

990 CMR: HAZARDOUS WASTE FACILITY SITE SAFETY COUNCIL

990 CMR 1.00: PURPOSE OF STATEMENT OF JURISDICTION

Section

1.01: Purpose

1.02: Statement of Jurisdiction

1.01: Purpose

The purpose of 990 CMR 1.00 is to implement the Massachusetts Hazardous Waste Facility Siting Act, M.G.L. c. 21D, with the goal of successfully and expeditiously siting safe hazardous waste facilities in the commonwealth.

1.02: Statement of Jurisdiction

- (1) Unless exempted by the provisions of 990 CMR 1.02(2), the following activities are subject to M.G.L. c. 21D and 990 CMR 1.00:
 - (a) The construction, operation and maintenance of a new facility for the storage, treatment, recycling or disposal of hazardous waste;
 - (b) An increase at a new or existing facility in its capacity to store, treat, recycle or dispose of hazardous waste.

- (2) The following activities are not subject to M.G.L. c. 21D and 990 CMR:
 - (a) The on-site storage, treatment, recycling or disposal of hazardous waste when carried out by the generator thereof, or by an agent, person or corporation, including a mobile unit owner, who sub-contracts with the generator to dispose of said hazardous waste; provided, however, that any on-site disposal of hazardous waste by means of a landfill, seepage facility, injection well, land treatment facility or surface impoundment shall be subject to M.G.L. c. 21D and 990 CMR;
 - (b) The operation of any hazardous waste facility exempt from the licensing requirements of M.G.L. c. 21C which was lawfully organized and in existence on or before May 1, 1980;
 - (c) The operation of any hazardous waste facility which was licensed as such by any division of the Department of Environmental Protection as of May 1, 1980;
 - (d) The operation of any hazardous waste facility under receivership, either by a federal or state agency or by a duly appointed and supervised receiver of any court of competent jurisdiction, where the license of such facility has been suspended or revoked and said receivership has been imposed;
 - (e) Any emergency action and/or remedial action to secure uncontrolled sites initiated or ordered by the Department of Environmental Quality Engineering and conducted by the Department of Environmental Quality Engineering or a contractor authorized by the Department of Environmental Quality Engineering;
 - (f) The clean-up of spills and discharges of oil, hazardous material or hazardous waste by the Department of Environmental Quality Engineering or by a contractor or transporter licensed by the Department of Environmental Quality Engineering;
 - (g) The construction, expansion, maintenance or operation of a municipal or industrial wastewater treatment facility, if permitted under M.G.L. c. 21, § 43;
 - (h) The reuse or reformulation by the original manufacturer of hazardous wastes which are commercial chemical products.
 - (i) The construction, operation and maintenance of a new facility for the storage of hazardous waste, if the proposed total licensed storage capacity of said facility will not exceed 25,000 gallons;
 - (j) The construction, operation and maintenance of a new facility for the treatment and/or recycling of hazardous waste, if said facility's proposed total licensed capacity for treatment and recycling will not exceed 10,000 gallons per week, or 500,000 gallons per year;
 - (k) The increase at a new or existing facility in its licensed capacity for storage of hazardous waste, if such increase will not cause the total licensed storage capacity of said facility to exceed 25,000 gallons;

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1.02: continued

- (l) The increase at a new or existing facility in its licensed capacity for treatment and/or recycling of hazardous waste, if the increase will not cause said facility's total licensed capacity for treatment and recycling to exceed 10,000 gallons per week, or 500,000 gallons per year;
- (m) The increase at a facility in its licensed capacity to store, treat, recycle or dispose of hazardous waste, if said increase is permitted by and pursuant to a siting agreement declared to be operative by the Council pursuant to 990 CMR 14.03.
- (n) Recycling covered by a permit issued by the DEP under 310 CMR 30.200.

REGULATORY AUTHORITY:

990 CMR 1.00: M.G.L. c. 21D, § 4.