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Proposed Amendments to

310 CMR 30.000

Hazardous Waste

REGULATORY AUTHORITY:

M.G.L. c. 21C and c. 111, § 150A

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1. Modification to nicotine – P075 - listing

The list of acutely hazardous wastes at 310 CMR 30.136(2) is hereby amended by revising the two (2) P075 hazardous waste listings for “Nicotine, & salts” and “Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts” as follows:

Hazardous waste No.	Chemical abstracts No.	Substance
P075	¹ 54-11-5	Nicotine, & salts (<u>this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies</u>)
P075	¹ 54-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts (<u>this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies</u>)

2. Universal Waste Rule for Aerosol Cans

310 CMR 30.143(2) is amended by revising paragraphs (d) and (e) and adding paragraph (f) to read as follows:

30.143: Special Requirements for Regulated Recycled Materials and Universal Wastes

(1)

(2) The materials listed in 310 CMR 30.143(2)(a) through (~~ef~~), and further described in 310 CMR 30.1020, are exempt from regulation under 310 CMR 30.200 through 30.900, provided such wastes are managed in compliance with 310 CMR 30.1000:

- (a) Batteries;
- (b) Pesticides;
- (c) Thermostats;
- (d) Mercury-containing devices; ~~and~~
- (e) Mercury-containing lamps; ~~and~~
- (f) Aerosol cans.

30.1000: STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

30.1001: Scope

(1) The provisions of 310 CMR 30.1001 through 30.1099, cited collectively as 310 CMR 30.1000, establish requirements for managing universal wastes. 310 CMR 30.1000 established requirements for managing the following wastes as further described in 310 CMR 30.1020:

- (a) Batteries;
- (b) Pesticides;
- (c) Thermostats;
- (d) Mercury-containing devices; ~~and~~
- (e) Mercury-containing lamps; ~~and~~
- (f) Aerosol Cans

(2) The requirements of 310 CMR 30.1000 provide an alternative set of management standards in lieu of regulation under 310 CMR 30.200 through 30.900.

(3) Universal wastes that are not handled in compliance with 310 CMR 30.1000 are hazardous wastes, and shall be accumulated, collected, transported, stored, treated, and disposed of in compliance with all the requirements of 310 CMR 30.000 other than 310 CMR 30.1000.

30.1010: Definitions

Aerosol can means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.

Ampoule means an airtight vial made of glass, plastic, metal, or any combination of these materials.

Battery means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. Battery also includes an intact unbroken battery from which the electrolyte has been removed.

Destination Facility means a facility that is authorized to receive and recycle, treat, or dispose of a particular category of universal waste, except those management activities described in 310 CMR 30.1034(1), (3), (4), ~~and (5)~~, and (6) as well as 310 CMR 30.1044(1), (3), (4), ~~and (5)~~ and (6). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste. If located in Massachusetts, these facilities shall be properly licensed in compliance with 310 CMR 30.800, or be properly permitted in compliance with 310 CMR 30.290.

FIFRA means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136-136y).

Large Quantity Handler of Universal Waste means a universal waste handler who accumulates 5,000 kilograms or more total of universal waste at any time. This designation as a large quantity handler of universal waste is retained until such time as a change of status request is received by the Department in compliance with 310 CMR 30.1043, and through the end of the calendar year in which the change of status request was received.

Mercury-containing Device means any electrical product or component (excluding batteries, lamps and thermostats) which contains elemental mercury that is necessary for its operation and is housed within an outer metal, glass or plastic casing. Mercury-containing devices include, but are not limited to, thermocouples, thermometers,

manometers, barometers, sphygmomanometers, electrical switches and relays, as well as certain gas flow regulators and water meters.

Mercury-containing Lamp means any bulb or tube portion of an electric lighting device specifically designed to produce radiant energy including, but not limited to, incandescent, fluorescent, high intensity discharge, high pressure sodium, mercury vapor, metal halide and neon lamps in which mercury is purposely introduced by the manufacturer for the operation of the lamp.

Pesticide means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; provided that Pesticide shall not include any article that is a "new animal drug" within the meaning of section 201(w) of the Federal Food, Drug and Cosmetic Act, or that has been determined by the Secretary of the United States Department of Health, Education and Welfare not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x).

Small Quantity Handler of Universal Waste means a universal waste handler who accumulates less than 5,000 kilograms total of universal waste at any time.

Thermostat means a temperature control device that contains metallic mercury in an ampoule attached to a bimetal sensing element.

Universal Waste means any of the following hazardous wastes, as further described in 310 CMR 30.1020, that are managed under the universal waste requirements of 310 CMR 30.1000:

- (a) Batteries;
- (b) Pesticides;
- (c) Thermostats;
- (d) Mercury-containing devices; ~~and~~
- (e) Mercury-containing lamps; ~~and~~
- (f) Aerosol Cans

[Note: Not all batteries, pesticides and lamps are hazardous wastes, and therefore, they do not all qualify as universal wastes; such wastes may instead be managed as nonhazardous solid wastes.]

Universal Waste Handler.

- (a) Means:
 - 1. A generator of universal waste; or
 - 2. The owner or operator of a facility that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.
- (b) Does not mean:

1. A person who treats (except under the provisions of 310 CMR 30.1034(1), (3), (4), ~~or (5)~~; or (6) or 30.1044(1), (3), (4), ~~or (5)~~ or (6)), disposes of, or recycles universal waste; or
2. A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

Universal Waste Transfer Facility means any transportation-related facility, including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste batteries are held during the normal course of transportation for ten days or less.

Universal Waste Transporter means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

Waste Pesticide Collection Program means a program for the collection of unused pesticide products that has been authorized by the Department of Food and Agriculture that sets forth standards regarding the scope of the materials to be collected as well as accumulation, storage, packaging, labeling, training, notification and transport.

[NOTE: The collection of pesticides at a Household Hazardous Waste Collection Center or Event does not constitute a Waste Pesticide Collection Program, unless such collection is operated in compliance with Department of Food and Agriculture collection program requirements, as well as 310 CMR 30.390.]

30.1020: Applicability – Wastes Covered

(1) Batteries.

(a) Batteries Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000

apply to batteries, except those listed in 310 CMR 30.1020(1)(b).

(b) Batteries not Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 do not apply to the following batteries:

1. Spent lead-acid batteries that are managed under 310 CMR 30.280.
2. Batteries that are not subject to hazardous waste regulation. A battery is not Subject to hazardous waste regulation if it meets any of the following:
 - a. It has been used but has not yet been discarded or sent for recycling;
 - b. It has not been used and the handler has not decided to discard or recycle it; and
 - c. It does not exhibit one or more of the characteristics identified in 310 CMR 30.120.

(2) Pesticides.

(a) Pesticides Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 apply to the following pesticides, except for those described in 310 CMR 30.1020(2)(b):

1. Recalled pesticides that are:
 - a. Stocks of a suspended and cancelled pesticide that are part of a voluntary or mandatory recall under FIFRA Section 19(b) or the

Massachusetts Pesticide Control Act and their implementing regulations including, but not limited to, those owned by the registrant responsible for conducting the recall; or

b. Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA or the Massachusetts Pesticide Control Act and their implementing regulations, that are part of a voluntary recall by the registrant.

2. Stocks of other unused pesticide products that are collected and managed as part of a Waste Pesticide Collection Program.

(b) Pesticides Not Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 do not apply to pesticides that are not subject to hazardous waste regulation.

1. A recalled pesticide described in 310 CMR 30.1020(2)(a)1. is not subject to hazardous waste regulation if either:

a. it has not been used and:

- i. the handler has not decided to discard or recycle it; and
- ii. the handler has not discarded or recycled it; or

b. the pesticide is not listed and does not exhibit one or more of the characteristics identified in 310 CMR 30.120.

2. An unused pesticide product described in 310 CMR 30.1020(2)(a)2. Is not subject to hazardous waste regulation if either:

a. the handler has not decided to discard or recycle it; or

b. the pesticide is not listed and does not exhibit one or more of the characteristics identified in 310 CMR 30.120.

(3) Mercury Thermostats.

(a) Thermostats Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 apply to thermostats except those listed in 310 CMR 30.1020(3)(b).

(b) Thermostats Not Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 do not apply to thermostats that are not subject to hazardous waste regulation. A thermostat is not subject to hazardous waste regulation if it meets any of the criteria at 310 CMR 30.1020(1)(b)2.a. through c., it is not identified as a listed waste in 310 CMR 30.130, or if the mercury-containing components have been removed and the remaining unit meets the requirements of 30.1034(3)(c)3.

(4) Mercury-containing Devices.

(a) Mercury-containing devices Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 apply to mercury-containing devices except those listed in 310 CMR 30.1020(4)(b).

(b) Mercury-containing Devices Not Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 do not apply to mercury-containing devices that are not subject to hazardous waste regulation. A mercury-containing device is not subject to hazardous waste regulation if it meets any of the criteria listed in 310 CMR 30.1020(1)(b)2.a. through c., it is not identified as a listed waste in 310 CMR 30.130, or if the mercury-containing components have been removed and the remaining unit meets the requirements of 30.1034(4)(c)3.

(5) Mercury-containing Lamps.

(a) Mercury-containing Lamps Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 apply to mercury-containing lamps, except those listed in 310 CMR 30.1020(5)(b).

(b) Mercury-containing Lamps Not Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 do not apply to mercury-containing lamps, that are not subject to hazardous waste regulation. A mercury-containing lamp is not subject to hazardous waste regulation if it meets any of the criteria listed in 310 CMR 30.1020(1)(b)2.a. through c.

(6) Aerosol cans.

(a) Aerosol Cans Covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 apply to aerosol cans, as described in 310 CMR 30.1010, except those listed in 310 CMR 30.1020(6)(b).

(b) Aerosol cans not covered under 310 CMR 30.1000. The requirements of 310 CMR 30.1000 do not apply to the following types of aerosol cans:

1. Aerosol cans that are not yet waste, as defined at 310 CMR 30.010. 310 CMR 30.1020(c) of this section describes when an aerosol can becomes a waste;

2. Aerosol cans that are not hazardous waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in 310 CMR 30.120 or the aerosol can contains a substance that is listed in 310 CMR 30.130; and

3. Aerosol cans that meet the standard for empty containers under 310 CMR 30.106(2).

(c) Generation of waste aerosol cans.

1. A used aerosol can becomes a waste on the date it is discarded.

2. An unused aerosol can become a waste on the date the handler decides to discard it.

30.1030: Standards for Small Quantity Handlers of Universal Waste

30.1031: Applicability

The provisions of 310 CMR 30.1031 through 30.1039, cited collectively as 310 CMR 30.1030, apply to small quantity handlers of universal waste.

30.1032: Prohibitions

(1) A small quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting, treating or recycling universal waste, except by responding to releases as provided in 310 CMR 30.1036; or by managing specific wastes as provided in 310 CMR 30.1034.

30.1033: Notification, Change of Status, and Closure

(1) A small quantity handler of universal waste is not required to notify the Department of universal waste handling activities.

(2) A small quantity handler who has not already notified the Department of its hazardous waste activities and anticipates accumulating 5,000 kilograms or more total of universal waste shall send written notification of universal waste management to the Department,

and receive an EPA Identification Number, before meeting or exceeding the 5,000-kilogram limit. If the Department prescribes a form for such a notification, the handler submitting the notification shall use such form when making the notification. Such a notification, at a minimum, shall specify that the handler has become a large quantity handler and shall also specify that the handler is in compliance with 310 CMR 30.1040. Each notification shall be signed, certified and submitted in compliance with 310 CMR 30.006 and 30.009. The handler shall not thereafter change status except as provided in 30.1043.

(3) A small quantity handler of all universal wastes except batteries, who has already notified the Department of its hazardous waste activities and anticipates accumulating 5,000 kilograms or more total of universal waste, excluding batteries, shall submit to the Department, in writing, a change of status request. If the Department prescribes a form for such change of status requests, the handler submitting the change of status request shall use such form. Such a request, at a minimum, shall specify that the handler has become a large quantity handler and shall also specify that the handler is in compliance with 310 CMR 30.1040. Each change of status request shall be signed, certified and submitted in compliance with 310 CMR 30.006 and 310 CMR 30.009. The handler shall not thereafter change status except as provided in 310 CMR 30.1043. A small quantity handler of universal wastes batteries, who has already notified the Department of its hazardous waste activities and anticipates accumulating 5,000 kilograms or more of universal waste batteries, is not required to submit a change of status request.

(4) A small quantity handler of universal waste who ceases operations shall comply with 310 CMR 30.689.

30.1034: Waste Management

(1) Universal Waste Batteries. A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(a) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(b) A small quantity handler of universal waste may conduct any of the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

1. Sorting batteries by type;
2. Mixing battery types in one container;
3. Discharging batteries so as to remove the electric charge;
4. Regenerating used batteries;
5. Disassembling batteries or battery packs into individual batteries or cells;
6. Removing batteries from consumer products; or
7. Removing electrolyte from batteries.

(c) A small quantity handler of universal waste who removes electrolyte from batteries or who generates other waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the other waste exhibits a characteristic of hazardous waste identified in 310 CMR 30.120.

1. If the electrolyte or other waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 310 CMR 30.001 through 30.900.

The handler is considered the generator of the hazardous waste and is subject to 310 CMR 30.300.

2. If the electrolyte or other waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state and local solid waste laws and regulations.

(d) Labeling/Marking of Batteries. Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste–Battery(ies)", or "Waste Battery(ies)", or "Used Battery(ies)".

(e) Accumulation Standards. A small quantity handler of universal waste shall accumulate universal waste batteries in compliance with 310 CMR 30.1034(67).

(2) Universal Waste Pesticides. A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment and in compliance with all provisions of any applicable recall plan or Waste Pesticide Collection Program standards.

(a) The universal waste pesticides shall be contained in one or more of the following:

1. A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

2. A container that does not meet the requirements of 310 CMR 30.1034(2)(a)1., provided that the unacceptable container is overpacked in a container that does meet the requirements of 310 CMR 30.1034(2)(a)1.; or

3. An above ground tank that meets the requirements of 310 CMR 30.340(1)(a)2. and 30.340(1)(f), (g), (i), (j) and (k); or

4. A transport vehicle or vessel that is closed, structurally sound, with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(b) Labeling/Marking of Recalled Pesticides. A container, (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in 310 CMR 30.1020(2)(a)1. are contained shall be labeled or marked clearly with:

1. The label that was on or accompanied the product as sold or distributed; and

2. The words "Universal Waste–Pesticide(s)" or "Waste Pesticide(s)";

(c) Labeling/Marking of Pesticides Managed under a Waste Pesticide Collection Program. A container, tank, or transport vehicle or vessel in which unused pesticide products as described in 310 CMR 30.1020(2)(a)2. are contained shall be labeled or marked clearly with:

1. The label that was on the product when purchased, if still legible; or if the use

of such label is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172; or

2. If using the labels described in 310 CMR 30.1034(2)(c)1. is not feasible, another label prescribed or designated by the Waste Pesticide Collection Program; and

3. The words "Universal Waste–Pesticide(s)" or "Waste Pesticide(s)."

(d) Accumulation Standards. A small quantity handler of universal waste shall accumulate universal waste pesticides in compliance with 310 CMR 30.1034(67).

(3) Universal Waste Thermostats. A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(a) A small quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, vapor tight, structurally sound, compatible with the contents of the thermostat, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(b) A small quantity handler of universal waste may remove mercury-containing ampoules from universal waste thermostats provided the handler:

1. Removes the ampoules in a manner designed to prevent breakage of the ampoules;

2. Removes ampoules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampoule in case of breakage);

3. Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampoules, from the containment device to a container that meets the requirements of 310 CMR 30.342(1)(a) through (g);

4. Immediately transfers any mercury resulting from spills or leaks from broken ampoules from the containment device to a container that meets the requirements of 310 CMR 30.342(1)(a) through (g);

5. Ensures that the area in which ampoules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury, as in effect on July 1, 2012;

6. Ensures that employees removing ampoules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

7. Manages removed ampoules as a hazardous waste or regulated recyclable material in compliance with all applicable provisions of 310 CMR 30.001 through 310 CMR 30.900 and packs containers holding removed ampoules with packing materials adequate to prevent breakage during storage, handling and transportation.

(c) A small quantity handler of universal waste who removes mercury-containing ampoules from thermostats shall:

1. Determine whether the following exhibit a characteristic of hazardous waste identified in 310 CMR 30.120:

- a. Mercury or clean-up residues resulting from spills or leaks; and/or
 - b. Other waste generated as a result of the removal of mercury-containing ampoules (e.g., remaining thermostat components).
2. If the mercury, residues, and/or other waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of 310 CMR 30.001 through 30.900. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage it in compliance with 310 CMR 30.300.
 3. If the mercury, residues, and/or other waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.
- (d) Labeling/marketing of Thermostats. Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste–Mercury Thermostat(s)", or "Waste Mercury Thermostat(s)", or "Used Mercury Thermostat(s)". If universal waste thermostats and universal waste mercury-containing devices are placed within the same container, then the labeling/marketing provisions of 310 CMR 30.1034(4) shall apply.
- (e) Accumulation Standards. A small quantity handler of universal waste shall accumulate universal waste thermostats in compliance with 310 CMR 30.1034(67).
- (4) Mercury-containing Devices. A small quantity handler of universal waste shall manage universal waste mercury-containing devices in a way that prevents releases of any universal waste or component of a universal waste to the environment as follows:
- (a) A small quantity handler shall hold in a container any universal waste mercury-containing device that has non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed, vapor tight, structurally sound, compatible with the contents of the mercury-containing device, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - (b) A small quantity handler of universal waste may:
 1. Mix different types of universal waste mercury-containing devices, or universal waste mercury-containing devices and universal waste thermostats, in one container; or
 2. Remove mercury-containing ampoules from universal waste mercury-containing devices provided the handler complies with 310 CMR 30.1034(3)(b)1. through 7. and 30.1034(4)(c).
 3. Remove the open original housing holding the mercury from universal waste mercury-containing devices provided the handler:
 - a. immediately seals the original housing with an air-tight seal to prevent the release of any mercury to the environment; and
 - b. complies with 310 CMR 30.1034(3)(b)1. through 7., and 310 CMR 30.1034(4)(c).
 - (c) Management of mercury and mercury-containing residues.
 1. A small quantity handler of universal waste who removes mercury-containing ampoules from mercury-containing devices or seals mercury from open original

housing from mercury-containing devices shall determine whether the following exhibit a characteristic of hazardous waste identified in 310 CMR 30.120:

- a. Mercury or clean-up residues resulting from spills or leaks; and/or
- b. Other waste generated as a result of the removal of mercury-containing ampoules or open original housing (e.g., remaining mercury-containing device units).

2. If the mercury, residues, and/or other waste exhibit a characteristic of Hazardous waste, such wastes shall be managed in compliance with all applicable requirements of 310 CMR 30.001 through 30.900. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage such wastes in compliance with 310 CMR 30.300.

3. If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste laws and regulations.

(d) Labeling/Marking of Mercury-containing Devices. Universal waste mercury-containing devices (i.e., each mercury-containing device), or a container in which the mercury containing devices are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste–Mercury-containing Device(s)", or "Waste Mercury-containing Device(s)", or "Used Mercury-containing Device(s)".

(e) Accumulation Standards. A small quantity handler of universal waste shall accumulate universal waste mercury-containing devices in compliance with 310 CMR 30.1034(~~6~~7).

(5) Mercury-containing Lamps. A small quantity handler of universal waste shall manage universal waste mercury-containing lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment as follows:

(a) A small quantity handler of universal waste must contain any lamp in a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must be maintained to prevent leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. A small quantity handler must immediately cleanup and shall hold in a container any broken mercury-containing lamps and any lamp that shows evidence of breakage, leakage or damage that could cause the release of mercury or other hazardous constituents to the environment. The container shall be closed, vapor tight, structurally sound, compatible with the contents of the mercury-containing lamp, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. Incidental numbers of broken mercury-containing lamps, resulting from unintentional breakage during routine handling and transportation, and managed in accordance with 310 CMR 30.1034(5)(a), may be shipped off-site as a universal waste.

(b) A small quantity handler of universal waste may remove mercury-containing Ampoules from universal waste mercury-containing lamps (i.e., High Intensity Discharge lamps) provided the handler complies with 310 CMR 30.1034(3)(b)1. Through 7., and 30.1034(5)(c).

(c) Management of Mercury and Mercury-containing Residues.

1. A small quantity handler of universal waste who conducts activities in compliance with 310 CMR 30.1034(5)(b)1. shall determine whether the

following exhibit a characteristic of hazardous waste identified in 310 CMR 30.120:

- a. Mercury or clean-up residues resulting from spills or leaks; and/or
- b. Other waste generated as a result of the removal of mercury-containing ampoules (e.g., remaining mercury-containing lamp), crushing or dismantling of mercury containing lamps.

2. Mercury ampoules, residues, and/or other wastes exhibiting a characteristic of hazardous waste, shall be managed in compliance with all applicable requirements of 310 CMR 30.001 through 30.900. The handler is considered the generator of the mercury ampoules, residues, and/or other waste and shall manage it in compliance with 310 CMR 30.300.

3. If the mercury ampoules, residues, and/or other solid waste are not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste laws and regulations.

(d) Labeling/Marking of Mercury-containing Lamps. Universal waste mercury-containing lamps (i.e., each mercury-containing lamp), or a container in which the mercury-containing lamps are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste–Mercury-containing Lamp(s)", or "Waste Mercury-containing Lamp(s)", or "Used Mercury-containing Lamp(s)".

(e) Accumulation Standards. A small quantity handler of universal waste shall accumulate universal waste mercury-containing lamps in compliance with 310 CMR 30.1034(~~67~~).

(6) Aerosol cans. A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(a) Universal waste aerosol cans must be accumulated in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.

(b) Universal waste aerosol cans that show evidence of leakage must be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained in accordance with the requirements of 310 CMR 30.1034(6)(d)(4).

(c) A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:

1. Sorting aerosol cans by type;

2. Mixing intact cans in one container; and

3. Removing actuators to reduce the risk of accidental release; and

(d) A small quantity handler of universal waste who punctures and drains their aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

1. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof.
2. Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.
3. Ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.
4. Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 310 CMR 30.353(6)(g)-(h).
5. Conduct a hazardous waste determination on the contents of the emptied aerosol can per 310 CMR 30.302. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 310 CMR 30.000. The handler is considered the generator of the hazardous waste and is subject to 310 CMR 30.000.
6. If the contents are determined to be nonhazardous, the handler may manage the waste in any way that is in compliance with applicable Federal, state, or local solid waste regulations.
7. A written procedure must be in place in the event of a spill or leak and a spill clean-up kit must be provided. All spills or leaks of the contents of the aerosol cans must be cleaned up promptly.

(e) Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)".

(f) Accumulation Standards. A small quantity handler of universal waste shall accumulate universal waste aerosol cans in compliance with 310 CMR 30.1034(7).

(67) Accumulation Time Limits.

(a) Provided the small quantity handler of universal waste is not the sponsor of a household hazardous waste collection event, a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of 310 CMR 30.1034(67)(b) are met. A small quantity handler of universal waste who is a sponsor of a household hazardous waste collection event shall comply with the accumulation limits of 310 CMR 30.392(2).

(b) Provided the small quantity handler of universal waste is not a sponsor of a Household hazardous waste collection event, a small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is

solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler shall make this demonstration by:

1. Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 2. Marking or labeling each individual item of universal waste that is not in a container described in 310 CMR 30.1034(67)(c)1. with the date it became a waste or was received, excluding any mercury-containing lamps, mercury-containing devices with non-contained elemental mercury, and any item of universal waste which shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Such items must be placed in a container pursuant to the applicable management requirements for universal waste handlers at 310 CMR 30.1034;
 3. Maintaining an inventory system on-site that identifies the date each universal Waste became a waste or was received;
 4. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
 5. Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received;
- or
6. Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste of proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility. For examples of topics that can be addressed in employee training, see 310 CMR 30.516(2).

30.1036: Response to Releases

(1) A small quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(2) A small quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of 310 CMR 30.001 through 30.900. The handler is considered the generator of the material resulting from the release, and shall manage it in compliance with 310 CMR 30.300.

30.1037: Off-site Shipments

- (1) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
- (2) If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of 310 CMR 30.1050 while transporting the universal waste.
- (3) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 through 180, a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in compliance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180.
- (4) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.
- (5) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:
 - (a) Receive the waste back when notified that the shipment has been rejected; or
 - (b) Agree with the receiving handler on a destination facility to which the shipment will be sent.
- (6) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste received from another handler. If a handler rejects a shipment or a portion of a shipment, that handler shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:
 - (a) Send the shipment back to the originating handler; or
 - (b) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
- (7) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the shipment, and provide the name, address and phone number of the originating shipper, and the type and amount of waste shipped. The Department will provide instructions for managing the hazardous waste.

30.1038: Tracking Universal Waste Shipments

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

30.1039: Exports

A small quantity handler of universal waste who sends universal waste to a foreign destination shall:

- (1) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a)(1) through (4), 262.56(a)(6), 262.56(b) and 262.57, as incorporated by reference at 310 CMR 30.361(2)(a), and (b);
- (2) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent; and

- (3) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

30.1040: Standards for Large Quantity Handlers of Universal Waste

30.1041: Applicability

The provisions of 310 CMR 30.1041 through 30.1049, cited collectively as 310 CMR 30.1040, apply to large quantity handlers of universal waste.

30.1042: Prohibitions

A large quantity handler of universal waste is required to comply with the prohibitions stated at 310 CMR 30.1032.

30.1043: Notification

- (1) EPA Identification Number.

- (a) Except as provided in 310 CMR 30.1043(1)(b), a large quantity handler of universal waste shall have sent written notification of universal waste management to the Department, and received an EPA Identification Number, before meeting or exceeding the 5,000-kilogram accumulation limit.

- (b) A large quantity handler of any universal waste, except batteries, that has already notified the Department of its hazardous waste management activities and has received an EPA Identification Number is not required to obtain another EPA Identification Number, but shall notify the Department of its universal waste activity, excluding batteries. A large quantity handler of universal waste batteries that has already received an EPA Identification Number is not required to notify the Department of its universal waste battery activity.

- (2) This notification shall include:

- (a) The universal waste handler's name and mailing address;

- (b) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

- (c) The address or physical location of the universal waste management activities;

- (d) A list of all of the types of universal waste managed by the handler; and

- (e) A statement indicating that the handler is accumulating 5,000 kilograms or more of universal waste at one time.

- (3) A large quantity handler of any universal waste, except batteries, who ceases to be a large quantity handler and seeks to become a small quantity handler of any universal waste, except batteries, may submit to the Department, in writing, a change of status request. If the Department prescribes a form for such a notification, the handler submitting the notification shall use such form when making the notification. Such a notification shall, at a minimum, specify that the handler has become a small quantity handler and shall also specify that the handler is in compliance with 310 CMR 30.1030. Each change of status notification shall be signed, certified and submitted in compliance with 310 CMR 30.006 and 310 CMR 30.009. No change of status shall take effect, unless and until a change of status request is submitted to the Department in compliance with

this paragraph and the time limit imposed by 310 CMR 30.1043(4) has passed. A large quantity handler of universal waste batteries, who ceases to be a large quantity handler and seeks to become a small quantity handler of batteries, is not required to submit a change of status request.

(4) Where a notification has been received by the Department in compliance with 310 CMR 30.1033(1) and (2) or a change of status request has been received by the Department in compliance with 310 CMR 30.1033(3), the designation of large quantity handler of universal waste shall be retained through the end of the calendar year in which the change of status request was received.

(5) A large quantity handler of universal waste who ceases operations shall comply with 310 CMR 30.689. If such a handler wishes to cease having the status of a handler at that site, the handler may submit to the Department, in writing, a change of status request on a form prescribed by the Department, signed, certified and submitted in compliance with 310 CMR 30.006 and 310 CMR 30.009.

30.1044: Waste Management

(1) Universal Waste Batteries. A large quantity handler of universal waste shall manage universal waste batteries in compliance with 310 CMR 30.1034(1)(a) through (e).

(2) Universal Waste Pesticides. A large quantity handler of universal waste shall manage universal waste pesticides in compliance with 310 CMR 30.1034(2)(a) through (d).

(3) Universal Waste Thermostats. A large quantity handler of universal waste shall manage universal waste thermostats in compliance with 310 CMR 30.1034(3)(a) through (e).

(4) Mercury-containing Devices. A large quantity handler of universal waste shall manage universal waste mercury-containing devices in compliance with 310 CMR 30.1034(4)(a) through (e).

(5) Mercury-containing Lamps. A large quantity handler of universal waste shall manage universal waste mercury-containing lamps in compliance with 310 CMR 30.1034(5)(a) through (e).

(6) Aerosol Cans. A large quantity handler of universal waste shall manage universal waste aerosol cans in compliance with 310 CMR 30.1034(6)(a) through (f).

30.1045: Employee Training

A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper universal waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies. For examples of topics that can be addressed in employee training, see 310 CMR 30.516(2).

30.1046: Response to releases

A large quantity handler of universal waste shall comply with 310 CMR 30.1036.

30.1047: Off-site shipments

A large quantity handler of universal waste shall comply with 310 CMR 30.1037.

30.1048: Tracking universal waste shipments

(1) Receipt of shipments. A large quantity handler of universal waste shall keep a record of each shipment of universal waste received. The record shall take the form of a log, invoice, manifest, bill of lading, or other shipping document. All record-keeping shall be in compliance with 310 CMR 30.007. The record for each shipment of universal waste received shall include the following information:

- (a) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;
- (b) The quantity of each type of universal waste received;
- (c) The date of receipt of the shipment of universal waste.

(2) Shipments off-site. A large quantity handler of universal waste shall keep a record of each shipment of universal waste it sends off-site. The record shall take the form of a log, invoice, manifest, bill of lading or any other shipping document. The record for each shipment of universal waste sent shall include the following information:

- (a) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;
- (b) The quantity of each type of universal waste sent; and
- (c) The date the shipment of universal waste left the site.

(3) Record retention.

(a) A large quantity handler of universal waste shall retain the records described in 310 CMR 30.1048(1) for at least three years from the date of receipt of a shipment of universal waste. This period shall be automatically extended for the duration of any enforcement action.

(b) A large quantity handler of universal waste shall retain the records described in 310 CMR 30.1048(2) for at least three years from the date a shipment of universal waste left the facility. This period shall be automatically extended for the duration of any enforcement action.

30.1049: Exports

A large quantity handler of universal waste who sends universal waste to a foreign destination shall comply with 310 CMR 30.1039.

30.1050: Standards for Universal Waste Transporters

30.1051: Applicability

The provisions of 310 CMR 30.1051 through 30.1059, cited collectively as 310 CMR 30.1050, apply to universal waste transporters.

30.1052: Prohibitions

- (1) A universal waste transporter is prohibited from:
 - (a) disposing of or recycling universal waste; and
 - (b) diluting or treating universal waste, except by responding to releases as provided in 310 CMR 30.1054.

30.1053: Waste Management

- (1) A universal waste transporter shall comply with all applicable U.S. Department of

Transportation regulations in 49 CFR part 171 through 180 for transport of any universal waste¹

that meets the definition of hazardous material in 49 CFR 171.8.

(2) Transporters shall comply with the following requirements regarding universal wastes in transit:

(a) A universal waste transporter may hold universal waste batteries at a universal waste transfer facility for ten days or less.

(b) If a universal waste transporter holds universal waste batteries for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of 310 CMR 30.1030 or 30.1040 while holding the universal waste.

(c) For all universal wastes other than batteries managed in compliance with 310 CMR 30.1053(2)(a) or (b), a universal waste transporter shall comply with 310 CMR 30.408 regarding wastes in transit. [Note: five day limit and other restrictions apply under 310 CMR 30.408.]

30.1054: Response to Releases

(1) A universal waste transporter shall immediately contain all releases of universal wastes and other residues from universal wastes.

(2) A universal waste transporter shall determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of 310 CMR 30.001 through 30.900. If the waste is determined to be a hazardous waste, the transporter is subject to 310 CMR 30.300.

30.1055: Off-site Shipments

(1) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility or a foreign destination.

(2) If the universal waste being shipped off-site meets the Department of Transportation's definition of hazardous materials under 49 CFR 171.8, the shipment shall be properly described on a shipping paper in compliance with the applicable Department of Transportation regulations under 49 CFR part 172.

30.1056: Exports

A universal waste transporter transporting a shipment of universal waste to a foreign destination may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter shall ensure that:

(1) A copy of the EPA Acknowledgment of Consent accompanies the shipment; and

(2) The shipment is delivered to the facility designated by the person initiating the shipment.

30.1060: Standards for Destination Facilities

¹ For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the hazardous waste manifest requirements specified in 310 CMR 30.300. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.

The provisions of 310 CMR 30.1061 through 30.1069, cited collectively as 310 CMR 30.1060, apply to destination facilities.

30.1061: Applicability

The owner or operator of a destination facility is subject to all applicable requirements of 310 CMR 30.001 through 30.200 and 310 CMR 30.500 through 30.900.

30.1062: Shipments

- (1) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than another destination facility, or a foreign destination, except as provided in 310 CMR 30.1062(2)(a).
- (2) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, it shall contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall:
 - (a) Send the shipment back to the original shipper, or
 - (b) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.
- (3) If the owner or operator of a destination facility receives a shipment containing Hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify the Department in writing of the shipment, and provide the name, address, and phone number of the shipper and the type and amount of waste shipped. The facility owner or operator must manage the hazardous waste in compliance with 310 CMR 30.000.

30.1063: Tracking Universal Waste Shipments

- (1) The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record shall take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:
 - (a) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was received;
 - (b) The quantity of each type of universal waste received;
 - (c) The date of receipt of the shipment of universal waste.
- (2) The owner or operator of a destination facility shall retain the records described in 310 CMR 30.1063(1) for at least three years from the date of receipt of a shipment of universal waste. This period shall be automatically extended for the duration of any enforcement action. All recordkeeping shall be in compliance with 310 CMR 30.007.

30.1070: Import Requirements

The provisions of 310 CMR 30.1071 through 30.1079, cited collectively as 310 CMR 30.1070, apply to universal wastes that are imported from a foreign country.

30.1071: Imports

Persons managing universal waste that is imported from a foreign country into Massachusetts

are subject to the applicable requirements of 310 CMR 30.1000, immediately after the waste enters Massachusetts.

30.1080: Addition of Other Wastes Under 310 CMR 30.1000

30.1081: General

- (1) The Department may add a hazardous waste or a category of hazardous waste to the universal waste regulations of 310 CMR 30.1000 either on its own initiative or in response to a written request.
- (2) Each request to add a hazardous waste or a category of hazardous waste shall be submitted to the Department and include:
 - (a) The requester's name and address;
 - (b) A statement of the requester's interest in the addition of the waste to the universal waste rule;
 - (c) A description of the waste requested to be added to the universal waste rule and a description of the methods by which the waste is requested to be managed; and
 - (d) A statement of the need and justification for adding the new waste to the universal waste rule based upon the criteria contained within 310 CMR 30.1082, including any supporting tests, studies, or other information.
- (3) The Department will include additional wastestreams in the Universal Waste Rule only if it finds that regulation under 310 CMR 30.1000:
 - (a) is appropriate for the waste or category of waste;
 - (b) will improve management practices for the waste or category of waste; and
 - (c) will improve implementation of the hazardous waste program.
- (4) In making decisions to add hazardous waste or a category of hazardous waste to the Universal Waste Rule, the Department will consider the factors listed in 310 CMR 30.1082. The decision will be based on the weight of evidence showing that the standard established in 310 CMR 30.1081(3) has been satisfied.
- (5) During any stage of the evaluation, the Department may solicit additional information needed to evaluate the merits of adding a new waste to the universal waste rule.

30.1082: Factors for adding other wastes under 310 CMR 30.1000

- (1) The waste or category of waste, as generated by a wide variety of generators, is listed in 310 CMR 30.130, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in 310 CMR 30.120. (When a characteristic waste is added to the universal waste regulations of 310 CMR 30.1000 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in 310 CMR 30.1020 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries). Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of 310 CMR 30.1000;
- (2) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, very small quantity generators, small businesses, government organizations, as well as large industrial facilities);

- (3) The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;
- (4) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship (i.e., proper care and control) of the waste;
- (5) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes. Any specific management standards proposed (e.g., waste management requirements appropriate to be added to 310 CMR 30.1034, 30.1044, and 30.1053; and/or applicable Department of Transportation requirements) shall be protective of public health, safety, welfare and the environment during accumulation and transport;
- (6) Regulation of the waste or category of waste under 310 CMR 30.1000 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with M.G.L. c. 21C and 310 CMR 30.000.
- (7) Regulation of the waste or category of waste under 310 CMR 30.1000 will improve implementation of and compliance with the hazardous waste regulatory program; and/or
- (8) Such other factors as may be deemed appropriate by the Department.

3. Amendments Related to EPA Airbag Waste Exemption

Insert at 310 CMR 30.010 after Aerosol Can definitions

Airbag waste means any hazardous waste airbag modules or hazardous waste airbag inflators.

Airbag waste collection facility means any facility that receives airbag waste from airbag handlers subject to regulation under 310 CMR 30.104(3)(k) and accumulates the waste for more than ten days.

Airbag waste handler means any person, by site, who generates airbag waste that is subject to regulation under this chapter.

Insert after 310 CMR 30.104(3)(j) this new subsection (k):

(k) Airbag waste

1. Airbag waste at the airbag waste handler or during transport to an airbag waste collection facility or designated facility is not a hazardous waste and is not subject to the notification requirements of 310 CMR 30.060-064 provided that:

- a. The airbag waste is accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days;
- b. The airbag waste is packaged in a container designed to address the risk posed by the airbag waste and labeled “Airbag Waste-Do Not Reuse”;
- c. The airbag waste is sent directly to either:
 - i. An airbag waste collection facility in the United States under the control of a vehicle manufacturer or their authorized representative, or under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration, or
 - ii. A designated facility as defined in 310 CMR 30.010;

d. The transport of the airbag waste complies with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 during transit;
e. The airbag waste handler maintains at the handler facility for no less than three (3) years records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility. For each shipment, these records must, at a minimum, contain the name of the transporter and date of the shipment; name and address of receiving facility; and the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment. Confirmations of receipt must include the name and address of the receiving facility; the type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and the date which it was received. Shipping records and confirmations of receipt must be made available for inspection and may be satisfied by routine business records (e.g., electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

2. Once the airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste regulations, and the facility receiving airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste regulations and must comply with the requirements of 310 CMR 30.000, as applicable.

3. Reuse in vehicles of defective airbag modules or defective airbag inflators subject to a recall under the National Highway Traffic Safety Administration is prohibited.

4. Adoption of federal E-Manifest Regulations

Proposed revisions to 310 CMR 30.000:

Table of Contents.

30.310: The Manifest

30.311: General Requirements

30.312: Form of the Manifest

30.313: Number and Distribution of Copies for Six-part Manifest (EPA form 8700-22)

30.314: Manifest Distribution Requirements for Waste Reclaimed Pursuant to a Contractual Agreement

30.315: Manifest Distribution Requirements for Intrastate Shipments of Waste Oil, Intrastate Shipments by Very Small Quantity Generators, Wastes Sent to Research Demonstration and Development Facilities, and Research Study Waste

[NOTE TO REVIEWERS: In the Background Document for these proposed amendments MassDEP requests comment on whether it should delete 310 CMR 30.314 and 30.315 because they are seldom if ever used.]

30.316: Manifest Tracking Numbers, Manifest Printing and Obtaining Manifests

30.317: Waste Minimization Certification

310 CMR 30.010

Insert the following immediately after the definition of “DOT”:

Electronic manifest (or e-Manifest) means the electronic format of the hazardous waste manifest that is obtained from EPA’s national e-Manifest system and transmitted electronically to the system, and that is the legal equivalent of EPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

Electronic Manifest System (or e-Manifest System) means EPA’s national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

Delete the following definition:

~~Manifest means the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), originated and signed by the generator or offeror in accordance with the instructions in 40 CFR part 262, Appendix and the applicable requirements of 40 CFR parts 262 through 265, as in effect on July 1, 2006.~~

And insert in its place:

Manifest means the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), or the electronic manifest, originated and signed in accordance with the applicable requirements of 40 CFR parts 262 through 265.

Insert the following immediately after “Used Waste Oil”

User of the electronic manifest system means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person that:

(a) Is required to use a manifest to comply with:

(i) Any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

(ii) Any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

(b) Elects to use the system to obtain, complete and transmit an electronic manifest format supplied by the EPA electronic manifest system, or

(c) Elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with 40 CFR 264.71(a)(2)(v) or § 265.71(a)(2)(v). These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.

Revise 310 CMR 30.310

30.310: THE MANIFEST

310 CMR 30.311 through 30.317, cited collectively as 310 CMR 30.310, establish the general requirements for hazardous waste manifest forms 8700-22 and 8700-22A and requirements for manifest completion and distribution.

Revise 310 CMR 30.311 as follows:

30.311: General Requirements

(1) A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, disposal or use, must prepare a manifest (OMB Control number 2050-0039) on EPA form 8700-22, and 8700-22A if necessary, ~~and shall ensure that all required information~~

~~has been provided in accordance with the Appendix to Part 262—Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and their Instructions), as in effect on July 1, 2006~~2019, before the waste is transported off-site. Failure to complete any applicable portion of the manifest in compliance with 310 CMR 30.000 and the instructions on the manifest shall be a violation of M.G.L. c. 21C and of 310 CMR 30.000.

(a) The following requirements for the hazardous waste manifest and e-manifest system, as in effect on July 1, 2019, are hereby incorporated by reference: 40 CFR 262.20(a)(2)-(3), 40 CFR 262.24(a)-262.24(h), 40 CFR 262.25-262.25(a), 40 CFR 264.71(a)(2)-264.71(l)(5), 40 CFR 264.1086(c)(4)(i)-264.1086(d)(4)(i), 40 CFR 265.71(a)(2)-265.71(a)(2)(iv), 40 CFR 265.71(f)-265.71(l)(5), 40 CFR 265.1087(c)(4)(i), and 40 CFR 265.1087(d)(4)(i).

(2) The generator shall designate on the manifest the primary transporter and all continuing transporters.

(3) The generator shall designate on the manifest one facility to receive the hazardous waste described on the manifest. The designated facility shall meet the requirements of 310 CMR 30.305.

(4) The generator may also designate on the manifest one alternate facility to receive the hazardous waste described on the manifest in the event an emergency prevents delivery of the waste to the primary designated facility. The alternate facility shall meet the requirements of 310 CMR 30.305.

(5) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility, which shall meet the requirements of 310 CMR 30.305, or instruct the transporter to return the waste to the generator. In such a case, the generator shall keep a record of all communications with the transporter regarding what happened to any hazardous waste which has left the generator's custody or possession. The generator shall promptly submit this record to the Department.

(6) Manifest copy submission requirements for certain interstate waste shipments.

(a) In any case in which the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste shall, regardless of the state in which the facility is located:

1. Complete the facility portion of the applicable manifest;
2. Sign and date the facility certification;
3. Submit to the e-Manifest system a final copy of the manifest for data processing purposes; and
4. Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of 40 CFR 264.

(7) Applicability of electronic manifest system and user fee requirements to facilities receiving state-only regulated waste shipments.

(a) For purposes of this section, “state-only regulated waste” means:

1. A non-RCRA waste that a state regulates more broadly under its state regulatory program, or
2. A RCRA hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.

(b) In any case in which a state requires a RCRA manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management shall:

1. Comply with the provisions of 40 CFR 264.71 (use of the manifest) and 264.72 (manifest discrepancies); and
2. Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of 40 CFR 264.

(8) After August 6, 2014, no claim of business confidentiality may be asserted by any person with respect to information entered on a Hazardous Waste Manifest (EPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (EPA Form 8700-22A), or an electronic manifest format that may be prepared and used in accordance with 310 CMR 30.311(1).

(a) EPA will make any electronic manifest that is prepared and used in accordance with 40 CFR 262.20(a)(3), or any paper manifest that is submitted to the system under 40 CFR 264.71(a)(6) or 265.71(a)(6) available to the public under this section when the electronic or paper manifest is a complete and final document. Electronic manifests and paper manifests submitted to the system are considered by EPA to be complete and final documents and publicly available information after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.

30.312: Form of the Manifest

A generator shall use EPA form 8700-22, and form 8700-22A if necessary, in compliance with 310 CMR 30.311 through 30.315, as applicable, and 310 CMR 30.317.

30.313: Number and Distribution of Copies for Six-part Manifest (EPA form 8700-22)

The manifest shall consist of six copies, numbered from top to bottom as, respectively, Copy 1, Copy 2, Copy 3, Copy 4, Copy 5 and Copy 6. Except as provided at 310 CMR 30.314 and 30.315, these copies shall be signed, distributed, and retained as set forth in 310 CMR 30.313(1) through (6).

(1) Copy 6 shall be: [(bottom copy): "Generator's initial copy".]

- (a) signed by the generator and transporter, and then
- (b) retained by the generator.

(2) Copy 5 shall be: ["Transporter's copy".]

- (a) signed by the generator and transporter, and by either the continuing transporter (if any) or by the facility owner or operator or his designee, and then
- (b) retained by the first transporter. If the hazardous waste is transported by a continuing transporter, said continuing transporter shall:

1. photocopy Copy 1 of the manifest after the facility owner or operator or his designee has signed it; and
2. retain the photocopy.

(3) Copy 4 shall be: ["Designated facility's copy".] signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then retained by the facility.

(4) Copy 3 shall ~~be~~: ["Designated facility to generator".]

~~(a) be signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then transmitted by the facility to the generator within 30 days of the shipment being received by the designated facility;~~ ~~and~~

~~(b) for shipments by a generator to an out-of-state designated facility, the generator shall submit a photocopy of Copy 3 to the Department within 30 days of receiving the copy from the designated facility.~~

(5) Copy 2 shall be: ["Designated facility to generator State".] signed by the generator, the transporter(s), and the facility owner or operator or his designee, ~~and then transmitted by the facility to the Department, or otherwise the Agency of the generator state (if required by such Agency), within 30 days of the shipment being received by the designated facility.~~

(6) Copy 1 shall be: [(top copy): "Designated facility to destination State (if required by such destination State)".] signed by the generator, the transporter(s), and the facility owner or operator or his designee, ~~and then transmitted by the facility to the Department, if the facility is located in Massachusetts, within 30 days of the shipment being received by the designated facility.~~

~~(7) For the purposes of complying with the requirements in 310 CMR 30.313(5) and (6) to submit a manifest copy to the Department, Massachusetts designated facilities receiving shipments of hazardous waste from in-state generators need only submit one manifest copy, either Copy 2 or Copy 1, to the Department.~~

~~(8) If a generator sends hazardous waste to a designated facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, the generator shall assure that:~~

~~(a) any out-of-state transporter signs and forwards the manifest to the designated facility; and~~

~~(b) any such facility signs the manifest and forwards copy 3 of the manifest to the generator.~~

~~(79)~~ For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator shall send three copies of the manifest, dated and signed in compliance with 310 CMR 30.311 through 30.314, to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

~~(108)~~ For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator shall send at least three copies of the manifest, dated and signed in compliance with 310 CMR 30.311 through 30.313, to:

(a) The next non-rail transporter, if any; or

(b) The designated facility, if transported solely by rail; or

(c) The last rail transporter to handle the waste in the United States if exported by rail.

[NOTE TO REVIEWERS: In the Background Document for these proposed amendments MassDEP requests comment on whether it should delete 310 CMR 30.314 and 30.315 because they are seldom if ever used.]

Delete sections 310 CMR 30.314 and 30.315 in their entirety:

30.314: Manifest Distribution Requirements for Waste Reclaimed Pursuant to a Contractual Agreement

~~(1) A generator operating in compliance with 310 CMR 30.300 that ships waste off-site for reclamation pursuant to a contractual agreement shall comply with 310 CMR 30.314 if such wastes are reclaimed and the material thus reclaimed is returned to the generator pursuant to a contractual agreement in which:~~

- ~~(a) the type of waste and frequency of shipments are specified in the agreement; and~~
- ~~(b) the vehicles used to transport the waste to the recycling facility and to deliver the reclaimed material back to the generator are owned and operated by the person who reclaims the waste.~~

~~(2) The manifest shall be signed, distributed, and retained as follows:~~

~~(a) Copy 6 shall be~~

- ~~1. signed by the generator and transporter, and then~~
- ~~2. retained by the generator in compliance with 310 CMR 30.331(1)(b).~~

~~(b) Copy 4 shall be~~

- ~~1. signed by the generator and the facility owner or operator or his designee, and then~~
- ~~2. retained by the facility.~~

~~(3) The Department may prescribe a form for recording the information required pursuant to 310 CMR 30.311. If the Department prescribes such a form, it shall be used by the generator to record such information.~~

~~(4) The generator shall retain a copy of all information required by 310 CMR 30.311 and the reclamation agreement in compliance with 310 CMR 30.331.~~

~~(5) The provisions of 310 CMR 30.311, 30.312 and 30.314 shall apply whenever a manifest for waste reclaimed pursuant to a contractual agreement is required, and whenever such a manifest is used even if not required.~~

30.315: Manifest Distribution Requirements for Intrastate Shipments of Waste Oil, Intrastate Shipments by Very Small Quantity Generators, Wastes Sent to Research Demonstration and Development Facilities, and Research Study Waste

~~(1) The manifest shall be signed, distributed and retained as set forth in 310 CMR 30.315(1)(a) through (d).~~

~~(a) Copy 6 shall be:~~

- ~~1. signed by the generator and transporter, and then~~
- ~~2. retained by the generator in compliance with the applicable provisions of 310 CMR 30.331(1)(a) or (b).~~

~~(b) Copy 5 shall be:~~

- ~~1. signed by the generator and transporter, and by either the continuing transporter (if any) or by the facility owner or operator or his designee, and then~~
- ~~2. retained by the transporter. If the hazardous waste is transported by a continuing transporter, said continuing transporter shall:~~

~~(c) Copy 4 shall be:~~

- ~~1. signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then~~
- ~~2. retained by the facility.~~

~~(d) Copy 3 shall be:~~

- ~~1. signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then~~
- ~~2. within 30 days of the date of the shipment is received by the facility, transmitted by~~

~~the facility to the generator.~~

~~(e) Either Copy 1 or Copy 2 shall be signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then transmitted by the facility to the Department within 30 days of the date the shipment is received by the designated facility.~~

30.316: Manifest Tracking Numbers, Manifest Printing and Obtaining Manifests

A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Solid Waste to do so pursuant to 40 CFR 262.21 which is hereby incorporated by reference.

30.317: Waste Minimization Certification

A generator who initiates a shipment of hazardous waste must certify to one of the waste minimization certification requirements at 40 CFR 262.27, which are hereby incorporated by reference.

30.330: Recordkeeping and Reporting

30.331: Recordkeeping

(1) Retention of manifest documents.

~~(a) Whenever required or whenever used even if not required, the following manifests signed in compliance with 310 CMR 30.311 through 30.313 shall be kept by the generator for three years from the date the waste was accepted by the initial transporter: Copy 6 of the form referenced in 310 CMR 30.312; however, once a fully executed copy 3 is received by the generator, then this copy shall be kept on file instead of or in addition to the partially executed copy 6.~~

~~(b) Whenever required or whenever used even if not required, the following manifests shall be kept by the generator for three years after the termination or expiration of the applicable agreement:~~

~~1. Copy 3 of the form referenced in 310 CMR 30.315.~~

~~2. Copy 6 of the form referenced in 310 CMR 30.314.~~

(2) Agreements.

(a) A generator that reclaims wastes pursuant to a contractual agreement and uses a form pursuant to 310 CMR 30.314 shall retain a copy of the reclamation agreement referenced therein for three years after its termination or expiration.

(b) A generator that sends research study samples to a research facility pursuant to a contractual agreement and uses a manifest pursuant to 310 CMR 30.315 shall retain a copy of the agreement referenced therein for three years after its termination or expiration.

30.333: Exception Reporting

(1) If a generator does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the hazardous waste was accepted by the initial transporter, the generator shall contact the transporter or the owner or operator of the designated facility, or both, if necessary, to determine the status of the hazardous waste.

(2) If a generator does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the hazardous waste was accepted by the initial transporter, the generator shall submit an Exception Report to the Department. If the designated facility is located outside of Massachusetts, the generator shall also submit an Exception Report to the State in which the designated facility is located. The Exception Report shall include the following:

- (a) A legible copy of the manifest for which the generator does not have confirmation of delivery; and
 - (b) A cover letter signed by the generator or an authorized representative of the generator explaining the efforts taken to locate the hazardous waste and the results of those efforts.
-

Revise 310 CMR 30.405(1) as follows:

30.405: Manifest Requirements

(1) ~~A transporter shall not accept hazardous waste from a generator or from another transporter unless the hazardous waste is accompanied by a manifest which is signed by the generator and, if applicable, signed by the other transporter in accordance with the requirements of 310 CMR 30.405(2).~~ A transporter may not accept hazardous waste from a generator or from another transporter unless the transporter is also provided with a manifest form (EPA Form 8700-22, and if necessary, EPA Form 8700-22A) signed in accordance with the requirement of 310 CMR 30.310 and 40 CFR 262.23, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with 40 CFR 262.20(a)(3), and signed with a valid and enforceable electronic signature as described in 40 CFR 262.25.

(a) Exports. For exports of hazardous waste subject to the requirements of subpart H of 40 CFR part 262, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this section, as appropriate, and for exports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 CFR 262.83(d).

(b) The following requirements for the hazardous waste manifest and e-manifest system, as in effect on July 1, 2019, are hereby incorporated by reference: 40 CFR 263.20(a)(3)-263.20(a)(9), 263.21(b)(2)-(4), 263.21(c)(2), 263.25(a).

5. Confidentiality Determinations for Hazardous Waste Export and Import Documents (RCRA Checklist RC #238)

Revisions to adopt new EPA rule regarding the international export of CRTs:

30.104(3) Wastes Subject to Conditional Exemptions. ...

(h) Used, broken cathode ray tubes (CRTs) and processed CRT glass undergoing recycling that are managed in compliance with 310 CMR 30.104(3)(h). Such generators shall ensure that:

1. Prior to Processing. These materials are not hazardous wastes if they are destined for recycling and if they meet the following requirements:

a. Storage. The broken CRTs shall be placed in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

b. Labeling. Each container in which the used, broken CRT is contained shall be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass" or "Leaded glass from televisions or computers." It shall also be labeled: "Do not mix with other glass materials."

c. Transportation. The used, broken CRTs shall be transported in a container meeting the requirements of 310 CMR 30.104(3)(h)1.a. and 310 CMR 30.104(3)(h)1.b. manner constituting disposal, or intended for disposal, and they or their components exhibit a hazardous waste characteristic described at 310 CMR 30.125, they shall comply with the applicable requirements of 310 CMR 30.000 instead of the requirements of 310 CMR 30.104(3)(h).

d. Speculative Accumulation and Use Constituting Disposal. The used, broken CRTs are subject to the speculative accumulation prohibition described at 310 CMR 30.205(14), including the same record-keeping requirements as are stated there for permittees. If they are used in a manner constituting disposal, or intended for disposal, and they or their components exhibit a hazardous waste characteristic described at 310 CMR 30.125, they shall comply with the applicable requirements of 310 CMR 30.000 instead of the requirements of 310 CMR 30.104(3)(h).

e. Exports. In addition to the applicable conditions specified in 310 CMR 30.104(3)(h)1. and 2., exporters of used, broken CRTs shall comply with the EPA administered requirements at 40 CFR [260.2\(d\)](#) and 261.39(a)(5).

Regarding the international import/export of hazardous waste:

310 CMR 30.361: International Shipments

(1) Any person who exports hazardous waste to a destination outside of the United States shall:

(a) Comply with the requirements of 40 CFR 262, Subpart E, which are hereby incorporated by reference subject to the following additions, modifications and exceptions: All references to federal hazardous waste regulations, [other than to 40 CFR 260.2\(d\) as explained in 310 CMR 30.361\(3\)](#), are replaced with the corresponding state code analog as shown in Table 30.361:

Table 30.361

Federal Citation	State Analog
[40 CFR] Part 263	310 CMR 30.400
40 CFR 262.58	N/A
40 CFR 260.10	310 CMR 30.010
40 CFR Part 261, Subparts C & D	310 CMR 30.100
[40 CFR] 260.2(c)	310 CMR 3.00
40 CFR 262.20 – 262.23, or 40 CFR Part 262, Subpart B	310 CMR 30.310
40 CFR 264.72(a)	310 CMR 30.533(1)
40 CFR 262.20(d)	310 CMR 311(5)

40 CFR 263.20(g)(4)
40 CFR 262.42
40 CFR 262.41.

310 CMR 30.405(8)(d)
310 CMR 30.333
310 CMR 30.332

(2) When importing hazardous waste from a foreign country into Massachusetts, the generator shall comply with the federally enforceable import requirements of 40 CFR 262, Subpart F, which are hereby incorporated by reference subject to the following additions, modifications and exceptions:

- (a) 40 CFR 262.60(a) is hereby modified by substituting the reference to "the requirements of this part" with "310 CMR 30.300"; and
- (b) 40 CFR 262.60(b) is hereby modified by substituting the reference to "262.20(a)" with "310 CMR 30.311 through 30.314".

(3) Any person who exports hazardous waste to a destination outside the United States or imports hazardous waste from a foreign country into Massachusetts shall comply with the EPA administered confidentiality requirements of 40 CFR 260.2(d) and 261.39(a)(5).

6. RCRA Expanded Public Participation Rule for Licensed Hazardous Waste Facilities

30.831: Completeness of Application

(1) A license application shall be deemed complete for the purpose of initiating the review process described in 310 CMR 30.831 through 30.838 when the Department receives the application and determines that all required information has been submitted and all applicable fees have been paid to the Department, provided that the Department may require additional information at any time. The Department shall request such additional information in writing and may direct the applicant to make an information repository and notify persons on the facility mailing list that it is available to the public in the community or on-line in the pre-application stage or at any stage in the facility's existence. The Department may also require an applicant to provide additional public outreach and public engagement activities.

(2) The Department shall notify the applicant in writing within 60 days of receipt of an application whether the application is complete. If the application is not complete, the Department shall list the information necessary to make the application complete.

(3) The Department may either deem a license application incomplete or deny a license if an applicant fails or refuses to correct deficiencies in the application.

(4) For each complete application for a license for a new facility, the Department shall set a project decision schedule estimating dates by which it intends to:

- (a) Prepare a draft license;
- (b) Give public notice;
- (c) Complete the public comment period; and
- (d) Issue a final license decision.

(5) The Director may deny a license for the active life of a hazardous waste management facility or unit before receiving a complete application for a license

30.833: Public Notice and Public Comment for Facility License Actions 310 CMR 30.833 applies to facility license applications.

- (1) The Department shall give public notice of the following:
 - (a) That a facility license application has been tentatively denied;
 - (b) That a draft facility license has been prepared;
 - (c) That a Class 2 or 3 modifications pursuant to 310 CMR 30.852 at a facility has been proposed; and
 - (d) That an informal public hearing on a draft license has been scheduled.
- (2) Public notices may describe more than one license or license action.
- (3) Public notice issued pursuant to 310 CMR 30.833 shall allow at least 45 days for public comment, except for notices pursuant to 310 CMR 30.833(1)(d).
- (4) Public notices pursuant to 310 CMR 30.833, shall be given by the following methods:
 - (a) By mailing notice to:
 1. the applicant;
 2. EPA, c/o Regional Administrator, Region I;
 3. the board of health of the city or town in which the facility is to be located;
 4. the Environmental Monitor, to the extent practicable;
 5. each city or town having jurisdiction over the area in which the facility is proposed to be located;
 6. each State agency having any authority pursuant to State law with respect to the construction and operation of the facility;
 7. each Federal and State agency, including agencies of any affected State other than Massachusetts, with jurisdiction over fish, shellfish, or wildlife resources, coastal zone management plans, or historic preservation; and
 8. persons on a mailing list developed by the Department.
 - (b) By publication, paid for by the applicant, in a daily or weekly newspaper of general circulation within the locality affected by the facility.
 - (c) By broadcasting, paid for by the applicant, the notice on radio stations serving the locality affected by the facility.
 - (d) Provide a visible and accessible sign, as specified, provided by the applicant.
- (5) All public notices issued pursuant to 310 CMR 30.833 shall, at a minimum, contain the following information:
 - (a) The name and address of the office of the Department processing the license application for which notice is being given;
 - (b) The name and address of the licensee or applicant and, if different, of the facility which is the subject of the application;
 - (c) The name, address, and telephone number of an individual from whom interested persons may obtain further information, including a copy of the draft license or application; ~~and~~ the accompanying fact sheet; and a statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access;
 - (d) A brief description of the required public comment procedures; provided that in the case of a public notice relating to a license modification being proposed pursuant to 310 CMR 30.851, the notice need only describe the proposed modification;

- (e) Any additional information considered necessary or appropriate, including an address to which people can write in order to be put on the facility mailing list and any other procedures by which a person may request a public hearing or otherwise participate in the process leading to the final license decision; and
- (f) A tentative schedule for the decision-making process.

30.837: Informal Public Hearing for Facility Licenses

310 CMR 30.837 applies to facility license actions.

(1) The Department shall direct the applicant to schedule an informal public hearing on the proposed action to give the public an opportunity to present written and oral comment if:

(a) During the comment period or within 15 days of the close of the comment period, pursuant to 310 CMR 30.833, the Department receives written notice requesting an informal public hearing, or if the Department determines on its own that there is significant public interest in a draft license.

(b) Prior to the comment period, the Department determines that the applicant's proposed license renewal involves changes that are significant and equivalent to Class 2 or 3 modifications described at 310 CMR 30.852, or

(c) The facility applicant is seeking an initial license for a hazardous waste management unit. The informal public hearing described at 310 CMR 30.837(1)(c) shall be held prior to the submittal of the initial hazardous waste license application.

(2) Whenever possible, the Department shall schedule or direct the applicant to schedule such hearing at a convenient location near the population center nearest the proposed facility or activity. Such notice shall be given in the manner described in 310 CMR 30.833, and shall include:

- (a) The dates of previous notices relating to the license;
- (b) The date, time, and place of the informal public hearing;
- (c) The nature and purpose of the informal public hearing; and
- (d) A description of how the informal public hearing shall be conducted.

(3) An informal public hearing concerning a license modification pursuant to 310 CMR 30.851 may be limited by the Department to such modification.

(4) Any informal public hearing may be scheduled in conjunction with any other public hearing being held in connection with the subject facility or activity.

(5) The Department shall, when practicable, schedule the informal public hearing to be held within 30 days of receipt of the written request, but in no case sooner than 30 days after the date of the public notice of said hearing.

(6) For the informal public hearings described at 310 CMR 30.837(1)(b)-(c) the applicant shall:

(a) submit to the Department a summary of the meeting, a sign-in sheet listing the attendees and their addresses, and copies of any written comments or materials submitted at the meeting as part of the initial license or license renewal application, in accordance with 310 CMR 30.803.

(b) the applicant must provide public notice of the pre-application meeting at least 30 days prior to the meeting and maintain and provide documentation of public notice to the Department upon request.

7. Technical Revisions to Wood Preservative listings at 310 CMR 30.160.

310 CMR 30.160 amended by adding the following four hazardous constituents in alphabetical order:

<u>Potassium pentachlorophenate</u>		<u>Pentachlorophenol, potassium salt</u>	<u>7778736</u>	
<u>None</u>	*	*	*	*
	*	*	*	*
<u>Sodium pentachlorophenate</u>		<u>Pentachlorophenol, sodium salt</u>	<u>131522</u>	<u>None</u>
	*	*	*	*
	*	*	*	*
<u>2,3,4,6tetrachlorophenol,</u>				
<u>potassium salt</u>		<u>same</u>	<u>53535276</u>	<u>None</u>
<u>2,3,4,6tetrachlorophenol,</u>				
<u>sodium salt</u>		<u>same</u>	<u>25567559</u>	<u>None</u>

8. Miscellaneous Changes and Corrections

a. Changes related to EPA IDs necessary to reflect phase-out of “state-only” (MV) ID numbers

30.060: Notification Procedures

30.061: Who Must Notify and Obtain an EPA Identification Number

(1) Any person who generates hazardous waste, ~~except a generator who is registered as a Very Small Quantity Generator pursuant to 310 CMR 30.353 or as a Small Quantity Generator of waste having only Massachusetts hazardous waste numbers,~~ and any person who transports hazardous waste, or who owns or operates a facility for the treatment, storage, use, or disposal of hazardous waste, shall notify the Department of such activity and obtain an EPA Identification number.

310 CMR 30.253(10)

(10) Persons who generate and accumulate waste oil or off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.222) in quantities entitling them to the status of either a Small Quantity Generator pursuant to 310 CMR 30.351 or a Very Small Quantity Generator pursuant to 310 CMR 30.353, and who generate and accumulate all other regulated recyclable materials and all other hazardous wastes in quantities entitling them to the status of a Very Small Quantity Generator pursuant to 310 CMR 30.353 need not handle such waste oil or off-specification used oil in compliance with 310 CMR 30.253(9), and instead shall cause such waste oil or off-specification used oil fuel to be handled in compliance with the following requirements:

- (a) Generators subject to 310 CMR 30.253(10) shall ~~register with the Department by~~ notify~~ing~~ the Department in writing of their activity involving waste oil, off-specification used oil fuel, other regulated recyclable material, and other hazardous waste. ~~Except as specifically provided elsewhere in 310 CMR 30.253(10), s~~Such ~~registration notification~~ shall be in compliance with requirements set forth or referred to in 310 CMR 30.060~~353(5)~~ ~~(requirements governing Very Small Quantity Generators of hazardous waste)through~~ 30.064.

310 CMR 30.254(6)

- (6) A person who contracts to perform an activity which results in the generation of waste oil may transport such waste oil without a license pursuant to 310 CMR 30.402 only if such person:
- (a) has generated, as a result of his activity at the site at which such person performed contracted work, the waste oil that he intends to transport from the site at which he performed the activity;
 - (b) transports no more than 100 kilograms per month of waste oil from any single site;
 - (c) transports waste oil in containers whose capacity does not exceed, in the aggregate, 200 kilograms in any one vehicle at any one time;
 - (d) ~~registers-notifies such activity with~~ the Department of such activity in compliance with 310 CMR 30.353(5);
 - (e) is in compliance with 310 CMR 30.353(7)(g), and (h); and
 - (f) delivers the waste oil either to a facility described in 310 CMR 30.305(1) or accumulates and manages the waste oil in compliance with 310 CMR 30.340 through 30.343, 30.351, or 30.353, as applicable.

30.303: Requirements Governing Notification, Identification Numbers, and Change of Status Requests

- (1) A generator shall not treat, store, use, dispose of, transport, or offer for transportation, hazardous waste without having received ~~either~~ an EPA identification number from the Department in compliance with 310 CMR 30.060 through 30.064 ~~or a Massachusetts identification number from the Department in compliance with 310 CMR 30.353(5).~~
- (2) A generator who has not received an identification number may obtain one by applying to the Department ~~on a form prescribed by the Department as fol~~(a) a Small Quantity Generator of waste having only Massachusetts hazardous waste numbers and a Very Small Quantity Generator shall register with the Department pursuant to 310 CMR 30.353(5)(b) ~~all other generators shall notify the Department~~ pursuant to 310 CMR 30.060 through 30.064.

310 CMR 30.353(5)

- (5) A Very Small Quantity Generator shall ~~register with the Department by~~ notifying the Department in writing of its activity involving hazardous waste or regulated recyclable material pursuant to 310 CMR 30.060 through 30.064. ~~If the Department prescribes a form for such registration, the generator shall use such form when submitting such registration. Such a registration shall be signed and submitted in compliance with 310 CMR 30.006 and 30.009. The generator shall follow such procedures as may be required, requested or authorized by the Department to obtain and keep its status as a Very Small Quantity Generator.~~ If the Very Small Quantity Generator intends to transfer custody or possession of the hazardous waste or regulated recyclable material to another person or persons, the registration notification shall set forth the name, address, and EPA identification number, if applicable, of each such person. If the Very Small Quantity Generator intends to itself treat or recycle the hazardous waste or regulated recyclable material, the registration notification shall set forth the process by which the hazardous waste or regulated recyclable material shall be treated or recycled. If the site has an EPA identification number or a Massachusetts identification

number, that number shall be included in the notification. An identification number for the site is required if the Very Small Quantity Generator is using a manifest.

310 CMR 30.353(7)(b)(1):

(7) A Very Small Quantity Generator may transport hazardous waste off the site of generation without having to obtain a license to transport hazardous waste or a vehicle identification device for the vehicle in which the hazardous waste is transported, and without having to use a hazardous waste manifest, but only if all of the following requirements are met:

(a) The generator may not collect or transport any hazardous waste except hazardous waste generated by that generator.

(b) Notwithstanding 310 CMR 30.353(7)(a), a generator may collect and transport hazardous wastes from another generator provided that such transport is done in compliance with 310 CMR 30.353(7) and:

1. every generator from whom waste is collected ~~has notified as a is a registered~~ VSQG; and
2. every generator has the same owner or operator as the generator who collects and transports the waste.

(c) the transport of the.....

b. Revisions related to the Academic Labs Rule. These revisions should have been made when the rule was adopted in 2019.

310 CMR 30.501(2) The requirements of 310 CMR 30.500 do not apply to:

(a).....

~~(f) The accumulation of a laboratory waste by a University participating in the Laboratory XL project at the site of generation for less than 120 days, provided that the requirements of 310 CMR 30.340 and 30.355 are met. An eligible academic entity that chooses to be subject to 310 CMR 30.354 for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of 310 CMR 30.354 and the eligible academic entity has a Laboratory Management Plan in accordance with 310 CMR 30.354(14) that describes how the laboratories owned by the eligible academic entity will comply with the requirements of 310 CMR 30.354.~~

~~(g) The accumulation of a laboratory waste by a University participating in the Laboratory XL project at the site of generation for less than 210 days, provided that the requirements of 310 CMR 30.351 and 30.355 are met. An eligible academic entity that chooses to be subject to 310 CMR 30.354 for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of 310 CMR 30.354 and the eligible academic entity has a Laboratory Management Plan in accordance with 310 CMR 30.354(14) that describes how the laboratories owned by the eligible academic entity will comply with the requirements of 310 CMR 30.354.~~

~~(hg) eElementary neutralization of corrosive hazardous waste at the site of generation in an elementary neutralization unit provided that the generator is in compliance with 310 CMR 30.1103.~~

310 CMR 30.601(2) The requirements of 310 CMR 30.600 do not apply to:

...

~~(f) The accumulation of a laboratory waste by a University participating in the Laboratory XL project at the site of generation for less than 120 days, provided that the requirements of 310 CMR 30.340 and 30.355 are met. An eligible academic entity that chooses to be subject to 310 CMR 30.354 for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of 310 CMR 30.354 and the eligible academic entity has a Laboratory Management Plan in accordance with 310 CMR 30.354(14) that describes how the laboratories owned by the eligible academic entity will comply with the requirements of 310 CMR 30.354.~~

~~(g) The accumulation of a laboratory waste by a University participating in the Laboratory XL project at the site of generation for less than 210 days, provided that the requirements of 310 CMR 30.351 and 30.355 are met. An eligible academic entity that chooses to be subject to 310 CMR 30.354 for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of 310 CMR 30.354 and the eligible academic entity has a Laboratory Management Plan in accordance with 310 CMR 30.354(14) that describes how the laboratories owned by the eligible academic entity will comply with the requirements of 310 CMR 30.354.~~

~~(h)~~(g) Elementary neutralization of corrosive hazardous waste at the site of generation in an elementary neutralization unit provided that the generator is in compliance with 310 CMR 30.1103.

310 CMR 30.801

No person shall transport, use, collect, store, treat, or dispose of hazardous waste or construct, operate or maintain any facility for the use, storage, treatment, or disposal of hazardous waste, unless said person has applied for and obtained, and has in effect, a valid license issued by the Department pursuant to M.G.L. c. 21C and 310 CMR 30.000, except that a license is not required for the following:.....

~~(15) The accumulation of unwanted material and hazardous waste in the laboratories of an eligible academic entity that chooses to be subject to 310 CMR 30.354, provided the laboratories comply with the provisions of 310 CMR 30.354 and the eligible academic entity has a Laboratory Management Plan in accordance with 310 CMR 30.354(14) that describes how the laboratories owned by the eligible academic entity will comply with the requirements of 310 CMR 30.354. The accumulation of a laboratory waste by a University participating in the Laboratory XL project at the site of generation for less than 120 days, provided that the requirements of 310 CMR 30.340 and 30.355 are met.~~

~~(16) The accumulation of a laboratory waste by a University participating in the Laboratory XL project at the site of generation for less than 210 days, provided that the requirements of 310 CMR 30.351 and 30.355 are met.~~

~~(167)~~ The elementary neutralization of corrosive hazardous waste at the site of generation in an elementary neutralization unit provided that the generator is in compliance with 310 CMR 30.1103.

c. Correction of Waste Oil Regulation at 310 CMR 253(5)(a) and (b)

310 CMR 30.253(5)(a)2. and (b)2. is hereby revised as follows:

(5) A generator subject to 310 CMR 30.253 may obtain dual status if hazardous waste as well as waste oil and/or used oil fuel are generated or accumulated on-site. A generator of hazardous waste that is also subject to 310 CMR 30.253 shall determine its status with respect to such

hazardous waste pursuant to the generator requirements of 310 CMR 30.300. (See 310 CMR 30.340(1); 30.351(1) and (2); and 30.353(1) and (2).) A generator of hazardous waste may exclude waste oil and/or used oil fuels from the hazardous waste status calculations in 310 CMR 30.300 provided these regulated recyclable materials are counted towards a generator's status with respect to waste oil and/or used oil fuels as follows:

(a) A generator is a Very Small Quantity Generator of waste oil and/or used oil fuels if that generator:

1. does not generate in a calendar month 100 kg or more of such waste oil and/or used oil fuels~~regulated recyclable materials~~; and
2. does not accumulate a total quantity of 1,000 kg or more of ~~hazardous waste, or combination of hazardous waste and regulated recyclable material, including waste oil and/or waste oil and/or~~ used oil fuels.

(b) A generator is a Small Quantity Generator of waste oil and/or used oil fuels if that generator:

1. does not generate in a calendar month 1,000 kg or more of such waste oil and/or used oil fuels ~~regulated recyclable materials~~; and
2. does not accumulate a total quantity of 6,000 kg or more of any ~~hazardous waste, regulated recyclable material, or combination including waste oil and/or waste oil and/or~~ used oil fuels.

d. Updated references to Bureau of Air and Waste regarding Contingency and Emergency Plan sections

310 CMR 30.341(1)(e)7.a.ii. is amended as follows:

7. In lieu of 310 CMR 30.524(6), Emergency Procedures, a generator shall comply with the following:

a. Whenever there is an imminent or actual emergency, the emergency coordinator shall immediately:

- (i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel;
- (ii) Notify the Bureau of Air and Waste~~Prevention~~ when there is an imminent or actual emergency which triggers the need to implement the contingency plan even if it does not result in a reportable release pursuant to 310 CMR 40.0000; and
- (iii) Notify other appropriate.....

310 CMR 30.341(1)(e)7.f. is hereby amended as follows:

f. The generator shall note the time, date, and details of any incident that requires implementing the contingency plan. This record shall be kept by the generator at a readily accessible on-site location at all times while the generator is subject to 310 CMR 30.000. If the incident resulted in a release to the environment requiring notification pursuant to 310 CMR 40.0000, notification to the Bureau of Waste Site Clean-up in compliance with 310 CMR 40.000 shall constitute notice to the Department. If the incident did not require notification pursuant to 310 CMR 40.0000, then the generator shall provide a written report within seven days to the Bureau of Air and Waste ~~Prevention~~ at the Regional Office of the Department where the incident occurred which includes:

(i) Name, address,.....

e. 310 CMR 30.392(6)(b)-(c): Clarification that either a Sponsor or Transporter for a Household Hazardous Waste (HHW) Event must provide an EPA ID number and sign the manifest

(b) For events where the sponsor is a public entity (i.e., a municipality), the sponsor shall retain the services of a hazardous waste transporter licensed by the Department who shall:

1. comply with 310 CMR 30.392(6)(a)(1), and (3) through (5);
a. for the purposes of complying with 310 CMR 30.061(1), either the transporter or the sponsor shall provide the EPA identification number for the event.
2. provide a trained field chemist who shall remain at the site of the event for the duration of the event;
3. properly, lawfully, and promptly handle and remove the hazardous waste accepted at the event;
4. provide the sponsor with information on the total quantities of each type of hazardous waste manifested, and a summary of the ultimate waste disposal method or facility used for each type of hazardous waste collected;

(c) For the purpose of complying with 310 CMR 30.310 through 30.314, and the manifest requirements cited in 310 CMR 30.392(6)(a):

1. if the sponsor is a public entity, either the sponsor or the transporter shall sign the manifest as the generator of the hazardous waste accepted at the event;
2. if the sponsor is a private entity, either the sponsor or the transporter shall sign the manifest as the generator of the hazardous waste accepted at the event.

f. MassDEP is proposing revisions to the public hearing and public meeting provisions at 310 CMR 30.296(1) for Class C Permits and 30.837(2) and 30.852(4) for Class 2 and Class 3 hazardous waste facility license modifications, respectively, to allow virtual hearings. The Department is amending this language to address the reality that public assembly is sometimes not advisable during a pandemic.

310 CMR 30.296(1)(g)1.-2. is amended as follows:

(g) Public Hearing.

1. Circumstances Requiring Hearing. The Department shall schedule a public hearing within the community wherein the proposed facility is to be located or by alternative means including, but not limited to telephone, internet, satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow and participate in the proceedings of the public hearing while those activities are occurring ~~wherein the proposed facility is to be located~~ when:

- a. the applicant requests a public hearing;
- b. the Commissioner determines that there is sufficient public interest in unresolved issues of concern;
- c. the Department prepares a modified draft permit with substantial revisions from the original draft permit issued pursuant to 310 CMR 30.296(3)(h) as a result of comments received pursuant to 310 CMR 30.296(3)(f). Copies of the revised draft permit shall be distributed to the applicant, local board of health and, upon written request, to any other person.

2. Content of Public Hearing Notice. Public notice of the public hearing shall be given in the manner described in 310 CMR 30.296(3) and shall include:

- a. the date, time, and place of the public hearing or, if the public hearing is held by alternative means, information regarding how to participate; and
- b. the nature and purpose of the public hearing.

310 CMR 30.837(2) is amended as follows:

(2) Whenever possible, the Department shall schedule such hearing at a convenient location near the population center nearest the proposed facility or activity or by alternative means including, but not limited to telephone, internet, satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow and participate in the proceedings of the public hearing while those activities are occurring. Such notice shall be given in the manner described in 310 CMR 30.833, and shall include:

- (a) The dates of previous notices relating to the license;
- (b) The date, time, and place of the informal public hearing or, if the public hearing is held by alternative means, information regarding how to participate;
- (c) The nature and purpose of the informal public hearing; and
- (d) A description of how the informal public hearing shall be conducted.

310 CMR 30.852(3)(b)-(d) is amended as follows:

(b) The licensee shall send a notice of the modification request to all persons on the facility mailing list and to the appropriate units of State and local government as specified in 310 CMR 30.833(4) and must publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within seven days before or after the date of submission of the modification request, and the licensee shall provide to the Department evidence of the mailing and publication. The notice shall include:

1. Announcement of a 60-day comment period, in accordance with 310 CMR 30.852(3)(e), and the name and address of a Department contact to whom comment shall be sent;
2. Announcement of the date, time, and place for a public meeting or, if the public meeting is held by alternative means, information regarding how to participate, on the modification request held in accordance with 310 CMR 30.852(3)(d);
3. Name and telephone number of the licensee's contact person;
4. Name and telephone number of the Department's contact person;
5. Location where copies of the modification request and any supporting documents can be viewed and copied; and
6. The following statement: "The licensee's compliance history during the life of the license being modified is available from the Department contact person."

(c) The licensee shall submit two copies of the license modification request and supporting documents to the Department and to the regional office in which the facility is located to give the public opportunity to review the proposed modification.

(d) The Department shall hold a public meeting no earlier than 15 days after the publication of the notice required in 310 CMR 30.852(3)(b) and no later than 15 days before the close of the 60-day comment period. The meeting shall be held to the extent practicable in the vicinity of the licensed facility or by alternative means including, but not limited to telephone, internet, satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow and participate in the proceedings of the public hearing while those activities are occurring.

310 CMR 30.852(4)(b)-(d) is amended as follows:

(b) The licensee shall send a notice of the modification request to all persons on the facility mailing list maintained by the Department and to the appropriate units of State and local government as specified in 310 CMR 30.833(4) and must publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within seven days before or after the date of submission of the modification request, and the licensee shall provide to the Department evidence of the mailing and publication. The notice shall include:

1. Announcement of a 60-day comment period, in accordance with 310 CMR 30.853(4)(e), and the name and address of a Department contact to whom comment shall be sent;
2. Announcement of the date, time, and place for a public meeting or, if the public meeting is held by alternative means, information regarding how to participate, on the modification request held in accordance with 310 CMR 30.852(4)(d);
3. Name and telephone number of the licensee's contact person;
4. Name and telephone number of the Department's contact person;
5. Location where copies of the modification request and any supporting documents can be viewed and copied; and
6. The following statement: "The licensee's compliance history during the life of the license being modified is available from the Department contact person."

(c) The licensee shall submit two copies of the license modification request and supporting documents to the Department and to the regional office in which the facility is located to give the public opportunity to review the proposed modification.

(d) The Department shall hold a public meeting no earlier than 15 days after the publication of the notice required in 310 CMR 30.852(4)(b) and no later than 15 days before the close of the 60-day comment period. The meeting shall be held to the extent practicable in the vicinity of the licensed facility or by alternative means including, but not limited to telephone, internet, satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow and participate in the proceedings of the public meeting while those activities are occurring.