is not subjected to forces expected to break, crumble, pulverize or reduce the material to powder during the course of excavation, renovation, demolition, or storage, and that it is disposed at a permitted landfill. If the waste is regulated asbestos waste it shall be disposed at a landfill permitted to accept regulated asbestos waste and shall be handled accordingly.
- C. If non-regulated asbestos waste is to be disposed as non-regulated asbestos waste, the hauler of non-regulated asbestos waste shall handle the waste in a manner to prevent the asbestos waste from becoming regulated asbestos waste. The handling of non-regulated asbestos waste by a hauler shall include measures to assure that any category I non-friable asbestos containing material is not subjected to abrading and that any category II non-friable asbestos containing material is not subjected to forces

expected to break, crumble, pulverize or reduce the material to powder during the course of storage, transportation, or while exposed during disposal operations. The hauler shall notify the landfill operator that the load contains non-regulated asbestos waste that must be disposed of in a manner to prevent breakage and release of fibers while exposed during disposal operations.

- D. A landfill that accepts non-regulated asbestos waste shall assure that the asbestos containing material is not broken, abraded, crumbled, pulverized or reduced to powder while exposed during disposal operations. The non-regulated asbestos waste shall be covered with at least six inches of non-waste containing material prior to compaction.
- E. The generator of regulated asbestos waste shall properly wet and containerize the waste. No hauler shall accept or transport regulated asbestos waste unless the waste has been properly wetted and containerized.
 - (1) Regulated asbestos waste is properly wetted when its moisture content prevents fiber release.
 - (2) Regulated asbestos waste is properly containerized when it is placed in a plastic bag of 6-mil or thicker, sealed in such a way to be leak-proof, and the amount of void space or air in the bag is minimized. Asbestos waste slurries shall be packaged in leak-proof drums if they are too heavy for the plastic bag containers. Regulated asbestos waste may also be containerized by double bagging, using plastic-lined cardboard containers, plastic-lined metal containers, or the use of vacuum trucks for the transport of slurry.
 - (a) Pipes or other facility components that are removed as sections without first removing the asbestos shall be wrapped in a minimum of 6-mil plastic sufficient to prevent asbestos fibers from escaping.
 - (b) The hauler shall ensure that regulated asbestos waste is properly contained in a manner to prevent asbestos fibers from escaping and with appropriate labels, and that the outsides of the containers are not contaminated with asbestos debris adhering to the containers. The transporter shall not accept nor transport regulated asbestos waste if there is a reason to believe that the condition of the asbestos waste may allow fiber release.
 - (3) The hauler shall ensure that the regulated asbestos waste containers are loaded into the transport vehicle in a manner which prevents the breaking of the containers. The hauler shall ensure that the asbestos waste containers are transferred at the disposal site in such a manner to prevent fiber release.
 - (a) If the hauler discovers that the regulated asbestos waste is not properly containerized in conformance

with Paragraph (2) of this subsection, the hauler shall immediately clean up the contaminated area and repair or reseal the container by appropriate methods. The department shall be notified of any release within 24 hours. The transporter shall ensure that all containers in his possession are of adequate design and condition to prevent the release of fibers during transport.

- (b) Vehicles used for transport of containerized regulated asbestos waste shall have an enclosed carrying compartment or utilize a canvas or plastic lined covering sufficient to contain the transported waste, prevent damage to containers, and prevent fiber release. All surfaces of vehicles and other asbestos handling equipment and facilities shall be maintained free from the accumulation of dusts and waste containing asbestos and shall have a smooth, non-absorbent finish. No vehicle which uses compactors to reduce waste volume may be used to transport asbestos waste. Vacuum trucks used to transport waste slurry shall be inspected to ensure that liquid is not leaking from the truck.
- (c) The hauler of the regulated asbestos waste shall notify the landfill operator that the load contains regulated asbestos waste.

F. All regulated asbestos containers, to include individually wrapped facility components or pipes, shall have a warning label specified by the U.S. EPA or the occupational safety and health administration (OSHA). ***Labels shall be printed in both English and Spanish.***

- G. The operator of a landfill permitted to accept regulated asbestos waste shall:
- (1) inspect the loads at the time of disposal at the landfill to verify that the regulated asbestos waste is properly contained and labeled;
 - (2) if the wastes are not properly containerized and the landfill operator accepts the load, thoroughly soak the asbestos with a water spray prior to unloading, rinse out the truck, and immediately cover the wastes with non-waste containing material to prevent fiber release, prior to compacting the waste in the landfill;
 - (3) prepare a separate excavation to receive only regulated asbestos wastes; the excavation shall be as narrow as possible while complying with all occupational safety and health administration (OSHA) regulations and standards;
 - (4) align the excavation perpendicular to the prevailing winds;
 - (5) off-load asbestos containers within the excavation with sufficient care to avoid breaking the containers;

- (6) completely cover the containerized waste within 18 hours with a minimum of six inches of non-waste containing material;
 - (7) completely cover improperly containerized regulated asbestos waste with six inches of non-waste containing material immediately; and
 - (8) not compact the regulated asbestos waste until it is completely covered with six inches of non-waste containing material.
- H. If, at any time during the generation or transportation of non-regulated asbestos waste the waste material is subjected to handling that renders it to be regulated asbestos waste, the generator or hauler shall immediately begin handling the regulated asbestos waste according the requirements of this part, and shall dispose of the regulated asbestos waste in a landfill or monofill permitted to accept such waste.
- I. When closing a cell containing regulated asbestos waste, the landfill operator shall:
- (1) cover with an additional 30 inches of compacted non-waste containing material to provide a 36-inch final cover to the original grade; and
 - (2) implement measures as necessary to control erosion and rodent intrusion.
- J. The operator of a landfill that accepts regulated asbestos shall provide barriers adequate to control public access. At a minimum, the owner or operator shall:
- (1) limit access to the regulated asbestos management site to no more than two entrances by gates that can be locked when left unattended and by fencing adequate to deter access by the general public: and
 - (2) place warning signs at the entrance and at intervals no greater than 100 feet along the perimeter of the sections where regulated asbestos waste is deposited. The sign shall read as follows in English and other languages as approved by the department:
ASBESTOS WASTE DISPOSAL SITE
DO NOT CREATE DUST
BREATHING ASBESTOS IS HAZARDOUS
TO YOUR HEALTH.
 The signs shall be posted in such a manner and location that a person can easily read the legend and conform to the requirements of 20 inches by 14 inches upright format signs specified in 29 CFR 1910.145(d)(4) (or equivalent regulation adopted by the board under the Occupational Health and Safety Act); spacing between any two lines shall be at least equal to the height of the upper of the two lines; and
 - (3) have at least one employee who has received at least 32 hours of course work in a U.S. EPA certified training course which deals with the identification, hazards and management of asbestos

wastes. An employee with this training shall be present at all times when asbestos wastes are being disposed.

VII. Regulated asbestos waste must be manifested using a Special Waste Manifest – see 20.9.8.19 NMAC.

20.9.8.19 NMAC – Manifest Requirements

- A. Each generator or his authorized agent shall prepare a manifest to accompany each load of special waste, including:
 - (1) the name, address and telephone number of the generator and origin of the special waste;
 - (2) the name, address and telephone number of all haulers in the order each will be transporting the waste;
 - (3) the name, site address, telephone number and identification number of the solid waste facility to which the waste is to be delivered;
 - (4) the type and proper name of waste being shipped;
 - (5) the total weight or volume of waste prior to shipment from the generator;
 - (6) the type and number of containers in the shipment; and
 - (7) any special handling instructions.
- B. The generator or his authorized agent shall sign the manifest and obtain the signature of the initial transporter and date of acceptance on the manifest, and shall retain a copy of the manifest. Each hauler shall obtain the signature of the individual who accepts the special waste for storage, further transportation or disposal, retain a copy of the manifest, and provide the original manifest to the next hauler or solid waste facility operator who receives the special waste.
- C. The manifest shall accurately reflect the required information and shall be signed and dated by the generator and each hauler of the special waste, and by the solid waste facility owner or operator, acknowledging delivery, weight or volume, and receipt of the special waste. All signatories shall be duly authorized agents of their organizations. The generator shall keep a copy of the originating manifest for three years.
- D. Upon discovery of any significant discrepancy including, but not limited to, factual misrepresentation on the manifest, irregularities in transportation, discharges, or any unauthorized action in regard to the shipment, delivery, or disposal of the solid waste, the person discovering the discrepancy shall notify the department, the generator, hauler, and the solid waste facility operator in writing within 24 hours.
- E. Within 30 days of receipt of a special waste shipment at the solid waste facility, the owner or operator shall send the original signed copy of the manifest to the generator, acknowledging receipt of the shipment. The facility owner or operator shall list any discrepancies on the manifest. Other methods of return of the manifest may be allowed upon specific approval from the secretary.

- F. A copy of the manifest shall be retained by each hauler, and solid waste facility operator for their operating records. The generator shall retain for a period of three years both the originating copy and the returned original manifest signed by the solid waste facility owner or operator and all haulers transporting the waste. Haulers shall retain a copy of the manifest for a period of three years.
- G. Copies of the manifest shall be retained by the facility owner or operator throughout any post-closure period.

If you have any specific questions regarding the disposal of asbestos-containing waste (including regulated asbestos waste) or if you determine that your company or governmental entity may require a commercial or special waste hauler registration, you may visit the SWB's website at <http://www.nmenv.state.nm.us/swb> or you may contact the SWB's enforcement manager:

George W. Akeley Jr. (Chuck)
Manager, Enforcement Section
Solid Waste Bureau
New Mexico Environment Department
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