

SENATE NO. 469

AN ACT TO ENHANCE THE SAFE TRANSPORTATION OF WASTE MATERIALS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

- 1 SECTION 1. Section 7 of the Chapter 21 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by inserting the following sentence at the end thereof:-
3 “Notwithstanding any general or special law to the contrary, no person duly licensed as a
4 transporter, who acts in compliance with 40 CFR 263.12 and 49 CFR 171, shall be prohibited
5 from transferring hazardous waste, incidental to transport, provided that:
- 6 (ii) transfer of hazardous waste from one transporter to another is indicated on the Manifest as
7 Second Transporter.
 - 8 (iii) if consolidation of loads takes place by moving containers from one transport vehicle to
9 another or containers are removed from transport vehicles prior to being reloaded, the transfer
10 or area must be designed with appropriate secondary containment.
- 11 For purposes of this section, a secondary containment area for purposes of conducting transfers
12 incident to transport shall have a containment system that is designed and operated as follows:
- 13 (i) A base must underlay the containers which is free of cracks or gaps and is sufficiently
14 impervious to contain leaks, spills, and accumulated precipitation until the collected material is
15 detected and removed;

- 16 (ii) The base must be sloped or the containment system must be otherwise designed and
17 operated to drain and remove liquid resulting from leaks, spills, or precipitation, unless the
18 containers are elevated or are otherwise protected from contact with accumulated liquids.
- 19 (iii) The containment system must have sufficient capacity to contain 10 percent of the volume
20 of containers or the volume of the largest container, whichever is greater. Containers that do not
21 contain free liquids need not be considered in this determination.
- 22 (iv) Run-on into the containment system must be prevented unless the collection system has
23 sufficient excess capacity in addition to that required in subparagraph (iii) of this paragraph to
24 contain any run-on which might enter the system.
- 25 (v) Spilled or leaked waste and accumulated precipitation must be removed from the sump or
26 collection area in a timely a manner as is necessary to prevent overflow of the collection system.
- 27 (2) Storage areas that store containers holding only wastes that do not contain free liquids need
28 not have a containment system as defined above provided that:
- 29 (i) the storage area is sloped or is otherwise designed and operated to drain and remove liquid
30 resulting from precipitation; or
- 31 (ii) the containers are elevated or are otherwise protected from contact with accumulated liquid.