

MassDEP Solid Waste Advisory Committee (SWAC)
January 23, 2020, 1:00 – 3:30 pm MassDEP
Meeting Summary

This meeting was conducted via a webinar format. John Fischer of MassDEP provided several MassDEP program updates and provided an overview of MassDEP’s review of the Massachusetts solid waste regulations. This presentation is available [here](#).

Questions/Comments on MassDEP Updates

C: Rachel Perlman of the Product Stewardship Institute (PSI) shared a Google document for PSI’s COVID Impact Tracker on packaging and plastics (take- back programs, bag bans, etc.)

Q: Do you have general insight or guidance for communities with curbside composting programs? It seems as though Cambridge has suspended their program.

A: MassDEP hasn’t issued specific guidance on this issue and instead deferred to other organizations who published guidance, such as the US Composting Council. We will be hosting a webinar for municipal officials to discuss how municipalities are adjusting their recycling, reuse, composting, and trash programs due to COVID 19. Some suspended drop-off programs have started back up again.

A: With respect to Cambridge, the program was paused due to the need to re-deploy drivers who typically pick up compost but are needed to pick up trash (with additional trucks needed to provide sufficient social distance for workers who previously sat three to a truck). Cambridge is working on plans to resume the organics collection program.

C: Erin Victor of MassDEP confirmed the Reduce and Reuse (R&R) Workgroup meets the fourth Wednesday of each month - June 24th is the next meeting. For more information, please see <https://www.mass.gov/service-details/massdep-reduce-reuse-rr-working-group>.

Q: Are there any update on mattress recycling grants set to expire?

A: MassDEP has a contract with four mattress vendors that allows municipalities to get state contract pricing. It is set to expire in June, but will be renewed.

Q: Are these subcommittees free-standing groups or related to the Solid Waste Master Plan?

A: Both. These workgroups are used to address specific program areas, develop strategies and engage stakeholders, which are priorities identified in the Master Plan.

Questions/Comments on Review of Solid Waste Regulations - 310 CMR 16.00 and 19.000

Q: Has MassDEP considered clarifying whether rail tracks and associated equipment are part of the definition of “facility?”

A: MassDEP is limited to regulating what is within a site-assigned area. Outside of that is the domain of the Surface Transportation Board.

Q: Are DONs (Determination Of Need) going away?

A: Yes, they have already and MassDEP no longer issues DONs. DONs have been changed to fit the current permitting framework. If someone still has a DON, that needs to be changed and replaced with either a general permit or a recycling, composting, and conversion facility permit. All existing DONs that

had not transferred to either a 16.04 General Permit or a 16.05 Recycling, Composting, and Conversion (RCC Permit) as of 5 years from the date of promulgation of the last regulatory change (by November 2017) have expired and are no longer valid

Q: For the “speculative accumulation” definition, why isn’t MassDEP proposing the one-year time period EPA has adopted in its RCRA rules?

A: MassDEP is open to suggestions on a specific time period for speculative accumulation. The 90-day period reflects an earlier regulatory definition of speculative accumulation. This doesn’t just apply to solid waste facilities, but to any location where waste materials are being stored. A company should not be stockpiling this material as a solid waste activity.

Q: Can agricultural use and waste diversion site assignment criteria be reviewed/waived by the MassDEP Commissioner?

A:

Currently, the waiver provision states, The Commissioner may waive any of the facility specific site suitability criteria contained in 310 CMR 16.40(3) not specifically required by law, or the setback distance at 310 CMR 16.40(4)(h), when the Commissioner finds that strict compliance with such criteria would result in undue hardship and would not serve to minimize or avoid adverse impact. Hardship based on delay in compliance by the proponent, increased facility construction or operational costs or reduced facility revenue generation will not be sufficient, except in extraordinary circumstances, to invoke 310 CMR 16.40(6).

Q: Please explain the permit transfer provision. Is that only for RCC and General Permits or Site Assignments too?

A: MassDEP does not issue site assignment - that is local approval. The transfer provisions would apply to any solid waste permit issued by the MassDEP, but this question was specific to permit transfer provisions under 310 CMR 16.00

Q: With respect to Environmental Justice community notice requirements, will this track MEPA’s EJ definition instead of the current non-English speaking requirement?

A: MassDEP uses the Executive Office of Energy and Environmental Affairs’ definition as stated under its Environmental Justice Policy. All of the agencies under EEA, including MassDEP and MEPA, use EEA’s definition of “environmental justice.”

Q: Does 16.04 or 16.05 apply to single stream MRFs? In 16.04 (2) (h), covered facilities are required to report amounts and types of recyclable materials received, transferred and recycled, and the amount of residuals managed. How detailed are these reports? Do they contain incoming and outgoing tons by commodity?

A: MRFs report under general permits and RCC permits. The specific reporting elements are set in the facility report form and not in regulation. We can look at those in detail at a future meeting.

Q: As many companies have multiple facilities and manage waste flows across those facilities, sometimes across state borders, why would notice of temporary diversion from one facility to another be meaningful to MassDEP?

A: Waste and recycling infrastructure is not as resilient as it used to be. When facilities have shutdowns and slowdowns now, that can have significant impacts on waste movement across the state. MassDEP wants to be aware and work across the system to know what's going on and work with other facilities to make adjustments.

C: The Environmental Business Council is having a program on post-closure landfill care in September.

Q: Is the suggestion to add a requirement that cover material will not increase concentrations of critical contaminants intended to replace COMM-97?

A: That's not the specific purpose, but rather to tighten up what already exists. Comm-97-001 is specific to the disposal and reuse of petroleum contaminated soils at Mass landfills.

C: I have never seen a method that can directly measure head on the liner, and I have tried. Piezometers and transducers don't work.

Q: Will the next SWAC meeting be in June?

A: Yes. It is still scheduled. This particular meeting was delayed due to various issues with COVID-19.

Q: Is there a plan for state employees to return to the office?

A: MassDEP staff are working remotely and will continue to do so for the foreseeable future. There is no date set on when that will change. Some staff have visited offices for specific work tasks, on a limited basis. Next steps may include inspections and facility visits.

Q: When will the next Recycling Business Development Grants be announced?

A: MassDEP is currently working on the most recent round of submittals. 2019 applications are under review right now; we are close to issuing next applications and will schedule the submittal deadline accordingly.