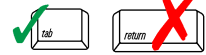




# Massachusetts Department of Environmental Protection Bureau of Waste Prevention / Solid Waste Management

## Third-Party Inspection Report – 310 CMR 19.018(8) Waste Ban Compliance

**Important:** When completing this form on a computer, use only the Tab key to move your cursor – not the Return key.



### Instructions

Use this form to record and report the results of a Third-Party Waste Ban Compliance Inspection conducted pursuant to 310 CMR 19.018. Be sure to obtain the most recent version of this form. All applicable sections of the submitted form must be completed to be accepted by MassDEP.

Pursuant to 310 CMR 19.018(8)(a), the third-party inspector and facility owner/operator must sign this Third-Party Inspection Report form and submit the completed report to the appropriate MassDEP regional office and one copy of each completed report to the board of health of the municipality in which the facility is located.

In the event that this inspection report contains a recommendation for corrective action(s), the owner/operator shall also submit the information required by 310 CMR 19.018(8)(c)2.

Forms and instructions are available online:

<http://www.mass.gov/eea/agencies/massdep/recycle/approvals/solid-waste-applications-and-forms.html#8>

Pursuant to 310 CMR 19.018(7)(b), facilities that do not accept loads greater than five cubic yards, and facilities that participate in the Class II Recycling Program in accordance with 310 CMR 19.300, are exempt from the requirements of 310 CMR 19.018(7).

*Note: This form does not identify all of the requirements applicable to each solid waste management facility; other requirements and/or policies may apply to the operation, maintenance and monitoring of each facility.*

#### MassDEP Use Only

Rec'd Date:

FMF #:

RO #:

Reviewer:

Comments:

### I. Facility Information

#### Facility Type (check one):

- ☐ Transfer Station/Handling Facility   ☐ C&D Waste Processor or C&D Waste Transfer Station   ☐ Municipal Waste Combustor  
☐ Active Landfill   ☐ Other \_\_\_\_\_  
Specify \_\_\_\_\_

#### Facility:

Facility Name \_\_\_\_\_  
City/Town \_\_\_\_\_ MA \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Regulated Object Account Number \_\_\_\_\_ FMF Number \_\_\_\_\_

#### Operator:

Operator Name (Doing Business As/Company Name) \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Email Address \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City/Town \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

#### Permittee:

Permittee Name (Entity Identified on Facility Permit) \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City/Town \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

#### Responsible Official:

Responsible Official Name (Individual) \_\_\_\_\_ Responsible Official Email Address \_\_\_\_\_  
Responsible Official Company Name \_\_\_\_\_ Responsible Official Telephone Number \_\_\_\_\_



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## II. Third-Party Inspector

Third-Party Inspector Name

Company Name

MassDEP Third-Party Inspector Identification Number

MassDEP Third-Party Inspector Expiration Date (MM/DD/YYYY)

Telephone Number

Email Address

Mailing Address

City/Town

State

ZIP Code

## III. Inspection Details

### A. FREQUENCY

Indicate the scheduled inspection frequency for this facility (as required by 310 CMR 19.018(7)(d), or a more frequent schedule set forth in the Facility Permit/Other Approval):

- ☐ Bi-Monthly      ☐ Quarterly      ☐ Semi-Annual      ☐ Annual  
☐ Other (include permit/approval type and date of issuance):

### B. DATE, TIME & PERSONNEL

Inspection Date (MM/DD/YYYY):

Inspection Start Time:      ☐ AM    ☐ PM

Facility Representatives in Attendance During Inspection:

### C. GENERAL COMMENTS



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#### IV. Pre-Inspection Preparation

##### A. FACILITY-SPECIFIC WASTE BAN COMPLIANCE REQUIREMENTS

During each third-party inspection, the third-party inspector shall assess compliance with the waste bans by the facility and by the haulers and generators delivering waste to the facility, in order to determine the facility's compliance with all applicable waste ban requirements as set forth in 310 CMR 19.018(7)(c)1.

**Therefore, pursuant to 310 CMR 19.018(7)(c)1, prior to conducting a third-party waste ban inspection, the third-party inspector shall, without limitation, complete all of the following:**

- ☐ Identify, review and become familiar with all solid waste requirements applicable to waste ban compliance at the facility including the facility's waste ban compliance plan, as approved by the Department.
- ☐ Review and become familiar with the regulations set forth at 310 CMR 19.017 – *Waste Bans*.
- ☐ Review and become familiar with MassDEP's *Guidance for Solid Waste Handling and Disposal Facilities on Compliance with MassDEP's Waste Bans*.

**I, <enter name of the registered third-party inspector completing this report>, have identified, reviewed and understand all of the aforementioned requirements that are applicable to this facility and the following are my observations and recommendations related to the facility-specific requirements.** ⇒ Inspector Initials

##### B. CURRENT WASTE BAN COMPLIANCE PLAN

Plan Date (MM/DD/YYYY) \_\_\_\_\_ Approval Date, if applicable \_\_\_\_\_

Identify the number of comprehensive load inspections the facility is required to conduct each month\*:  
(see Waste Ban Compliance Plan, Part D)

Number of Loads \_\_\_\_\_

*\*Note: This is independent from and may be different than the required number of loads observed during a Third-Party Waste Ban Inspection.*

##### C. MINIMUM NUMBER OF LOADS FOR OBSERVATION

Identify the number of incoming waste loads that will be observed by the third-party inspector during the inspection:

- ☐ **Standard:** Pursuant to 310 CMR 19.018(7)(e)1, the minimum number of loads observed during the inspection will be:
  - ☐ For a facility permitted to accept from 1 to 99 tons of waste per day, four (4) vehicle loads.
  - ☐ For a facility permitted to accept greater than 99 but less than 299 tons of waste per day, eight (8) vehicle loads.
  - ☐ For a facility permitted to accept greater than 299 but less than 499 tons of waste per day, twelve (12) vehicle loads.
  - ☐ For a facility permitted to accept greater than 499 but less than 999 tons of waste per day, sixteen (16) vehicle loads.
  - ☐ For a facility permitted to accept more than 999 tons of waste per day, twenty (20) vehicle loads.

☐ **Alternative:** Pursuant to 310 CMR 19.018(7)(e)2, an alternative number of loads\* will be observed during the inspection. Identify the number of loads and provide the basis for using this alternative: Number of Loads \_\_\_\_\_

*\*Note: As an alternative to the minimum number of loads set forth at 310 CMR 19.018(7)(e)1, for a facility that has operated below the facility's permitted capacity for the previous year, the third-party inspector may apply the average actual daily receipt of waste (in tons) over the preceding year (instead of the permitted tonnage amount) to the minimum load criteria set forth at 310 CMR 19.018(7)(e)1.*

Explanation: <text field>



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**D. OTHER PLANS, APPROVALS & ORDERS**

List all other relevant permits, plans, approvals, orders or other enforcement actions issued to the facility by the Department that contain specific practices, procedures, and other requirements still in effect for waste ban compliance at the facility. Where applicable, provide the plan or issue date for each item. For enforcement actions, include the document number, effective date and status of implementation by the Facility.

Permits/Plans/Approvals: <text field>

**V. Inspection Observations**

During the inspection and for the minimum number of loads as required pursuant to 310 CMR 19.018(7)(e), the third-party inspector shall examine and evaluate waste ban compliance as follows:

**A. OPERATIONS & RECORD-KEEPING**

Examine and evaluate the facility's operations and record-keeping related to waste ban compliance.

Performance Standard	Response	Comments/Observations and Recommended Corrective Action(s)
Is the ongoing monitoring of incoming waste being conducted in accordance with the facility's approved waste ban compliance plan and other applicable requirements?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are the comprehensive load inspections of incoming waste being conducted in accordance with the minimum inspection frequency set forth in the facility's approved waste ban compliance plan? (Refer to Section IV.B. above.)	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are the results of the ongoing monitoring and comprehensive load inspections being properly documented in accordance with the facility's approved waste ban compliance plan and other applicable requirements?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Is the failed load communication, including failed load letters as applicable, being conducted in accordance with the facility's approved waste ban compliance plan and other applicable requirements?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

**B. LOAD OBSERVATION**

Once the third-party inspector begins the Waste Ban inspection, the third-party inspector shall visually monitor and document all incoming loads received at the facility during the inspection until the applicable minimum number of loads containing at least five cubic yards of material each have been observed. (Refer to Section IV.C. above.) Please retain photographs and a copy of the weigh slip (if applicable) for each failed load identified during the inspection. Do not submit photographs or weigh slips with this inspection report; MassDEP may request such information to be submitted separately.

- ☐ Report data for each load observed during the inspection by completing the table provided by the Department online at: <http://www.mass.gov/eea/agencies/massdep/recycle/approvals/solid-waste-applications-and-forms.html#8>. Note: the completed Load Observation Table will be submitted to the Department electronically. Refer to the instructions in Section VII.

General Comments/Observations:



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**C. COMPARATIVE ANALYSIS**

Pursuant to 310 CMR 19.018(8)(b)2.b., the third-party inspector shall provide a comparative analysis of the percentage of failed loads identified by the third-party inspector during the inspection and the percentage of failed loads documented pursuant to the ongoing load inspections conducted over the immediately preceding inspection period in accordance with the facility's approved waste ban compliance plan. For the purposes of the comparative analysis, the preceding inspection period should consist of the appropriate number of whole months prior to the inspection. For example, if a semi-annual inspection is required (one inspection every six months), then the comparative analysis for an inspection that occurs in November should include waste ban compliance data from May through October (the preceding whole six months).

- ☐ Prepare the comparative analysis required by 310 CMR 19.018(8)(b)2.b. by completing the comparative analysis summary provided by the Department online at: <http://www.mass.gov/eea/agencies/massdep/recycle/approvals/solid-waste-applications-and-forms.html#8>. Note: the completed Comparative Analysis Summary will be submitted to the Department electronically. Refer to the instructions in Section VII.

General Comments/Observations:



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### VI. Summary and Recommendations

Pursuant to 310 CMR 19.018(7)(c)4. where a third-party inspector observes that waste ban compliance at the facility deviates from the applicable requirements set forth at 310 CMR 19.018(7)(c)1., the third-party inspector shall document all such deviations and recommend corrective actions for the facility to take to return to compliance.

#### A. INSPECTION RESULTS

Based on the examinations and evaluations conducted in Section V., please summarize the inspection results by checking one of the following determinations:

☐ **No deviations from the applicable waste ban compliance performance standards or additional requirements listed at 310 CMR 19.018(7) were identified during this inspection.**

If no deviations were identified during the inspection, check this box and proceed to Section VI.B.

☐ **Deviations from the applicable waste ban compliance performance standards or additional requirements listed at 310 CMR 19.018(7) were identified during this inspection and are discussed further in this report.**

If deviations were identified during the inspection, check this box and ensure that each deviation and the recommended corrective actions are discussed in the applicable section(s) below.

#### B. STATUS OF PREVIOUS RECOMMENDATIONS FOR CORRECTIVE ACTION

If a previous waste ban compliance inspection report identified deviations with recommendations for corrective action, please describe the action(s) taken since the last inspection to return the facility to compliance with the applicable requirements.

Discussion:

#### C. RECOMMENDATIONS FOR CORRECTIVE ACTION

Based on the results of this inspection, please provide recommendations for corrective action to return to compliance, if necessary.

Recommendations:

### VII. Additional Information Checklist

Attach the following additional information, as applicable, to complete the inspection report.\*

- ☐ Complete the Load Observation Table as required in Section V.B. and submit an electronic copy of the completed table to the Department via email at: [dep.swm@state.ma.us](mailto:dep.swm@state.ma.us).
- ☐ Retain photographs and weigh slips for all failed loads identified during the inspection, as required in Section V.B. Do not submit photographs or weigh slips with this inspection report; MassDEP may request such information to be submitted separately.
- ☐ Complete the Comparative Analysis as required in Section V.C. and submit an electronic copy of the completed analysis to the Department via email at: [dep.swm@state.ma.us](mailto:dep.swm@state.ma.us).

\*Note: Pursuant to 310 CMR 19.018(8), MassDEP may request additional information.

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### VIII. Certification – THIRD-PARTY INSPECTOR

"I attest under the pains and penalty of perjury that:

1. I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement and any and all electronic data required to be submitted to the Department as part of this third-party inspection report;
2. Based on my inquiry of those persons responsible for obtaining the information, the information contained in this submittal and such documents and electronic data is, to the best of my knowledge, true, accurate and complete;
3. I have provided to the facility owner or operator the electronic data (i.e. load observations and quarterly comparative analysis) required in section VII;
4. I have been able to conduct the third-party inspection and prepare the third-party inspection report without being influenced by the facility owner or operator and, (if I am a municipal employee) without being influenced by my municipal employer, by any coworker or by any elected or appointed official of the municipality; and
5. I am aware that there are significant penalties, including, but not limited to, possible administrative and civil penalties for submitting false, inaccurate, or incomplete information and possible fines and imprisonment for knowingly submitting false, inaccurate, or incomplete information."

Signature of Third-Party Inspector

Print Full Name

Company Name

Date (MM/DD/YYYY)

### IX. Certification – FACILITY OWNER/OPERATOR

"I certify under the penalty of law:

1. That I have personally examined and am familiar with the information submitted in this document and all attachments, including the electronic data (i.e. load observations and quarterly comparative analysis) required in section VII, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties both civil and criminal for submitting false information including possible fines and imprisonment.
2. That, in the event that this inspection report contains a recommendation for corrective action(s), I have completed and attached to this report a Corrective Action Plan and Schedule\*, pursuant to 310 CMR 19.018(8)(c)2."

Signature of Responsible Official

Print Full Name

Title

Date (MM/DD/YYYY)

► Pursuant to 310 CMR 19.018(8)(c), a copy of each third-party inspection report shall be maintained at the facility in accordance with the requirements of 310 CMR 19.000. The owner and operator shall make third-party inspection reports available to personnel or authorized representatives of the Department for review at the facility upon request.

*\*Note: The owner or operator may elect to correct deviations identified in the Third-Party Inspection Report in a manner that is different than that recommended by the Third-Party Inspector, so long as the facility is brought back into compliance with applicable requirements.*

<b>Within 30 days of the inspection date:</b>	<ul style="list-style-type: none"><li>• Mail this completed form to the MassDEP Regional Office that serves the municipality in which the facility is located. (Attention: Solid Waste Management)</li><li>• Send one copy to the local board of health for the municipality in which the facility is located.</li></ul>	A list of municipalities and MassDEP Regional Offices is available online at: <a href="http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html">http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html</a>
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