

**Asbestos Waste Management Regulations**  
**made under Section 84 of the**  
***Environment Act***  
**S.N.S. 1994-95, c. 1**  
**O.I.C. 95-292 (April 11, 1995), N.S. Reg. 53/95**  
**as amended to O.I.C. 2017-203 (August 8, 2017), N.S. Reg. 121/2017**

**Citation**

**1** These regulations may be cited as the *Asbestos Waste Management Regulations*.

**Definitions**

**2** In these regulations

- (a) “Act” means the *Environment Act*;
- (b) “Administrator” means a person appointed by the Minister under Section 3, and includes an acting Administrator;
- (c) “approved asbestos waste storage facility” means a facility approved in writing by an Administrator for the storage of asbestos waste;
- (d) “approved waste disposal site” means a waste disposal site approved in writing by an Administrator for the disposal of asbestos waste;
- (e) “asbestos waste” means a friable waste material containing asbestos fibre or asbestos dust in a concentration greater than 1% by weight;
- (f) “friable waste material” means a material that when dry can be crumbled, pulverized or reduced to powder by hand pressure;
- (g) “generator” means any person who by virtue of ownership, operation, management or contract produces or creates asbestos waste;
- (h) “highway” means a highway as defined in the *Motor Vehicle Act*;
- (i) “in bulk” means asbestos waste which is confined only by the permanent structure of
  - (i) a container larger than 205 l, or
  - (ii) a vehicle without intermediate packaging;
- (j) “Minister” means the Minister of the Environment;

- (k) “shipping document” means an invoice of cargo to be transported by a vehicle;
- (l) “transfer station” means an area used for the purpose of transferring waste from one vehicle to another vehicle for transportation to an approved waste disposal site;
- (m) “vehicle” means a device in or by which a person or thing may be transported or drawn on a road or a highway.

### **Administrator**

**3** The Minister may appoint an Administrator to administer these regulations.

### **Designation**

**4** For the purpose of the Act and these regulations, asbestos waste is designated as waste dangerous goods.

### **Asbestos waste storage**

**5 (1)** No person shall store asbestos waste generated by another person except at an approved asbestos waste storage facility.

**(2)** An Administrator may limit the time that asbestos waste may be stored at an approved asbestos waste storage facility.

**Section 5 replaced: O.I.C. 2017-203, N.S. Reg. 121/2017.**

### **Removal from buildings/structures**

**6** No person shall handle or remove asbestos waste from the interior or exterior of any building or other structure or any part thereof unless the handling or removal is carried out in accordance with the requirements respecting the handling, storage and transport of asbestos as prescribed in codes of practice made pursuant to the *Occupational Health and Safety Act*.

### **Safety equipment**

**7** No person shall handle or store asbestos waste, supervise the disposal of asbestos waste or operate equipment to bury asbestos waste unless the person wears protective clothing and personal respiratory equipment at all times while so engaged.

### **Airborne fibre**

**8** No person who handles asbestos waste shall permit asbestos fibres or asbestos dust to become airborne.

### **Packaging requirements**

- 9** Except as provided in Section 14, no person shall transport, store or handle asbestos waste unless it is completely wetted and is
- (a) packaged in a plastic bag having a thickness of not less than 6 mil, sealed and placed inside a non-reusable drum having a capacity of not more than 205 l;
  - (b) packaged in a plastic bag having a thickness of not less than 6 mil, sealed and placed inside another plastic bag having a thickness of not less than 6 mil and sealed; or
  - (c) packaged and placed in accordance with a method approved in writing by an Administrator.

**Condition of packages/containers**

- 10 (1)** No person shall transport, store or handle asbestos waste unless every package or container used to transport or store the asbestos waste is free of any puncture, tear or leak.
- (2)** No person shall transport, store, or handle asbestos waste unless all surfaces of every container or vehicle used to transport or store the asbestos waste are completely free of asbestos waste.

**Requirement to repair or repackage**

- 11** Where during transportation, storage or handling of asbestos waste any package or container containing asbestos waste is broken, torn or otherwise damaged in such a manner that all or part of the contents escape or may escape, it shall be an offence for the person handling or transporting the asbestos waste to fail to
- (a) immediately repair or replace the package or container; or
  - (b) repackage the asbestos waste in the manner prescribed in Section 9.

**Requirement for shipping document**

- 12 (1)** No person shall offer for transport, transport or accept a shipment of asbestos waste unless the shipment of asbestos waste is covered by a shipping document referred to in Section 4.4 of the *Transportation of Dangerous Goods Act* (Canada) and regulations made pursuant to that Act.
- (2)** A shipping document shall be on a form approved by an Administrator.

**Requirement to enclose shipment**

- 13** Subject to Section 16, no person shall transport asbestos waste in a vehicle unless
- (a) the vehicle is completely enclosed and the asbestos waste is transported within the vehicle; or

- (b) where the vehicle is not completely enclosed, the asbestos waste is completely covered with a tarpaulin and is otherwise secured so as to prevent it from escaping from the vehicle.

### **Shipments in bulk**

**14** No person shall transport asbestos waste in bulk in a vehicle to an approved asbestos waste storage facility or to an approved waste disposal site without first having obtained

- (a) authorization in writing from an Administrator; and
- (b) consent from the person responsible for the approved asbestos waste storage facility or the approved waste disposal site that the person will accept delivery of the shipment of the asbestos waste in bulk form.

### **Equipment required on vehicles**

**15** No person shall transport asbestos waste in a vehicle without a shipping document and unless the vehicle contains

- (a) a shovel;
- (b) a broom;
- (c) personal respiratory equipment;
- (d) protective clothing adequate to protect the driver and any passenger in the vehicle from any harmful effects which asbestos waste may have on human life or health; and
- (e) a supply of wetting agent and plastic bags sufficient to enable any required repackaging in accordance with the requirements of Sections 9 and 11 of these regulations.

### **Restrictions on certain vehicles**

**16** No person shall transport asbestos waste

- (a) in a compaction type waste haulage vehicle; or
- (b) in a vehicle in which other cargo is being transported.

### **Transfer station prohibition**

**17** No person shall transport asbestos waste to a transfer station.

### **Receiving site restrictions**

**18** No person shall transport asbestos waste unless

- (a) it is transported directly to an approved asbestos waste storage facility or an approved waste disposal site; and
- (b) prior to being transported under clause (a), the generator of the asbestos waste or the carrier notifies the owner, operator or person responsible for the approved asbestos waste storage facility or the approved waste disposal site of the anticipated time of arrival of the asbestos waste and obtains confirmation that the receiver agrees to accept the asbestos waste.

**Disposal sites**

**19** No person shall dispose of asbestos waste except by burial

- (a) at an active municipal solid waste disposal site approved by an Administrator to accept asbestos waste;
- (b) at an industrial site, with an approval issued under the Act which includes a provision for the disposal of asbestos waste; or
- (c) at an approved waste disposal site.

**Designation of disposal area**

**20 (1)** No person shall bury asbestos waste except at an approved waste disposal site and within an area at the site that is separate from other waste and is designated on a site plan approved by an Administrator prior to the placement of the asbestos waste in the designated area.

- (2) A copy of the site plan described in subsection (1) shall be recorded by the owner, operator or person responsible for an approved waste disposal [site] in the Registry of Deeds where the site is located.

**Designated area cover limits**

**21** No owner, operator or person responsible for an approved waste disposal site shall fail to cover asbestos waste which has been placed in the designated area pursuant to Section 20,

- (a) within 24 hours of burial, with cover material having a depth of not less than 25 cm which cover material shall not include waste material unless approved by an Administrator; and
- (b) upon abandonment or discontinuance of use of the designated area for asbestos waste disposal, with a final cover material having a depth of not less than 125 cm of cover material.

### **Inspections**

- 22** Where an owner, operator or person responsible for an approved waste disposal site is continuing to dispose of asbestos waste in the designated area, an owner, operator, or person responsible for the site shall
- (a) inspect the actively used portion of the designated area for conformance with clause 21(a) on each day that disposal occurs; and
  - (b) inspect the full designated area including discontinued and abandoned areas of the designated area on a monthly basis for conformance with clause 21(b).

### **Abandoned or discontinued disposal area**

- 23 (1)** Subject to subsection (2), where an area designated for the burial of asbestos waste is abandoned or the use of an area designated for that purpose is discontinued and a final cover of material is placed over the area as provided in clause 21(b), a [an] owner, operator or person responsible for the site shall
- (a) mark the designated area with a permanent marker in a manner prescribed by an Administrator;
  - (b) maintain the final cover of material at all times at a depth of not less than 125 cm; and
  - (c) inspect the designated area on a monthly basis and no later than February 1 of each year forward a report to an Administrator certifying that for the previous calendar year clauses (a) and (b) have been complied with.
- (2)** Subsection 1 does not apply if a site closure plan is approved by the Administrator and implemented to the satisfaction of the Administrator.

### **Effective date**

- 24** These regulations shall come into force on, from and after April 11, 1995.
-