

Final Amendments to 310 CMR 19.000 Regulations

19.003: Applicability

(1) 310 CMR 19.000 shall apply to all solid waste management activities and facilities including, without limitation, landfills, dumping grounds, transfer stations, solid waste combustion facilities, solid waste processing and handling facilities, recycling facilities, refuse composting facilities and other works or sites for the storage, transfer, treatment, processing or disposal of solid waste and the beneficial use of solid waste.

(2) 310 CMR 19.014 and 310 CMR 19.017 also shall apply to any person disposing or contracting for disposal or transport of solid waste or restricted materials listed in Table 310 CMR 19.017(3).

19.006: Definitions

[Add the following definition for commercial organic material after the definition of combustion facility.]

Commercial Organic Material means food material and vegetative material from any entity that generates more than one ton of those materials for solid waste disposal per week, but excludes material from a residence.

[Add the following definition of food material after the definition of floodplain.]

Food Material means material produced from human or animal food production, preparation and consumption activities and which consists of, but is not limited to, fruits, vegetables, grains, and fish and animal products and byproducts.

[Add the following definition for residence or residential after the definition of refuse.]

Residence or Residential means a single, multi-family, or group home, or apartment complex. For purposes of 310 CMR 19.000, a group home means an establishment, usually resembling a private home, for providing a small group of persons with special needs, such as handicapped or elderly persons or children, with lodging and supervised care. Residence does not include any centralized dining facility.

[Revise the following definition for restricted materials.]

Restricted Material means any material subject to a waste restriction at a solid waste management facility pursuant to 310 CMR 19.017(3).

Vegetative Material means plant material.

19.013: Exemptions

(1) Facilities and Operations Not Subject to 310 CMR 19.000. Facilities and operations exempted from site assignment by the Site Assignment for Solid Waste Facilities Regulations, 310 CMR 16.05: *Applicability*, are exempted from the requirements of 310 CMR 19.000, with the exception of 310 CMR 19.017, which applies to any person disposing or contracting for disposal or transport of solid waste or restricted materials listed in Table 310 CMR 19.017(3).

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[19.013(2) is not repeated here because no changes to such subsection are proposed.]

19.017: Waste Bans

(1) Purpose. The Department may restrict or prohibit the disposal, or transfer for disposal, of certain components of the solid waste stream when it determines that:

- (a) disposal of the material presents a potential adverse impact to public health, safety or the environment;
- (b) a restriction or prohibition will result in the extension of the useful life or capacity of a facility or class of facilities or reduce its environmental impact; or
- (c) a restriction or prohibition will promote reuse, waste reduction, or recycling.

(2) General and Specific Restrictions. Where the Department makes a determination to restrict or prohibit the disposal, or transfer for disposal, of a particular material it may:

- (a) require as a condition of issuance of a permit that a facility prohibit or limit the disposal, or transfer for disposal, of particular types of material;
- (b) require as a condition of continued operation under an existing plan approval or permit that a facility or a class of facilities prohibit or limit the disposal, or transfer for disposal, of particular types of material; or
- (c) determine that a specific facility or class of facilities are not approved for the disposal of particular types of material and may not contract for the disposal of particular types of material. For the purpose of 310 CMR 19.017 disposal or contract for disposal shall include, but not be limited to:
 - 1. entering into an agreement to dispose or transport for disposal of materials restricted from disposal in violation of 310 CMR 19.000;
 - 2. depositing restricted materials for collection, contracting for the collection of such materials or collecting or transporting such materials in a manner which results in the disposal of materials in violation of 310 CMR 19.000; or
 - 3. intentionally contaminating or co-mingling with solid waste pre-sorted material restricted from disposal which would result in the need to dispose of said material in violation of 310 CMR 19.000.

(3) Compliance with Waste Restrictions.

(a) Effective on the dates specified in Table 310 CMR 19.017(3) restrictions on the disposal or transfer for disposal of the materials listed therein shall apply as specified. No person shall dispose, transfer for disposal, or contract for disposal or transport of the restricted material, except in accordance with the restriction established in the Table. Any person who disposes, transfers for disposal or contracts for disposal or

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transport of restricted material may be subject to enforcement by the Department pursuant to 310 CMR 19.081.

(b) No landfill, transfer facility or combustion facility shall accept the restricted material except to handle, recycle or compost the material in accordance with a plan submitted pursuant to 310 CMR 19.017(6) and approved by the Department.

(c) On the effective date of the restrictions on Cathode Ray Tubes (CRTs), specified in Table 310 CMR 19.017(3), all persons shall segregate CRTs from the solid waste stream.

Table 310 CMR 19.017(3)

Restricted Material	Effective Date of Restriction for Landfills or Combustion Facilities	Effective Date of Restriction for Transfer Facilities	Restriction
Lead Batteries	December 31, 1990	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Leaves	December 31, 1991	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Tires	December 31, 1991	April 1, 2000	Ban on disposal or transfer for disposal of whole tires only at landfills. Tires must be shredded prior to disposal in landfills.
White Goods	December 31, 1991	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Other Yard Waste	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Aluminum Containers	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Metal or Glass	December 31, 1992	April 1, 2000	Ban on disposal or

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Containers			incineration or transfer for disposal at a solid waste disposal facility
Single Polymer Plastics	December 31, 1994	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Recyclable Paper	December 31, 1994	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Cathode Ray Tubes	April 1, 2000	April 1, 2000	Ban on disposal, incineration, or transfer for disposal, at a solid waste disposal facility
Asphalt Pavement, Brick and Concrete	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Metal	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Wood	July 1, 2006	July 1, 2006	Ban on disposal or transfer for disposal at landfills
Clean Gypsum Wallboard	July 1, 2011	July 1, 2011	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Commercial Organic Material	October 1, 2014	October 1, 2014	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility

(4) Criteria for Determinations of Waste Restrictions on Other Materials. In determining whether to restrict or prohibit the disposal of other materials the Department may consider:

- (a) the nature and degree of potential adverse impacts;
- (b) the quantities of restricted materials generated;
- (c) the availability of non-disposal management options for the restricted materials;
- (d) the economic impact on the facility, class of facilities or generators subject to the restriction;

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(e) such other factors as the Department deems relevant to such a determination.

[The following language was moved from 19.017(6).]

(5) Exceptions. The Department may allow a facility or person to temporarily dispose or temporarily contract for the disposal of restricted materials, with prior notification and approval of the Department, under the following circumstances:

(a) the material is contaminated or is otherwise not acceptable for recycling or composting, provided that the person who contaminated or rendered the material unfit for recycling or composting takes any action necessary to prevent a recurrence of the conditions which contaminated or rendered the material unfit; or

(b) the recycling or composting operation or end user to which the restricted material is normally sent declines to accept the material or is prohibited from accepting the material as a result of an administrative or judicial order, provided that an alternative recycling or composting operation or storage facility which will accept the material cannot be found within a reasonable time.

(6) Waste Ban Plan Submissions.

(a) The permittee or operator shall submit a plan, or modify an existing approved plan to include newly banned materials, which describes the actions to be taken to comply with the restrictions imposed at 310 CMR 19.017(3). The plan shall be submitted to the appropriate regional office of the Department.

(b) The waste ban plan shall address the following:

1. Ongoing waste stream monitoring of all incoming loads, including:

- a. monitoring procedures;
- b. unacceptable quantities and *de minimus* acceptable quantities; and
- c. record keeping.

2. Comprehensive load inspections, including:

- a. loads not subject to comprehensive load inspections;
- b. load selection;
- c. inspection procedures;
- d. unacceptable quantities and *de minimus* acceptable quantities; and

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e. record keeping.

3. Facility response to failed loads, including:

a. communication; and

b. failed load disposition.

4. Other compliance plan elements, including:

a. training;

b. signage; and

c. annual waste ban report.

(c) In determining the adequacy of a plan the Department may consider, without limitation: the anticipated quantities and sources of restricted materials; the contractual terms which affect the delivery of said materials; the expected maximum and minimum percentages of diversion of said materials prior to delivery to the facility and capture of said materials at the facility; the design, operational, educational, informational, financial and marketing mechanisms to be employed to achieve compliance with the restriction; and the weighing and record keeping systems by which the Department can verify compliance with the restriction.

(d) Facilities shall submit such plans at least 90 days prior to the effective date of the ban. The schedule shall not limit the Department from requiring submission of a plan as part of an application for a new or existing facility permit or modification of a permit or plan approval.

(7) Compliance with Waste Ban Plan. Failure to comply with approved plans submitted pursuant to 310 CMR 19.017(6) or applicable permit conditions shall constitute a violation of 310 CMR 19.000. The Department may allow *de minimis* quantities of restricted materials, as determined by the Department, to be disposed by the facility. The Department may require, in lieu of an enforcement action described in 310 CMR 19.081, a modified plan to be submitted when restricted materials are being disposed of in excess of approved amounts.