

990 CMR: HAZARDOUS WASTE FACILITY SITE SAFETY COUNCIL

990 CMR 3.00: DEFINITIONS

Unless the context clearly indicates otherwise, when used in 990 CMR the following words and phrases shall have the following meanings:

Abutting Community, a Massachusetts city or town contiguous to or touching upon any land in the host community.

Accident, any unintended occurrence arising from the storage, treatment, recycling or disposal of hazardous waste that results in either serious injury to a person, substantial damage to equipment or the spillage or leakage of more than 50 gallons of hazardous waste.

Administrative Judgment, any administrative order, notice of violation, permit revocation, permit suspension or fine, whether civil or criminal, rendered against a developer by any agency of the commonwealth or by that of any other state.

Assistance, the award of technical assistance grants, as authorized by M.G.L. c. 21D, § 4(5), and the assistance of the Department and the Council in scheduling and otherwise implementing the siting process as provided by M.G.L. c. 21D, §§ 3 and 4.

Bordering Vegetated Wetlands, freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. Said wetlands may be wet meadows, marshes, swamps or bogs, and the plant species characteristic of each are set forth in M.G.L. c. 131, § 40. The boundary of a bordering vegetated wetland is the line within which 50% or more of the vegetational community consists of the wetlands plant species identified in M.G.L. c.130, § 40.

Chairman, the chairman of the Hazardous Waste Facility Site Safety Council.

Chief Executive Officer, the city manager in any city having a city manager, the mayor in any other city; the town manager in any town having a town manager, the chairman of the board of selectmen in any other town.

Closure, the act or process of deactivating a treatment, storage or disposal facility, or any portion thereof, in accordance with an approved facility closure plan and all applicable closure requirements.

Commissioner, the commissioner of the Department of Environmental Management.

Committee, the local assessment committee.

Compensation, any money, thing of value or economic benefit conferred by the developer on any host community under the terms and conditions specified in a siting agreement established pursuant to M.G.L. c. 21D, §§ 12 and 13; also, any money thing of value or economic benefit to be paid by the developer to an abutting community pursuant to the procedures set forth in M.G.L. c. 21D, § 14.

Council, the Hazardous Waste Facility Site Safety Council.

Days, calendar days; provided that in computing time periods such periods shall exclude the day of the event which starts the period running, and further provided that if the last day of a period falls on a Sunday, legal holiday or declared state of emergency day, such period shall be extended to the close of business on the next business day.

Department, the Department of Environmental Management.

Developer, any person proposing to construct, expand, maintain or operate a hazardous waste facility in any city or town of the Commonwealth.

Disposal, the discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground

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waters.

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ENF, Environmental Notification Form.

Executive Secretary, the executive secretary of the Council.

Existing facility, any hazardous waste facility which was in operation or under construction as of May 1, 1980.

Facility, a site or works for the storage, treatment, dewatering, refining, incinerating, reclamation, stabilization, solidification, disposal or any other process by which hazardous waste can be stored, treated or disposed of; however, not including a municipal or industrial waste water treatment facility permitted under M.G.L. c. 21, § 43.

Feasible and deserving of state assistance, the determination made by the Council pursuant to the procedures and standards set forth in 990 CMR 5.00.

Generator, any person by site, whose act or process produces hazardous waste, or whose act first causes a hazardous waste to become subject to regulation.

Hazardous Waste, a waste or combination of wastes, which is defined, classified or listed by the Department of Environmental Quality Engineering as hazardous pursuant to regulations issued under the authority of M.G.L. c. 21C.

Hazardous waste management, the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

Host community, any city or town in which a developer proposes to construct, expand, maintain or operate a hazardous waste facility; also, any city or town in which a site is located that is on a final suggested site list established by the Council pursuant to 990 CMR 7.00.

License, written approval to collect, transport, treat, store, use or dispose of hazardous waste, issued by the Department of Environmental Quality Engineering pursuant to M.G.L. c. 21C.

New facility, any hazardous waste facility the construction of which commences after May 1, 1980.

On-site, on the same property or on geographically contiguous properties owned by the same person. Said properties may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along the right-of-way. "On-site" shall also mean on non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access.

Notice of intent recipients, those individuals and agencies specified in 990 CMR 4.04.

Person, any agency or political subdivision of the federal government or the commonwealth; any state; any public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association or other entity; any officer, employee or agent of said person, or any group of said persons.

PNE, Project Notification Form.

Post closure, that period of time after closure of a facility has been completed and approved by the Department of Environmental Quality Engineering.

PPIR, Preliminary Project Impact Report.

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Proposed project, the construction, operation and maintenance of a new facility or an increase in the capacity of a new or existing facility to store, treat, recycle or dispose of hazardous waste.

SEA, Socio-Economic Appendix.

Secretary, the secretary of the Executive Office of Environmental Affairs.

SENF, Socio-Economic Notification Form.

Significant financial interest, an interest in the proposed project which is 10% or more of the total interest.

Site, that part of any property on which a developer intends to locate the buildings, structures, equipment or landfill areas which are a necessary and integral part of the developer's proposed project, but not including:

- land to be used solely in conjunction with the intake or discharge of water to or from any building, structure or equipment;
- land to be used solely for an access road or parking lot;
- land to be used solely as a buffer zone.

Until the developer specifies the site, as defined herein, on which the proposed project will be located, the entire property shall be treated as the site.

Storage, the actual or intended containment of hazardous waste on a temporary basis, or for a period not exceeding nine months or for any other period set by the Department of Environmental Quality Engineering, in a manner which does not constitute disposal.

Treatment, any method, technique or process, including but not limited to neutralization, incineration, stabilization or solidification, which is designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste less hazardous, non-hazardous, safer to transport, amenable to storage or reduced in volume, except such method or technique as may be included as an integral part of a manufacturing process at the point of generation.

Waste, any garbage, refuse, sludge or any solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining or agricultural operations, or from municipal activities, which:

- (1) is sometimes discarded or is being accumulated, stored or physically, chemically or biologically treated prior to being discarded; or
- (2) has served its original intended purpose or is no longer suitable for its original intended purpose; or
- (3) is a manufacturing or mining by-product and sometimes is discarded; or
- (4) has served its original intended purpose and will be "used", as that term is defined in regulations promulgated by the Department of Environmental Quality Engineering pursuant to M.G.L. c. 21C.

A material is discarded if it is:

- (1) abandoned or intended to be abandoned;
- (2) disposed of;
- (3) incinerated;
- (4) physically, chemically, or biologically treated in lieu of or prior to being disposed of or abandoned.

A manufacturing or mining by-product is a material which is not one of the primary products of a particular manufacturing or mining operation, which is a secondary and incidental product of said operation and which would not be solely and separately manufactured or mined in the course of said operation. The term does not include an intermediate manufacturing or mining product which results from one of the steps in a manufacturing or mining process and which typically undergoes the next step of the process within a short time.

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REGULATORY AUTHORITY:

990 CMR 3.00: M.G.L. c. 21D, § 4.