



## Municipal Compliance Fact Sheet

# Waste Bans

### What You Should Know About This Issue:

As a senior municipal official representing the interests of your community, you should be aware that state “waste ban” regulations (310 CMR 19.017) prohibit Massachusetts solid waste management facilities, including those owned and operated by municipalities, from accepting the following recyclable and/or toxic items for disposal or transfer for disposal.

Construction & Demolition Materials: Asphalt Pavement, Brick, Concrete, Metal & Wood\*  
 Cathode Ray Tubes                      Glass Containers                      Lead Acid Batteries  
 Leaves & Yard Wastes                      Metal Containers                      Recyclable Cardboard & Paper  
 Single Polymer Plastics                      Whole Tires                      White Goods (Large Appliances)

Cities and towns, as generators of solid waste, are required by the waste ban regulation to ensure that banned materials are separated from trash at all public sites, including but not limited to: libraries, municipal offices, parks, public safety buildings, public works yards, recreational facilities, schools and water/sewer plants.

Municipalities that collect solid waste or contract with private haulers are also obligated by the waste ban regulation to keep banned materials out of the solid waste stream. These communities can demonstrate their compliance by obtaining Department Approved Recycling Program (DARP) status from the Massachusetts Department of Environmental Protection (MassDEP) and consistently meeting waste reduction and recycling targets.

All solid waste management facilities are required to submit compliance plans to MassDEP to ensure that they do not accept banned materials\*, and need to meet facility requirements for signage and monitoring, staff training, load inspection, and record keeping, and hauler and generator notification of failed loads.

When MassDEP observes banned materials at a solid waste facility, the agency may initiate enforcement actions (which can include financial penalties) against the facility operator, as well as haulers and generators of the solid waste containing recyclable materials that facility accepts. DARP communities that repeatedly dispose of excessive amounts of banned materials are also at risk of enforcement.

*\*Facilities with approved waste ban compliance plans stating they do not accept loads larger than five cubic yards, or about what would fit in a large pickup truck, are not required to separate construction and demolition materials (asphalt pavement, brick, concrete, metal, wood) from other wastes, conduct load inspections for these specific materials, or perform related record keeping. Small quantities of some other materials are currently allowed, see the guidance document for details*

### Examples of Municipal Facilities & Activities Involved:

- Landfills
- Combustion Facilities
- Transfer Stations
- Construction & Demolition Processing Facilities

### Common Compliance Issues:

MassDEP reviews and approves compliance plans and performs inspections to ensure that solid waste management facilities are complying with the waste bans and meeting all monitoring, signage, training, inspection, record keeping and hauler/generator notification requirements. The agency also works independently with solid waste management facilities to identify haulers



and generators – including businesses, institutions and municipalities – that dispose of banned materials. Compliance problems most often observed by MassDEP at these facilities involve inadequate or improper:

- Facility monitoring and signage.
- Employee training.
- Inspection of waste loads and documentation of observations.
- Notification of haulers and generators when loads contain too much banned material.
- Handling of banned materials.
- Record keeping and reporting.

To better comply with waste ban requirements, municipal facility operators should:

- Perform quarterly reviews of waste inspection procedures.
- Provide introductory and refresher inspection training for employees.
- Designate “on the floor” unloading area “spotters” to identify waste ban materials.
- Keep electronic records, and notify haulers (and generators, if known) in writing, of loads containing significant quantities of banned materials.

### **Environmental Stewardship Tips:**

The Massachusetts waste bans have spurred reuse and recycling, conserved existing disposal capacity, eliminated the need for new disposal facilities, and prevented toxic substances from entering the waste stream and ultimately the environment.

By encouraging residents and businesses to throw away less and recycle more, municipalities conserve natural resources, cut their solid waste management costs, and reduce greenhouse gas emissions that contribute to climate change. Cities and towns can use waste ban enforcement to strengthen local recycling requirements and hold haulers accountable for providing adequate recycling opportunities and services.

### **Technical Assistance, Outreach, Grants & Loans:**

MassDEP waste ban compliance guidance for facility operators can be found at [www.mass.gov/dep/recycle/laws/policies.htm#bans](http://www.mass.gov/dep/recycle/laws/policies.htm#bans)

To boost local waste reduction, recycling and natural resource conservation efforts, municipalities may apply for MassDEP recycling equipment and climate protection grants. The annual application deadline is September 15. For more information, see [www.mass.gov/dep/recycle/recawgr.htm](http://www.mass.gov/dep/recycle/recawgr.htm)

### **Contacts at MassDEP for More Information:**

- Visit the Waste Disposal Bans home page on the MassDEP web site at [www.mass.gov/dep/recycle/solid/regs0201.htm](http://www.mass.gov/dep/recycle/solid/regs0201.htm)
- Call the agency’s Commercial Waste Reduction Hotline at 617-348-4002.
- Call the appropriate MassDEP regional office and ask to speak with the waste ban coordinator. Find a listing of communities covered by each regional office at [www.mass.gov/dep/about/region/findyour.htm](http://www.mass.gov/dep/about/region/findyour.htm)

Subscribe to the MassDEP e-newsletter at: [www.mass.gov/dep/public/publications/enews.htm](http://www.mass.gov/dep/public/publications/enews.htm)

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