



Department of Environmental Protection

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Contractors with Hazardous Waste

Policy #BWP-89-02 (Updated October 2009)

Background Information

Massachusetts Hazardous Waste Regulations (310 CMR 30.000) allow Very Small Quantity Generators (VSQGs) the option to self-transport their hazardous waste to a licensed treatment, storage and disposal facility (TSDF) or to another registered generator who will accept their waste. Contractors with multiple service sites may take advantage of this option under certain conditions. If the conditions are met, the contractor may self-transport the hazardous waste¹ generated at multiple sites to one central location, at which point it will be transported via a licensed hazardous waste transporter for disposal.

Policy

I. Contractor with multiple service sites.

If service is performed at a site that generates other hazardous waste such that the total of all hazardous waste generated at the site, including the contractor's waste, exceeds 100 kilograms (i.e. 220 pounds or about 27 gallons) in any month, the contractor must leave the hazardous waste with the customer.

If service is performed at a site and the total amount of hazardous waste generated at the same location is not greater than 100 kilograms in a month's time, the contractor may transport the waste it generates to its central location, provided the contractor notifies as a Very Small Quantity Generator for "multiple sites" with the Department and complies with the rules for self-transport.

If the hazardous waste generated by the contractor at a single site is greater than 100 kilograms in a month, it must be transported off-site by a licensed transporter. The owner or contractor must have an Identification Number for that site.

A VSQG contractor with multiple service sites cannot:

- take more than 100 kilograms of hazardous waste it has generated from a *single site* in any one month period;
- self-transport more, in the aggregate, than 200 kilograms² (i.e. from *multiple sites*) at any one time; or
- handle acutely hazardous waste

¹ For contractors that generate waste oil, refer to 310 CMR 30.254(6).

II. Establishing responsibility for the hazardous waste generated or released.

Massachusetts Hazardous Waste regulations define "generator" as: "any person, by site, whose act or process produces hazardous waste....or whose act first causes a hazardous waste to become subject to regulation." It is the responsibility of the contractor to identify the hazardous waste which will be generated by his or her work and to alert his/her customer (owner or operator of the site). The contractual arrangement between the contractor and the customer should specify:

- The nature of the waste and its hazards
- The designated "generator"
- The method of disposal (use of licensed transporter, manifest and final treatment or receiving facility)
- Management at the job site and method of transportation off-site
- Shipping papers to be signed by both parties

Should a release or spill occur, the legal owner of the site, the operator of the site and the contractor who creates the spill or emission are all potentially responsible for remedial action under Massachusetts regulations (see 310 CMR 40.0000).

III. Notification of Hazardous Waste Activity at Multiple Sites

A contractor that generates hazardous waste at "multiple sites" must notify as a generator of hazardous waste for its central location and for multiple sites. A contractor must notify as either a Very Small, Small or Large Quantity Generator for its central location based on the maximum total amount of hazardous waste managed (i.e. all the waste received, generated and accumulated) at that site in a month. In addition, the contractor's notification must also include the words "VSQG at Multiple Sites" and a brief statement of intent to act as a contractor at multiple sites. By notifying in this fashion, a contractor may therefore have "dual status" as a VSQG for the service sites and either a VSQG, SQG or LQG for its central location.³ A copy of this form should be kept at the central location and in the contractor's vehicle at all times.

Go to myRCRAid [see <https://www.mass.gov/guides/hazardous-waste-generation-generators> to learn more] and submit the appropriate generator notification form(s) based on the maximum amount of hazardous waste generated in a month.

² The volume equivalent of one 55-gallon drum.

³ A contractor that manages waste oil in compliance with the requirements of 310 CMR 30.254(6) may also notify in this manner.