



# Department of Environmental Protection

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## Hazardous Waste Management Guidance During State of Emergency for COVID-19 Pandemic

(Issue Date: April 8, 2020)  
(Amended: August 26, 2020)

The Massachusetts Department of Environmental Protection (MassDEP) is amending its April 8, 2020 Hazardous Waste Management Guidance During State of Emergency for COVID-19 Pandemic (Amended Guidance). Effective on August 26, 2020, MassDEP is implementing the following Amended Guidance resulting from the COVID-19 pandemic for the items specified below related to hazardous waste management, and pertaining to actions by regulated entities, as set forth. This guidance applies to the following requirements:

### **A. Compliance with hazardous waste container and tank inspection (described at 30.686 and 30.696, respectively) for Small Quantity Generator (SQG) and Large Quantity Generator (LQG) facilities if the facility is closed during the State of Emergency.**

A facility subject to container and tank inspection requirements that is closed during the State of Emergency should make every reasonable effort to do applicable daily/weekly inspections. If employers have concerns about deploying their employees to do such inspections, then they should contact MassDEP at 617-292-5898. In these situations, the Department will be open to the waste being shipped off-site as soon as possible. **By November 1, 2020, regulated entities must fully comply with the inspection requirements for waste container (310 CMR 30.686) and tank (310 CMR 30.696) for Small and Large Quantity generators, respectively.**

### **B. Agreement to authorize the shipments of hazardous waste via electronic signing of a hazardous waste manifest in order to maintain social distancing.**

A generator may enter into an agreement, by electronic mail or otherwise, with a transporter whereby the transporter may sign on behalf of the generator. The generator should, if possible, be present when the waste is shipped off-site. The generator shall maintain a copy of the agreement and make it available to the Department upon request. **Generators should continue to comply with EPA's hazardous waste manifest instructions on EPA Form 8700-22 (<https://www.epa.gov/sites/production/files/2020-08/documents/enforcementstatementregardingwetsignaturesduringcovid19andappendix082020.pdf>) as they pertain to hazardous waste transporters signing as an agent of the generator.**

### **C. Compliance with SQG and LQG accumulation time limits during the State of Emergency.**

If a facility is a generator of hazardous waste and, due to disruptions caused by the COVID-19 pandemic, is unable to transfer the waste off-site within the time periods required under 21C/RCRA to maintain its generator status, the facility should continue to properly label and store such waste and notify the Department via email at [marrcus.henry@mass.gov](mailto:marrcus.henry@mass.gov). If these steps are met, under this guidance, MassDEP will treat such entities to be hazardous waste generators, and not treatment, storage and disposal facilities. In addition, under this guidance, MassDEP will treat Very Small Quantity Generators and Small Quantity Generators as

retaining that status, even if the amount of hazardous waste stored on site exceeds a regulatory volume threshold due to the generator's inability to arrange for shipping of hazardous waste off of the generator's site due to the COVID-19 pandemic. **By November 1, 2020, regulated entities must fully comply with the accumulation time limits at 310 CMR 30.351(5) for SQGs and at 310 CMR 30.340(4) for LQGs.**

MassDEP will coordinate with other agencies in situations where the MassDEP shares jurisdiction over a regulated entity's environmental compliance obligations. MassDEP will update this guidance if MassDEP determines modifications are necessary.

**All other hazardous waste requirements under 310 CMR 30.000 not identified above are in effect and shall be complied with.** MassDEP expects that all regulated entities will continue to operate in a manner that is safe and protects the public and the environment.

This document does not constitute "final agency action," and is not "regulation" as that term is used in M.G.L. c.30A. It may not be relied upon to create rights, duties, obligations or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this guidance does not exempt any person from complying with any other applicable local, state or federal law.

**For more information please email Marrcus Henry at [Marrcus.Henry@mass.gov](mailto:Marrcus.Henry@mass.gov) or call at 617-292-5898.**