



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Frequently Asked Questions About the Massachusetts Construction and Demolition Materials Waste Bans June 2020

1. What are the “Waste Bans”?

- A. The “Waste Bans” are prohibitions on the disposal, transfer for disposal, or contracting for disposal of certain hazardous and recyclable items at solid waste facilities in Massachusetts. The waste bans are located in the state’s solid waste facility management regulations at 310 CMR 19.017. For general information on waste bans, please refer to the MassDEP web site at <https://www.mass.gov/guides/massdep-waste-disposal-bans>.

2. Which C&D materials are subject to the Waste Bans?

- A. The following construction materials are banned from disposal under 310 CMR 19.017: asphalt pavement, brick, concrete, metal, wood and clean gypsum wallboard. Note that wood may be disposed of at municipal waste combustion facilities.

3. When did the disposal ban on C&D materials take effect?

- A. The disposal bans on asphalt pavement, brick, concrete, metal and wood took effect on July 1, 2006. The disposal ban on clean gypsum wallboard took effect on July 1, 2011. By now, all solid waste facility waste ban compliance plans should have been modified to address how these materials are handled when they show up at the facility.

4. Why ban the disposal of construction and demolition debris?

- A. Increasing recycling and other diversion of C&D materials helps support development of in-state processing businesses and preserves valuable, limited disposal capacity in the Commonwealth. MassDEP’s Draft 2030 Solid Waste Master Plan (SWMP) sets a goal of reducing disposal of construction and demolition materials by 260,000 tons by 2030, more than double current C&D recycling tonnage.

5. Is all construction and demolition debris banned from disposal?

- A. No, only asphalt pavement, brick, concrete, metal, wood and clean gypsum wallboard are subject to the ban. (Please note that wood is not banned from municipal waste combustors.) In addition to the C&D materials subject to the Waste Ban, other materials such as cardboard, whole tires, CRTs/electronics, white goods, brush and stumps, which

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are often generated during construction and demolition projects, are also subject to their own Waste Bans. Furthermore, in the spirit of the aggressive waste reduction goals articulated in the Draft 2030 Solid Waste Master Plan, MassDEP encourages the re-use and recycling of all C&D materials to the greatest extent possible, even those not subject to the current Waste Bans. That might include such materials as asphalt shingles, bulky rigid plastic, mattresses and carpet, to name just a few.

6. Where will the construction and demolition debris go?

- A. MassDEP worked with a “Construction and Demolition Debris Subcommittee” to develop the disposal prohibition of certain construction and demolition debris material. The C&D Subcommittee was comprised of architects/engineers, building owners, contractors, haulers, C&D processors, landfill owners, transfer station owners, municipalities, environmental groups, trade associations, law firms and consultants. The C&D Subcommittee identified that there are recycling and reuse markets for asphalt pavement, brick, concrete, metal, wood and clean gypsum wallboard and that these types of materials are routinely diverted from disposal. To learn more about markets, please refer to the “Construction Materials” webpage of MassDEP’s technical assistance organization, RecyclingWorks Massachusetts found at the following link: <https://recyclingworksma.com/how-to/materials-guidance/construction-materials/>. Among other topics, it covers “How do C&D materials get recycled?” and “What happens after C&D materials are recycled?”. There’s also a link to the C&D Best Management Practices (BMP) guide developed by RecyclingWorks: <https://recyclingworksma.com/construction-demolition-materials-guidance/>. The RecyclingWorks BMP Guide describes a range of options for properly managing C&D debris including deconstruction, material re-use, C&D recycling, and source separation.

7. Won’t the disposal ban cost more?

- A. Construction and demolition debris processors provide cost-competitive options over disposal for managing mixed loads of construction and demolition debris. Recyclers provide even stronger cost-competitive options for managing materials that have been separated at the job site. The RecyclingWorks “Construction Materials” webpage referenced above (<https://recyclingworksma.com/how-to/materials-guidance/construction-materials/>) also includes examples of recent successful C&D material recycling case studies.

8. What do solid waste facilities need to do to comply?

- A. All solid waste facilities are required to have a written waste ban compliance plan approved by the appropriate regional MassDEP office in which they operate. In addition, since 2020 the C&D Handling Facilities must demonstrate that they are operating in compliance with the MassDEP C&D Minimum Performance Standard. For more information about the C&D Minimum Performance Standard, please refer to the following:

- C&D Minimum Performance Standard: <https://www.mass.gov/doc/minimum-performance-standard-for-construction-demolition-handling-facilities/download>
- C&D Minimum Performance Standard FAQs: <https://www.mass.gov/doc/frequently-asked-questions-faq-minimum-performance-standard-for-cd-handling-facilities/download>

Please note that all C&D Handling Facilities will be required to submit revised Waste Ban Compliance Plans addressing the C&D MPS Performance Criteria either:

- At the time new Waste Ban Materials are added to SWM regulation (310 CMR 19.017), or
- At the time of ATO permit renewal/modification, whichever comes first. (MassDEP’s current schedule calls for promulgating revised waste ban regulations in fall 2020.)

If unsure which form to use for submitting a new or modified Waste Ban Compliance Plan, please reach out to the MassDEP Solid Waste Division Section Chief for the region in which your facility is located. If unsure of the region in which the facility is located, please refer to the “Find Your Region” tool at the following link: <https://www.mass.gov/doc/massdep-regional-office-locations-communities-served>.

9. Is there an acceptable level of banned C&D materials that can be disposed of?

- A. Under the waste ban regulations, there is no acceptable level of banned materials that can be disposed of. However, for purposes of waste ban inspections and monitoring by solid waste facilities, MassDEP has established “action levels” for certain materials on a volume basis. In that context, the action level for all construction materials combined is 20 percent by volume of any given load. Any loads that contain more than this amount of banned material for disposal should be identified as failed loads under a solid waste facility’s waste ban plan and treated in accordance with that facility’s waste ban plan.

10. My town’s transfer station does not receive a lot of construction and demolition debris. Do we need to separate the banned C&D materials?

- A. No, if a transfer station receives loads of construction and demolition debris in vehicles with a capacity of 5 (five) cubic yards or less, then that transfer station does not need to separate those items nor does it need to conduct any comprehensive inspections or record-keeping of those loads. That transfer station can consolidate loads into a larger container and send the larger container to another solid waste facility for disposal. Please note that this transfer station still needs to conduct on-going monitoring for other banned materials.

11. My transfer station only takes loads in vehicles or containers with a capacity of 5 (five) cubic yards or less. However, our consolidated loads exceed the 20 percent action level for banned C&D materials. Does the next solid waste facility have to reject our consolidated load because it exceeds the 20 percent action level?

- A. No, this aggregated load may be sent to a permitted solid waste facility for disposal and not be subject to MassDEP waste ban enforcement for asphalt pavement, brick, concrete, metal and/or wood disposal. Please note that this exemption does not apply to other banned materials.

MassDEP will provide all solid waste facilities with a list of solid waste transfer stations that have approved waste ban compliance plans that state the transfer station does not receive solid waste in vehicles or containers with a capacity of greater than 5 (five) cubic yards.

12. My transfer station receives loads of construction and demolition debris that may contain banned C&D materials in vehicles or containers greater than 5 (five) cubic yards. Can we consolidate the loads and send them to a construction and demolition debris processing facility?

- A. Yes, loads containing banned C&D materials may be transferred to facilities that have an approved waste ban compliance plan that includes diversion of these materials for recycling or reuse, or can demonstrate that they will not accept restricted material for disposal, or further transfer for disposal in accordance with the C&D Minimum Performance Standard (<https://www.mass.gov/doc/minimum-performance-standard-for-construction-demolition-handling-facilities/download>). Your facility's waste ban compliance plan should specify how your facility will handle these materials.

Loads from transfer stations that accept greater than 5 (five) cubic yard loads and contain 20 percent or more by volume of asphalt pavement, brick, concrete, metal, or wood may not be sent for disposal. Please note that wood may be disposed of at combustion facilities.

13. What must a C&D Handling Facility do when clean gypsum wallboard arrives in a mixed C&D waste load?

- A. In order to maintain compliance with the requirement in approved Waste Ban Compliance Plans to separate clean gypsum wallboard to the maximum extent possible for recycling, the following measures are to be taken:
1. Loads that include clean gypsum wallboard must be sorted, to the extent it can be done safely, to remove clean gypsum wallboard to the greatest extent possible prior to any mechanical processing of the C&D waste load.
 2. Facilities will not be allowed to transfer (including transfer to another C&D Handling Facility) mixed C&D waste loads that contain clean gypsum wallboard without first safely separating the clean gypsum wallboard for recycling.

3. In order to be eligible to receive mixed C&D waste loads, a C&D handling facility must implement operating procedures to safely and effectively separate clean gypsum wallboard prior to transferring or processing C&D loads.

Please refer to the Clean Gypsum Wallboard Guidance that can be found at the following link: <https://www.mass.gov/doc/gypsum-wallboard-waste-ban-guidance-cd-handling-facilities/download>.

14. What if a C&D processing facility receives wood that it cannot divert from disposal due to contamination?

- A. A: Under the waste ban regulations, all solid waste facilities must submit waste ban compliance plans that demonstrate how they will inspect for and segregate banned materials so that they are not disposed. In some cases, C&D processing facilities may receive particular contaminated materials that they cannot recycle or otherwise divert from disposal. In these cases, the waste ban regulations provide exceptions allowing this material to be disposed with prior approval from MassDEP. However, as a general matter, C&D processors (and other solid waste facilities) are required to establish and implement waste ban compliance plans that will divert both clean and treated and painted wood from disposal on a routine basis.

15. How will the waste ban on wood apply to bulky waste collection items such as furniture that contain wood?

- A. A: MassDEP's goal in banning wood from disposal is to ensure that large amounts of C&D wood and wood waste are not disposed of. Furniture such as tables, chairs, desks, etc. is not included in the waste ban.

16. I am a construction/demolition contractor, how can I comply with the ban?

- A. MassDEP's construction and demolition web page (<https://www.mass.gov/lists/managing-construction-demolition-cd-wastes>) includes a link to RecyclingWorks Massachusetts, a technical assistance organization of MassDEP that provides assistance to Massachusetts businesses and institutions to improve recycling practices.
 - The RecyclingWorks "Construction Materials" webpage (<https://recyclingworksma.com/how-to/materials-guidance/construction-materials/>) includes examples of recent successful C&D material recycling case studies.
 - The RecyclingWorks "Building Materials" webpage (<https://recyclingworksma.com/reuse/building-materials/>) provides guidance for reuse and recycling of building materials.
 - All these webpages contain a link to the C&D Best Management Practices (BMP) guide developed by RecyclingWorks Massachusetts: <https://recyclingworksma.com/construction-demolition-materials-guidance/>. The RecyclingWorks BMP Guide describes a range of options for properly managing

C&D debris including deconstruction, material re-use, C&D recycling, and source separation.

17. I am a hauler, how can I comply with the ban?

- A. You can locate C&D processing facilities by checking MassDEP's web page at: <https://www.mass.gov/lists/massachusetts-landfills-transfer-stations-compost-sites-recycling-facilities>. See the list titled "Active Handling Facilities in Massachusetts."

18. Where can I get more information on waste bans?

- A. Please refer to the MassDEP web site at: <https://www.mass.gov/guides/massdep-waste-disposal-bans> to view the latest waste ban regulations (310 CMR 10.017) and for the "Guidance on Compliance with MassDEP's Waste Bans for Solid Waste Handling and Disposal Facilities." The Waste Ban Compliance Plan form is Appendix G to the guidance document.