

**DRAFT**

NewStream, LLC  
527 Pleasant Street, Building 11-D  
Attleboro, Massachusetts 02703

**CLASS A Level III RECYCLING PERMIT S09-015 FOR GASOLINE  
RECLAMATION FROM GASOLINE/WATER MIXTURES**



**DESCRIPTION OF RECYCLING OPERATIONS**

Gasoline/water mixtures generated off-site containing recoverable amounts of gasoline are received and processed through a gasoline-water separator to reclaim gasoline. The gasoline will be burned on-site in electricity generators and gasoline-powered equipment.

**LOCATION OF RECYCLING OPERATIONS**

NewStream LLC  
527 Pleasant Street, 11D  
Attleboro, Massachusetts 02703

THIS PERMIT AUTHORIZES ONLY THE NAMED PERMITTEE TO ENGAGE IN THE ACTIVITIES DESCRIBED ABOVE. THIS PERMIT DOES NOT GRANT ANY RIGHTS NOT OTHERWISE GRANTED BY FEDERAL, STATE, OR LOCAL STATUTES, ORDINANCES, OR REGULATIONS. THE PERMITTEE SHALL COMPLY AT ALL TIMES WITH ALL STATE AND FEDERAL REGULATIONS AND STATUTES APPLICABLE TO THE MANAGEMENT OF REGULATED RECYCLABLE MATERIALS.

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Christopher Tilden, P.E.  
Regional Engineer for Waste Prevention

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Date

## Special Conditions

### 1. Authority to Receive Regulated Recyclable Materials<sup>1</sup>

NewStream LLC (“NewStream”) is authorized to receive gasoline/water mixtures that meet the conditions of 310 CMR 30.104(3)(e). Gasoline/water mixtures received by Newstream are a Class A RRM<sup>2</sup>.

- a. NewStream is strictly prohibited from receiving any hazardous waste and prohibited from storing such material in any tanks or vehicles at the facility.
- b. All incoming loads of RRM shall be transported by either a licensed hazardous waste transporter using a manifest or bill of lading; or a common carrier using a bill of lading in compliance with 310 CMR 30.223.
- c. Each gasoline/water waste stream shall have a completed “Profile Form”, as provided in Attachment I, accompanying the shipment. The generator shall certify on the Profile Form that the material is a gasoline/water mixture only with no other hazardous constituents present in the mixture.
- d. All incoming loads shall be inspected and shall have a discernable visible layer of gasoline and this layer shall be measured and recorded on the “Log Sheet & Receiving Record as provided in Attachment II. If there is no visible and measureable layer of gasoline, the load shall be rejected.

### 2. Authority to Store Regulated Recyclable Materials

- a. NewStream is authorized to store gasoline/water mixtures utilizing the gasoline reclamation and storage facility described in the application for this Class A Recycling Permit, which include the reports titled “Oil-Water Separators Report September 2009”, “Supplemental Information Class A Recycling Operation November 2008” and plans titled “GASOLINE/WATER MIXTURE TREATMENT SYSTEM NEWSTREAM, LLC. ATTLEBORO MASSACHUSETTS JUNE 2008 PREPARED BY FUSS & O’NEILL”. The permittee shall notify the Bureau of Waste Prevention, Southeast Regional Office, prior to initiating any changes or modifications to the recycling facility and/or recycling activities.
- b. Prior to the commencement of operation, the storage and processing tanks and the gasoline/water separator **shall have an operational vapor recovery system**. The combined air emissions from the tanks identified in Table 1 and all process equipment shall not exceed MassDEP’s regulatory threshold of one ton per year. A certification statement that the vapor recovery system has been installed and is operational shall be

**submitted within fifteen (15) days of installation.**

- c. All loading/unloading areas shall be paved with a material that is sufficiently impervious to spills or leaks of gasoline such that the gasoline shall be prevented from coming in contact with soil or groundwater.
- e. The above ground tanks listed in Table 1 below have been designated by NewStream as storage/process tanks for mixtures of gasoline/water.

Table 1. Storage and Process Tanks

<b>Tank No.</b>	<b>Contents</b>	<b>Capacity</b>	<b>Function</b>
OW-1	Gasoline/water - RRM	1,447 gallons	Gasoline/water separator with a design flow rate of 100 gpm
OW-2	Gasoline/water - RRM	1,447 gallons	Gasoline/water separator with a design flow rate of 100 gpm
GW-3	Process Wastewater	7,400 gallons	Industrial Wastewater Storage;
GW-4	Reclaimed Gasoline	3,000 gallons	Reclaimed Gasoline Storage

Tanks OW-1 and OW-2 each include a 125 gallon gasoline storage compartment, a 300 gallon effluent compartment, and 12 gallons of sludge storage and 36 cubic feet of coalescing area.

Tank GW-4 and the gasoline storage compartments in tanks OW-1 and OW-2 shall meet NFPA 30 standards.

- e. In the event that there is a spill on the property, any material from the Class A Recycling activities that is deposited on the ground shall be treated as a hazardous waste. NewStream, LLC shall follow its Integrated Spill Prevention, Control, and Countermeasure (SPCC) Response Plan and Emergency Prevention and Response Plan, 527 Pleasant Street, Attleboro, Massachusetts, October 2008 and the requirements of 310 CMR 30.000 and 310 CMR 40.000 regarding any potential releases.
3. Authority to Process Regulated Recyclable Materials
- a. Newstream has the authority to process up to 1,500,000 gallons per year of gasoline/water mixture to derive a maximum of 25,000 gallons per year of reclaimed

gasoline.

- b. NewStream is authorized to process gasoline/water mixtures using the equipment and procedures described in the reports titled “Supplemental Information Class A Recycling Operation NewStream Attleboro, MA, Fuss & O’Neil, November 2008” and “Oil-Water Separators Report NewStream LLC Attleboro, MA, Fuss & O’Neil, September 2009”.

4. Security

Newstream shall comply with all the requirements set forth in 310 CMR 30.206(1).

5. Facility Inspection

- a. NewStream shall comply with inspection requirements of 310 CMR 30.206(2) as noted below:

1. NewStream shall inspect the facility for malfunctions and deterioration of equipment or structures, operator error, and discharges, which may be causing or may lead to the release of hazardous constituents to the environment. NewStream shall conduct these inspections often enough to identify problems in time to correct them before they harm public health, safety, or welfare or the environment.
2. To ensure that they do not lead to a threat to public health, safety, or welfare, or to the environment, NewStream shall remedy all malfunctions, deteriorations, operator errors, and discharges which any inspection reveals. When a hazard is imminent or has already occurred, NewStream shall immediately notify the Department and shall immediately take remedial action.

- b. NewStream shall record every inspection in an Inspection Log. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

- c. Daily inspections are to be made of the following:

1. Fences
2. Buildings
3. Alarm systems
4. Containment area surfaces
5. Tanks, valves, hoses, piping
6. Pumps
7. Safety equipment

All inspections are to be recorded on the daily inspection sheet which is to be kept on file for three years. Any deficiencies shall be repaired immediately.

6. EMPLOYEE TRAINING:

**All training shall meet the requirements of 310 CMR 205(15).**

All NewStream, LLC personnel participating in the inspection of shipments, quality control analysis, record keeping and reporting, storage and receiving operations or recycling process operations shall be trained to perform their duties. All personnel involved with sample collection and container security shall be trained by NewStream, LLC to perform their duties. Training will consist of formal instruction or on-the-job training prior to being allowed to perform their respective duties. All personnel shall be trained to inspect all incoming shipments for integrity of trucks and containers, labeling and accuracy of documents. They shall also be instructed in record keeping so that a history of all transactions will be available. The training shall include emergency response actions, spill containment, and notification procedures in accordance with all applicable regulations (DEP, EPA, DOT, OSHA), as outlined in NewStream LLC's Integrated Spill Prevention, Control, and Countermeasure (SPCC) Response Plan and Emergency Prevention and Response Plan, 527 Pleasant Street, Attleboro, Massachusetts, October 2008 and all subsequent updates.

All employees assigned to the Class A Recycling operation shall participate in an annual review of the job training requirements. A record of each employee's training shall be maintained and made part of the operating record.

7. Record Keeping and Reporting

a. Accurate and Complete Record Keeping and Submittals to the Department

No person shall make any false or misleading statement in any application, record, report, plan, file, log, register or statement which that person keeps or submits to the Department or is required to submit to the Department pursuant to G.L.c.21C and 310 CMR 30.000.

Any application, record, report, plan, file, log, register, or statement which any person is required to keep or submit to the Department shall be filled out completely and otherwise kept or submitted in compliance with M.G.L.c.21C, 310 CMR 30.200, or any order issued by the Department, unless specified by the Department.

b. Daily Record Keeping

The following additional records shall be retained at the facility for a period of at least

three (3) years:

1. Copies of manifests, analytical test results, and/or Bills of Lading.
  2. A written report of any exceptions to the acceptance criteria resulting in rejection of materials. Each occasion shall also be reported to the Department within 24 hours of each occurrence.
  3. Daily totals (gallons) of the amount of gasoline/water mixtures received at the facility.
  4. Daily totals (gallons) of gasoline reclaimed.
  5. Daily total (gallons) of all wastewater generated from on-site activities other than those related to the Class A RRM (i.e. water not included in the incoming gasoline/water mixture).
  6. Daily total (gallons) of stormwater generated and transferred into the gasoline/water reclamation facility.
  7. Daily total (gallons) of wastewater generated from gasoline separation and/or transferred to NewStream's wastewater pretreatment facility.
- c. NewStream shall submit to the generator a certification statement that each shipment of material was received and recycled in compliance with applicable state and federal laws and regulations within 30 days of completion of the recycling activity. The certification statement shall include language that the document shall be maintained by the generator for three (3) years from the date of recycling in accordance with 310 CMR 30.104(3)(e).

8. Recycling Demonstration Report

- a. Within the first year of operation and annually thereafter, Newstream shall submit to the Department a recycling demonstration report that provides information on the effectiveness of the recycling of gasoline-water mixtures and the onsite use of reclaimed gasoline. The report shall include, at a minimum, the following: the amount of gasoline/water mixture received, the amount of gasoline reclaimed from the processing, the amount of reclaimed gasoline used in the on-site electricity generators and gasoline-powered equipment, and projected excess gasoline for potential use in other on-site applications.
- b. If NewStream cannot demonstrate to MassDEP the successful processing of the gasoline/water mixture to yield a reclaimed gasoline that can be directly used as a fuel, i.e., needing no further treatment, and is in fact directly used on-site as a fuel, then MassDEP reserves its right, using its sole discretion, to determine that recycling of the gasoline/water waste stream is not viable. Should that determination be made, MassDEP will modify, suspend or revoke this Class A Level III Regulated Recyclable Materials Recycling Permit.

9. **OTHER**

- a. An as-built plan stamped and signed by a Massachusetts Registered Professional Engineer **shall be submitted to this office within sixty (60) days of completion** of all construction activities related to this permit or prior to the start-up of the recycling operations, whichever occurs first.
- b. NewStream may file a permit modification request at a later date after permit issuance to increase the limit on gasoline/water mixture volumes and the Department will review that request considering NewStream's submitted recycling demonstrations (as outlined in section 7. Record Keeping and Reporting and section 8. Recycling Demonstration Report) and other factors.
- c. All recovered gasoline burned on-site in gasoline powered generators shall be done so in accordance with all applicable requirements of the Massachusetts Air Pollution Control Regulations as contained in 310 CMR 7.00, and any other policies, terms, and conditions that the Department may require with regard to this activity.
- d. An Operation and Maintenance Manual for the Class A Regulated Recyclable Materials facility (i.e. gasoline reclamation from gasoline/water mixtures), which shall include the Standard Operating Procedures provided in Attachment III, shall be updated yearly (as needed).
- e. The Department reserves the right to revoke or suspend this permit if the above special conditions are not met.

## **GENERAL CONDITIONS**

- I. The permittee shall have all equipment installed in accordance with all applicable Federal, State and local regulations. The equipment site must have proper fire and explosion protection features, must have proper ventilation and provide easy access to all significant parts of the equipment.
- II. The permittee shall install, operate and maintain recycling equipment in accordance with all recommendations provided by the manufacturer.
- III. Permittee shall not modify the approved recycling equipment without the Department's approval.
- IV. Permittee shall not allow material to be introduced into the recycling device, other than those which have been specifically enumerated by the manufacturers, which would result in inadequate performance of the device.
- V. The permittee shall adhere to all of the provisions included in the application for the Class A Recycling Permit that was submitted to the Department for approval to reclaim gasoline from gasoline/water mixtures.
- VI. The permittee shall satisfy all applicable conditions of 30.200. They include but are not limited to the following:
  - (1) Duty to Comply. The permittee shall comply at all times with the terms and conditions of the permit, 310 CMR 30.000, M.G.L. c. 21C, M.G.L. c. 21E, and all other applicable State and Federal statutes and regulations.
  - (2) Duty to Maintain. The permittee shall always properly operate and maintain all facilities, equipment, control systems, and vehicles that the permittee installs or uses.
  - (3) Duty to Halt or Reduce Activity. The permittee shall halt or reduce activity whenever necessary to maintain compliance with 310 CMR 30.200 or the permit conditions, or to prevent an actual or potential threat to public health, safety, or welfare, or the environment.
  - (4) Duty to Mitigate. The permittee shall remedy and shall act to prevent all potential and actual adverse impacts to persons and the environment resulting from noncompliance with the terms and conditions of the permit. The permittee shall repair, at his own expense, all damages caused by such noncompliance.

- (5) Duty to Provide Information. The permittee shall provide the Department, within a reasonable time, any information, which the Department may request and which is deemed by the Department to be relevant in determining whether a cause exists to modify, revoke, or suspend a permit, or to determine whether the permittee is complying with the terms and conditions of the permit.
  
- (6) Entries and Inspections. The permittee shall allow personnel or other authorized agents of the Department or authorized EPA representatives, upon presentation of credentials or other documents as may be required by law, to:
  - (a) Enter at all reasonable times any premises, public or private for the purposes of investigation, sampling or inspecting any records, condition, equipment, practice, or property relating to activities subject to M.G.L. c. 21C, M.G.L. c.21E, or RCRA, as amended; and
  - (b) Enter at any time such premises for the purpose of protecting the public health, safety or welfare, or the environment; and
  - (c) Have access to and copy at all reasonable times all records that are required to be kept pursuant to the conditions of the permit, and all other records relevant to the permittee's hazardous waste activity or to the permittee's activity involving regulated recyclable material.
  
- (7) Records. All records and copies of all applications, reports, and other documents required by 310 CMR 30.200 shall be kept by the permittee for at least three (3) years from the expiration of the permit. This period shall be automatically extended for the duration of any enforcement action. This period may be extended by order of the Department. All record keeping shall be in compliance with 310 CMR 30.007.
  
- (8) Continuing Duty to Inform. The permittee shall have a continuing duty to immediately:
  - (a) Correct any incorrect facts in an application; and
  - (b) Report or provide any omitted facts which should have been submitted; and
  - (c) In advance, report to the Department each planned change in the permitted facility or activity which might result in noncompliance with 310 CMR 30.200 or with a term or condition of the permit; and
  - (d) Report to the Department any cessation of the permitted activity.
  
- (9) Preventing and Reporting Releases into the Environment. No materials that are to be

recycled shall be intentionally released into the environment or otherwise disposed of within Massachusetts except in full compliance with all applicable provisions of 310 CMR 30.000 and M.G.L. c. 21C. All accidental releases of recyclable material shall be immediately reported to the Department and to all other persons to whom such releases must be reported pursuant to State or Federal laws or regulations.

- (10) Compliance with the Application and the Terms of the Permit. Except where 310 CMR 30.200 or other conditions of the permit provide otherwise, the materials that are to be recycled shall be recycled in the manner described in the application for the permit and in no other manner, and in compliance with all conditions of the permit. There shall be no change in the procedure of recycling without the prior express written approval of the Department.
- (11) Transportation of Recyclable Material. Unless otherwise specified, all transportation of recyclable material, and preparation of all recyclable material for transportation, shall be in full compliance with U.S. Department of Transportation and other Federal regulations, and all State regulations, governing the transportation of hazardous materials.
- (12) Annual Reporting. All permittees shall submit to the Department an annual report covering all recyclable material they handle. Each annual report shall be submitted to the Department no later than March 1 for the proceeding calendar year. The permittee shall use the form prescribed by the Department for Annual Reports submitted in compliance with 310 CMR 30.205(12). All annual reports shall include at least the following information:
  - (a) The EPA identification number of the generator; and
  - (b) the name and EPA identification number of the transporters used.
- (13) Dust Suppression and Road Treatment. The use of regulated recyclable material for dust suppression or road treatment is prohibited. The provisions set forth in 310 CMR 30.205(9) shall apply to such activity.
- (14) Speculative Accumulation. Speculative accumulation is prohibited. The permittee shall make and keep records that will adequately demonstrate that there has occurred no speculative accumulation. Such records shall include, but not be limited to, the following:
  - (a) Records showing the amount of material being accumulated or stored at the beginning of the calendar year;
  - (b) Records showing the amount of material received or generated during the

calendar year;

- (c) Records showing the amount of materials being accumulated or stored at the end of the calendar year; and,
  - (d) Records showing the amount of material that is recycled on-site, and/or that is transferred to a different site for recycling.
- (15) Personnel Training. The permittee shall instruct, or give on-the-job training to, personnel involved in any activity authorized by the permit, so that such instruction or on-the-job training teaches such personnel how to comply with the conditions of the permit and to carry out the authorized activity in a manner that is not hazardous to public health, safety, or welfare, or the environment.
- (16) Emergency Prevention and Response. The permittee shall plan and prepare for fires, explosions, or other occurrences that might result in release of oil or hazardous materials to the environment or otherwise constitute a potential hazard to public health, safety, or welfare, or the environment. Without limiting the generality of the foregoing, if the permit authorizes the operation of a recycling facility, the design and operation of the recycling facility shall be in compliance with the requirements set forth in 310 CMR 30.524(1).
- (17) Transfer of Permits. Each permit issued pursuant to 310 CMR 30.200 shall be valid only for the person to whom it is issued and may not be transferred. Operation by an owner or operator other than those named in the permit shall be in violation of 310 CMR 30.000, and a basis for suspension or revocation of the permit, or for other enforcement action.
- (18) Permit Expiration. Permits issued pursuant to 310 CMR 30.200 are in effect for a period of up to five years from the date of issuance. To continue the specified activity beyond this five-year period, the permittee must reapply for a permit during the effective period of the existing permit. If the permittee wishes to engage in an activity different from the one specified in the permit, the permittee must receive a permit for the new activity prior to engaging in that activity.
- (19) Storage and Accumulation in Tanks and Containers. Regulated recyclable materials shall be stored or accumulated only in tanks or containers. Generators of regulated recyclable materials that are waste oil or used oil fuel shall comply with applicable container and tank requirements in 310 CMR 30.253. Generators of all other regulated recyclable materials shall comply with applicable container and tank requirements in 310 CMR 30.340 (for large quantity generators), 30.351 (small quantity generators), or 310 CMR 30.353 (very small quantity generators), respectively. Each tank or container in which regulated recyclable material is being accumulated or stored and each outside container into which small

containers are packed shall be clearly marked and labeled throughout the period of accumulation or storage with the following:

- (a) The words "Regulated Recyclable Material";
- (b) regulated recyclable material(s) identified in words (*e.g.*, acetone, toluene);
- (c) type of hazard(s) associated with the material(s) indicated in words (*e.g.*, ignitable, toxic, dangerous when wet);
- (d) The date upon which each period of accumulation or storage begins, marked on each tank or container at the time accumulation or storage begins in that tank or container, except that tanks containing regulated recyclable materials to be lawfully recycled are exempt from dating requirements if hard-piped and integrally connected to a used oil fired space heater. Marks and labels shall be placed on the sides of each tank or container in such a manner that they are clearly visible for inspection.

VII. All hazardous waste generated from recycling activities shall be subject to all applicable regulations including 310 CMR 30.000.

All residues or byproducts of recycling will be considered hazardous waste unless demonstrated otherwise.

VIII. Failure to comply shall be grounds for enforcement action including without limitation, permit suspension and revocation.

IX. Within 6 months prior to the expiration of this permit, the permittee shall re-apply to the Department. In accordance with General Law Chapter 30A Section 13 re-application will allow the continued operation of the approved recycling activity until a new permit is issued or denied. Failure to re-apply will result in immediate suspension of all approved recycling activities on the expiration date of this permit.

X. This permit is not transferable to other persons, locations or activities.

THIS PERMIT AUTHORIZES ONLY THE NAMED PERMITTEE TO ENGAGE IN THE ACTIVITIES DESCRIBED ABOVE AT THE LOCATION DESCRIBED ABOVE. THIS PERMIT DOES NOT GRANT ANY RIGHTS NOT OTHERWISE GRANTED BY FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, OR REGULATIONS. THE PERMITTEE SHALL COMPLY AT ALL TIMES WITH ALL STATE AND FEDERAL REGULATIONS AND STATUTES APPLICABLE TO THE MANAGEMENT OF REGULATED RECYCLABLE MATERIALS.

Christopher Tilden, P.E.  
Regional Engineer for Waste Prevention

Date

## **APPEAL OF APPROVAL**

This Approval is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts that are the grounds for the request, and the relief sought. Additionally, the request must state why the Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

**Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211**

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

**ENDNOTES:**

<sup>1</sup> Regulated Recyclable Material means any recyclable material which:

- (a) has a characteristic described in 310 CMR 30.120 through 310 CMR 30.125, or
- (b) is listed or otherwise described in 310 CMR 30.131 through 310 CMR 30.136, or
- (c) has been determined by the Department to be a hazardous waste pursuant to 310 CMR 30.144.

Recyclable Material means any material other than an inherently waste-like material that is used, reused or reclaimed.

(a) Used or reused material means any material that is either:

- 1. employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
- 2. employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

(b) Reclaimed material means any material that is processed to recover a usable product or that is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

<sup>2</sup> Class A regulated recyclable materials are those regulated recyclable materials that, because of some inherent property of the materials, or because of some inherent property of the recycling process, or because the conditions of the recycling are such as to motivate the recycler to manage the recycling with minimum hazard to public health, safety, and welfare, and the environment, have been determined by the Department to require a degree of regulation sufficiently stringent to protect public health, safety, and welfare, and the environment, from any significant potential hazard, but not so stringent as to discourage the recycling of these materials as a socially and environmentally desirable alternative to disposal. The following are Class A recyclable materials:

(1) Those regulated recyclable materials that are neither used in a manner constituting disposal nor burned for energy recovery nor accumulated speculatively and are either:

(a) used or reused as ingredients in an industrial process to make a product, provided that the materials are not being reclaimed; or

(b) used or reused as substitutes for commercial products; or

(c) generated onsite, removed from the original production process, and returned as substitutes for feedstock in the original production process without being reclaimed.

(2) Industrial ethyl alcohol that is reused or reclaimed; however, persons initiating a shipment for reclamation in a foreign country, and any intermediary arranging for such a shipment shall also comply with the requirements of 40 CFR 261.6(a)(3)(i)(A) and transporters transporting such a shipment for export shall comply with 40 CFR 261.6(a)(3)(i)(B), as in effect on July 1, 2001, and which are adopted with the following additions, modifications and exceptions:

(a) The following text is added after “262.57”: “as adopted at 310 CMR 30.361”.

(b) The following text is added after “subpart E of part 262”: “as adopted at 310 CMR 30.361”.

(3) Scrap metal not otherwise excluded at 310 CMR 30.202(5).

(4) Used oil fuel burned at the site of generation for energy recovery in a used oil fuel fired space heater and in compliance with the applicable provisions of 310 CMR 30.222 and 30.256.

(5) A sludge having the characteristics of a hazardous waste when being reclaimed.

(6) A by-product having the characteristics of a hazardous waste when being reclaimed.

(7) A commercial chemical product listed in 310 CMR 30.133 or 30.136, or that exhibits a hazardous waste characteristic described at 310 CMR 30.120, which has never been used and which is being reclaimed.

(8) Waste oil, including but not limited to waste oil that has the characteristics of a hazardous waste and is not hazardous waste fuel, if recycled in some other manner than being burned for energy recovery.

(9) Specification used oil fuel burned for energy recovery in a fossil fuel utilization facility other than a used oil fuel fired space heater, and otherwise handled in compliance with 310 CMR 30.250.

(10) A material recycled in a completely enclosed recycling system at the site of generation (*e.g.*, stills, silver recovery units), except such material recycled at a photo processor subject to 310 CMR 71.00, and except such material recycled at a printer subject to 310 CMR 71.00, provided:

(a) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators); and

(b) The reclaimed material is not used to produce:

1. a fuel, including a hazardous waste fuel, or
2. products that are used in a manner constituting disposal.

