

19.061: Special Waste

(1) General. The management of special waste shall not result in adverse impacts to the public health, safety or the environment or result in nuisance conditions. Management of a special waste comprises the receipt, handling, storage, processing, treatment and/or disposal of such special waste.

(a) Except as provided at 310 CMR 19.061(3) and (4), the owner and operator of a facility may manage a special waste without prior written approval from the Department.

(b) The owner and operator of a facility with an existing special waste(s) approval issued before February 14, 2014, may continue to manage such special waste in accordance with the existing approval(s) or, alternatively, may manage special waste in accordance with 310 CMR 19.061 provided that:

1. an owner or operator of a transfer station that is not a C&D waste transfer station submits a certification in accordance with 310 CMR 19.035; or
2. an owner or operator of any other type of facility makes a submission in accordance with 310 CMR 19.034.

(2) Exclusions. The following special wastes are not subject to the management requirements of 310 CMR 19.061(3):

(a) Asbestos waste that consists of:

1. intact and unbroken vinyl asbestos tile (VAT);
2. asphaltic asbestos-containing siding products and asphaltic asbestos-containing roofing materials such as roofing felts and roofing shingles; or
3. other asbestos waste excluded by the Department in writing from the management requirements of 310 CMR 19.061(3).

(b) Medical or biological waste that has been rendered non-infectious in accordance with 105 CMR 480.000: *Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code Chapter VIII)*, and is packaged, labeled and otherwise managed in accordance with 105 CMR 480.000: *Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code Chapter VIII)*.

(3) Management Requirements for Asbestos Waste, Medical or Biological Waste, and Sludge.

(a) General Requirements. The following requirements shall apply to any facility handling or disposing asbestos waste, medical or biological waste, or sludge unless such material has been excluded pursuant to 310 CMR 19.061(2) or is managed in accordance with 19.061(4):

1. at least 45 days prior to accepting asbestos waste, medical or biological waste, or sludge, the facility owner or operator submits to the appropriate Regional Office of the Department and the board of health of the municipality where the facility is located:
 - a. a certification in accordance with 310 CMR 19.035 for a transfer station which is not a C&D waste transfer station; or
 - b. a presumptive approval application in accordance with 310 CMR 19.034 for any other type of facility.
2. The submission shall include:
 - a. the type and quantity of asbestos waste, medical or biological waste, or sludge intended to be managed on a daily, weekly, monthly and yearly basis; and
 - b. the intended methods to be employed for managing the asbestos waste, medical or biological waste or sludge.

(b) Specific Requirements for Managing Asbestos Waste. In addition to the requirements at 310 CMR 19.061(1) and (3)a., asbestos waste shall be managed as follows:

1. Asbestos waste shall not be accepted for disposal at a solid waste combustion facility;
2. Asbestos waste that has not been properly wetted, containerized and labeled according to 310 CMR 7.15: *U Asbestos* shall not be accepted at any facility;
3. Asbestos waste that has been properly wetted, containerized and labeled shall be managed so as to maintain the integrity of the containers and to prevent emissions of asbestos fibers to the ambient air; and
4. Landfill Specific Requirements. In addition to the above requirements, any owner and operator of a landfill that receives asbestos waste shall observe the following requirements:
 - a. Asbestos waste shall be immediately disposed in the landfill and shall not be stored at the landfill prior to placement in the landfill;
 - b. Asbestos waste shall be placed in the landfill in such manner as to prevent the release of asbestos fibers to the ambient air during placement;
 - c. Asbestos waste placed in the landfill shall immediately be covered by sufficient amounts of either solid waste that does not contain asbestos or daily cover material,

to assure that no asbestos fibers are released to the ambient air during or subsequent to compaction;

d. Accurate records shall be maintained of the surveyed location(s) in the landfill of all asbestos waste. Locations of asbestos waste deposition shall be noted in the Notice of Landfill Operation required pursuant to 310 CMR 19.141. Locations of asbestos waste deposition shall also be included whenever information regarding the facility is recorded in the chain of title for the property on which the landfill operates pursuant to M.G.L. c. 111, § 150A;

e. Areas of the landfill containing asbestos waste shall be clearly marked by the operator;

f. Areas of the landfill containing asbestos waste shall not be excavated unless written approval is issued by the Department; and

g. Compliance with the applicable requirements of 40 CFR 61.154.

(c) Requirements for Managing Medical or Biological Waste. In addition to the requirements at 310 CMR 19.061(1) and (3)a., except as otherwise provided in 310 CMR 19.061(4) any owner and operator of a facility managing medical or biological waste shall manage such waste as follows:

1. Combustion Facilities. For disposal at a Combustion Facility, Medical or biological waste shall be treated, packaged, labeled and disposed of in accordance with 105 CMR 480.000: *Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code Chapter VIII)*.

2. Landfills. Medical or biological waste shall not be disposed in a landfill unless the waste is rendered non-infectious in accordance with 105 CMR 480.000: *Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code Chapter VIII)*.

(d) Requirements for Managing Sludge. In addition to the requirements at 310 CMR 19.061(1) and (3)a., any owner and operator of a facility shall manage sludge as follows:

1. General Requirements. Disposal of any sludge shall comply with the following requirements:

a. a sludge may be accepted at a disposal facility only after recycling or other reuse options, such as land application, conversion and composting, have been investigated by the applicant or by the generator of such sludge;

b. a sludge accepted at a facility shall not contain free draining liquids; and

c. a sludge disposed at a landfill shall contain a minimum of 20% solids.

2. Landfill Requirements for Sewage Treatment and Water Treatment Sludges. In addition to the requirements set forth at 310 CMR 19.061(3)(d)1., any owner or operator of a landfill shall ensure that sewage treatment and water treatment sludge disposed at a landfill shall be incorporated into the active face of a landfill in a 3:1 mixture of solid waste to sludge or placed in a designated area and covered immediately.

(4) Management of Medical or Biological Waste During Outbreaks of Infectious Disease in Animals.

In cases of an outbreak of an infectious disease in animals, as determined by an order of the Director of the Division of Animal Health at the Department of Agricultural Resources regarding diseased domestic animals or the Director of the Division of Fisheries and Wildlife regarding diseased wild animals, the Department, in consultation with the Department of Public Health concerning disposal methodology, may approve, in writing, any combustion facility(ies) or ash landfill, or other facility to accept infectious animal carcasses, contaminated animal waste (as defined at 105 CMR 480.010), and associated waste materials for disposal without the facility(ies) meeting the requirements at 310 CMR 19.061(3)(a) or (c) for as long as such approval remains in effect.