



## Department of Environmental Protection

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### **Q&A: Managing Solid Waste Debris After an Emergency**

#### **Can municipalities collect and temporarily store solid waste debris from a storm or other emergency?**

A provision in MassDEP Solid Waste Regulations (16.05(5)(a) in [310 CMR 16.00: Site Assignment for Solid Waste Facilities](#)) allows a city or town to temporarily store solid waste generated by its public works department at locations controlled by the municipality, without the need for prior notice or approval by the agency. The waste must be stored in dumpsters, roll-off containers, or other temporary storage structures appropriate for the waste so as to prevent nuisance conditions and releases of contaminants to the environment. In the case of storm debris, temporary storage structures might include areas protected by hay bales to control runoff and odors or litter/dust.

While municipalities are not allowed to accept and store non-DPW-generated waste under this exemption, given the emergency the MassDEP will allow municipalities to collect "storm debris" from their residents at a DPW-controlled location prior to disposal by the municipality. However, this is contingent upon the municipality notifying the appropriate MassDEP Regional Office of the activity prior to commencing it and the municipality managing the storm debris in an environmentally protective manner as required by the regulations above at a location controlled and maintained by the municipality.

#### **When must storm debris contaminated with oil and/or hazardous material from a commercial or industrial (i.e., non-residential) property require management as a hazardous waste?**

Storm debris from an industrial or commercial property that is contaminated with oil and/or a hazardous material (OHM) does not require handling, transportation and disposal as a hazardous waste unless the debris is known to be contaminated with OHM from a source, industrial process, commercial chemical product or listed acutely hazardous waste as listed in [310 CMR 30.000: Massachusetts Hazardous Waste](#); or the contaminants cause the debris to exhibit a "characteristic" of a hazardous waste as defined in 310 CMR 30.120.

#### **What about asbestos debris?**

Older heating systems (boiler and piping) may be wrapped with asbestos-containing insulation. In addition, some older vinyl floor tile also may contain asbestos. What should be done if such material must be removed as a result of flooding or storm damage?

Removal of asbestos-containing material is regulated by both Massachusetts Department of Environmental Protection (MassDEP) and Massachusetts Department of Labor Standards (DLS) Asbestos Program. You should not remove asbestos-containing debris material without hiring a licensed Asbestos Removal Contractor to assist you with the removal. A listing of licensed removal contractors is available from DLS.

MassDEP asbestos regulations require notification of MassDEP prior to removal of asbestos-containing material. Contact the appropriate MassDEP Regional Office (or have your contractor contact the MassDEP Regional Office) to obtain an Emergency Waiver to expedite and authorize your asbestos removal. After obtaining an Emergency Waiver, you must submit a formal asbestos notification to MassDEP. See the agency's [Asbestos, Construction & Demolition Notifications web page](#) to learn more.

**What if I am not sure if asbestos is present in my home?**

Contact a certified asbestos consultant and/or laboratory to assist with sample analysis prior to conducting any removal to determine if it is asbestos material. DLS can provide a listing of both.

**What should I do if my oil tank is damaged and must be replaced?**

Damaged oil tanks will typically be removed and disposed of by an oil company or contractors hired to repair or replace your damaged heating system. Tanks must be removed carefully since they may contain residual oil or oil sludge that you don't want spilled in your basement or yard as the tank is removed. This is particularly important since the tank may have to be taken apart in order to get it out of the basement. Damaged tanks are typically sent for disposal to a scrap metal dealer. You should also make sure you contact your insurance company since they may require photographs to be taken of the damaged tank and heating system prior to its removal or repair. Contact MassDEP at 888-304-1133 if there has been an oil leak in your basement or you have questions about tank removal or debris cleanup.