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GUIDANCE FOR CONSTRUCTION AND DEMOLITION HANDLING FACILITIES COMPLIANCE WITH MASSDEP'S WASTE BAN REGULATIONS AND WASTE BAN COMPLIANCE PLANS WITH REGARD TO CLEAN GYPSUM WALLBOARD

May 30, 2013

This guidance regarding clean gypsum wallboard, applicable to Construction and Demolition (C&D) Handling Facilities, is intended to guide parties in complying with the Waste Bans in the Solid Waste Management Facility Regulations at 310 CMR 19.017 and with the current terms of Facility Permits and Waste Ban Plans with particular regard to the handling of clean gypsum wallboard. This guidance clarifies these requirements for C&D Handling Facilities and provides guidance on approaches the Massachusetts Department of Environmental Protection ("MassDEP") considers acceptable for complying with the Waste Bans and with the current terms of Facility Permits and Waste Ban Plans at these facilities. This guidance is not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party in any litigation with the Commonwealth.

This guidance is about the separation of clean gypsum wallboard at C&D processing facilities and C&D transfer stations, collectively referred to as C&D Handling Facilities. A review of reports submitted by C&D Handling Facilities and inspections of C&D Handling Facilities by MassDEP has shown that the amount of clean gypsum wallboard separated before processing is not meeting the requirement established in current C&D facilities' Waste Ban Compliance Plan approvals-- that clean gypsum wallboard must be removed to the greatest extent possible. As a result, an insufficient amount of clean gypsum wallboard is being recycled. In addition, excessive amounts of clean gypsum wallboard are ending up in fines and residuals, which can cause hydrogen sulfide gas problems if fines and residuals are used as alternative daily cover material at active landfills or landfill grading and shaping material during landfill closures.

Sorting and separation of clean gypsum wallboard can most effectively be performed prior to processing or further transportation. MassDEP has observed that it is not feasible to separate and collect wallboard once it has entered the processing system at a processing facility because it is destroyed when handled by large equipment and shredders.

To implement the clean gypsum wallboard waste ban, MassDEP previously issued guidance for solid waste management facilities on requirements for preparing revised Waste Ban Compliance Plans (see <http://www.mass.gov/dep/recycle/solid/cdwbguid.pdf>). Given the results of recent inspections of C&D

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TDD# 1-866-539-7622 or 1-617-574-6868

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Handling Facilities, MassDEP is providing this additional guidance to the regulated community to assist C&D Handling Facilities in complying with the Waste Ban regulations.

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.

C&D Handling Facilities should already be implementing these requirements because these requirements are part of all C&D Handling Facility Permits and Waste Ban Compliance Plans by their current terms and this guidance provides clarification of existing requirements. C&D Handling Facility Permits and Waste Ban Plans will be updated at the next needed modification to reflect the clarifying terms of this guidance. Alternatively, a facility may submit to MassDEP a permit modification application (BWPSW21) requesting approval of other methods/means of complying with the substance of this guidance.

Nothing in this guidance relieves a C&D Handling Facility from compliance with the facility's MassDEP approved Waste Ban Compliance Plan, nor does it limit MassDEP's authority in approving or disapproving any Waste Ban Compliance Plan or determining compliance with an existing plan or enforcing an existing plan. MassDEP reserves the right to act at variance with this guidance and change it at any time without public notice.

MassDEP considers this guidance to be a further clarification of the enforceable provisions of C&D Facility Permits and Waste Ban Compliance Plans that are already in effect. After the effective date of this guidance, MassDEP will be enforcing the terms of those Permits and Plans with respect to the clarified requirements for handling of clean gypsum wallboard as set forth in this guidance.