



MassDEP Updates

Solid Waste Advisory Committee

May 28, 2020

COVID 19 Guidance

- [COVID-19 Essential Services \(including solid waste and recycling collection and facilities\)](#)
- [COVID-19 Order to Ensure Continuity of Waste & Recycling Collection](#)
- [COVID-19 Information for the Solid Waste Management Industry](#)
- [COVID-19 News: Massachusetts Temporarily Suspends Bottle Redemption Enforcement](#)

COVID 19 Guidance

- [COVID-19 Order for Grocery Stores & Pharmacies \(including temporary prohibition on reusable shopping bags\)](#)
- [All MassDEP COVID-19 Information](#)
- [All Massachusetts COVID-19 Guidance & Directives](#)
- [U.S. Environmental Protection Agency \(EPA\): Recycling & Sustainable Management of Food During the COVID-19 Emergency](#)

Solid Waste Industry Guidance

- National Waste & Recycling Association: COVID-19 FAQ
- Solid Waste Association of North America: Guidance on COVID-19
- U.S. Occupational Safety & Health Administration: COVID-19 Control & Prevention
- U.S. Centers for Disease Control & Prevention: COVID-19 Clinical FAQ

SMRP & Reuse Grants

- Sustainable Materials Recovery Program
- Recycling Dividends Program
 - June 10th application deadline
- Reuse Micro Grants
 - Application available now – accepted on rolling basis
- Recycling Business Development Grants
 - 2020 application under review now

Upcoming Events

- C&D Subcommittee Meeting – June 18
- Organics Subcommittee Meeting – TBD
- Recycling Market Development Workgroup – coming soon
- Recycling Works in MA College & University Training
 - held earlier today – will be available going forward
- Recycling Works in MA Multi-family Properties Webinar – June 3

Solid Waste Regulations Review

Introduction

- Separate changes to waste ban regulations (310 CMR 19.017) going through internal review now
- MassDEP conducting comprehensive review of:
 - 310 CMR 16.00 – Solid Waste Site Assignment
 - 310 CMR 19.000 – Solid Waste Permitting
- Today – present & discuss initial summary of MassDEP's review
- Summer/Fall 2020 - Working group meetings
 - Provide further input and more detailed review

Draft Changes Under Discussion

310 CMR 16.00 Definitions

- Facility – clarify applicable appurtenances, structures and improvements
 - Access roads from public ways excluded, but other roads for access, fire protection, etc. are included
- Recycling drop off center
 - Clarify scope of materials can accept - must be source separated
 - not limited to “post-consumer” which limited to containers, wraps & paper

310 CMR 16.00 Changes

- Speculative accumulation
 - < 90 days, or as otherwise specified
 - Exception to accumulate single load
- Clarify Determination of Need (DON) expirations
 - All have expired after November 12, 2017
- Limit exemption for tire chipping, shredding or other processing – 16.03
 - Propose cutoff above which would require recycling facility (RCC) permit

Organic Materials Consolidation

- New general permit category – 16.04
 - <2 tons per day/<6 tons/week
 - Enclosed handling area
 - Collected by own operations
 - Material kept in leak proof, covered containers
 - Can be kept on site for no more than 5 days

General Permit Composting & AD Facilities (16.04)

- Odor control, vector control and contingency plans must be in writing
- Proposed new setbacks
 - > 400 feet from public drinking water well
 - > 250 feet from private drinking water well
 - >300 feet from residence
 - > 100 feet from property line
- Existing sites meeting certain criteria could be grandfathered
- May require handling of certain materials to obtain RCC permit

Agricultural Lands Siting Criteria

- 16.40
- Differentiate between landfill and handling facility uses
- Distinction between soil types and land actively/recently used for agricultural purposes

Promotion of Waste Diversion

- 16.40
- Extent to which proposed facility (alone or with others) maximizes materials diversion from disposal

Other Changes

- Add Transfer of Permits Section - 16.05(8)
- Specify notice requirements for environmental justice communities – 16.10(4)
- Delete duplicative waiver section - 16.18
- Delete tentative decisions section – has not been used - 16.20 (10)(k)3.

310 CMR 19.000 Changes

- Definitions

- Facility & speculative accumulation – same as 16.00
- Inactive Landfill – add definition for clarity
 - Neither accepts waste nor has a closure plan
- Responsible official – more detailed definition by type of organization for clarity

310 CMR 19.000 Changes

- Third Party Inspector Requirements
 - May remove from list if has conducted inspections or submitted reports that do not meet requirements (previously had to show pattern)
- Facility permits - clarify what permit consists of - 19.028
- New facility or facility expansions – 19.032
 - Specific notice requirements for Environmental Justice communities
- Transfer station certifications-19.035
 - Adding notice of whether facility operation recorded at Registry of Deeds

310 CMR 19.000 Changes

- Review Criteria for new or expanded facility – 19.038
 - Additional consideration of how will maximize diversion of materials from disposal
- Permit sunset provision – if construction not completed within 5 years – 19.041
 - Would need to apply for new authorization to construct
- Permit conditions – 19.043
 - Duty to inform – if shutdown or slowdown requires diversion of incoming loads
 - Bankruptcy notification – clarify must go to Regional Director and Office of General Counsel

310 CMR 19.000 Changes

- Closure & Post Closure – 19.045
 - Property subdivision requires written approval
- Financial Assurance -19.051
 - Clarify applies to corrective actions
 - Limit overall decrease in financial assurance for facility
- Beneficial Use Determinations – 19.060
 - Limit to 5 years
 - Existing BUDs without expiration date shall expire 5 years from regs promulgation

310 CMR 19.000 Changes

- Special waste – 19.061
 - All certifications shall expire after 5 years
- Variances – 19.080
 - Do not need to seek variance if already granted under site assignment regulations
- Minimum Recycling Requirements – 19.083
 - Delete - this “25% recycling rule” section was deleted earlier and is addressed in other ways now

310 CMR 19.000 Changes

- Landfill Plans – 19.104
 - Design and O&M Plans - adds more detail and all required supporting information
- QA/QC and Certification Requirements – 19.106
 - Add language to ensure accountability of consultants submitting required information
- Groundwater protection systems – 19.110
 - Require means of measuring hydraulic head on primary liner

310 CMR 19.000 Changes

- O&M Requirements – Cover Material – 19.130
 - Must be free of substances that would attract vectors and free of large objects that would hinder compaction & spreading
 - Shall not increase environmental concentrations of any critical contaminants of concern
- Environmental Monitoring – 19.132
 - Add perfluorinated compounds
 - If exceedances historically present, do not need to submit repeat testing

310 CMR 19.000 Changes

- Landfill Closure – 19.140
 - Add section for inactive landfills and dumping grounds
 - Submittal of either proof of closure or final closure plan
- Landfill Post Closure – 19.142
 - Address post 30 year post closure period – monitoring and maintenance
- SW Processing Facility Requirements– 19.206
 - Apply to all solid waste, not just C&D
 - Additional language on water coming into contact with waste

310 CMR 19.000 Changes

- Handling Facility Requirements – Clean Wood – 19.207
 - Add specific requirements for management of clean wood

Next Steps

- Schedule additional regulation review meetings
- Raise additional topics and provide additional input
- Summer/Fall 2020
- To participate:
 - Contact Tom Adamczyk at Thomas.Adamczyk@mass.gov