

310 CMR 19.017: Massachusetts Waste Disposal Ban Regulation

19.006: Definitions

Asphalt Pavement, Brick and Concrete means asphalt pavement, brick and concrete from construction activities and demolition of buildings, roads and bridges, and similar sources.

Construction and Demolition Waste means the waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and demolition waste includes but is not limited to, concrete, bricks, lumber, masonry, road paving materials, rebar and plaster.

Metal means ferrous and non-ferrous metals derived from used appliances, building materials, industrial equipment, transportation vehicles, and manufacturing processes.

Wood means treated and untreated wood, including wood waste.

Wood Waste means discarded material consisting of trees, stumps, and brush, including but not limited to sawdust, chips, shavings and bark. Wood waste does not include new or used lumber or wood from construction and demolition waste and does not include wood pieces or particles containing or likely to contain asbestos, chemical preservatives such as creosote or penta-chlorophenol, or paints, stains or other coatings.

19.017: Waste Bans

(1) Purpose. The Department may restrict or prohibit the disposal, or transfer for disposal, of certain components of the solid waste stream when it determines that:

(a) disposal of the material presents a potential adverse impact to public health, safety or the environment; or

(b) a restriction or prohibition will result in the extension of the useful life or capacity of a facility or class of facilities.

(2) General and Specific Restrictions. Where the Department makes a determination to restrict or prohibit the disposal, or transfer for disposal, of a particular material it may:

(a) require as a condition of issuance of a permit that a facility prohibit or limit the disposal, or transfer for disposal, of particular types of material.

(b) require as a condition of continued operation under an existing plan approval or permit that a facility or a class of facilities prohibit or limit the disposal, or transfer for disposal, of particular types of material; or

(c) determine that a specific facility or class of facilities are not approved for the disposal of particular types of material and may not contract for the disposal of particular types of material. For the purpose of 310 CMR 19.017 disposal or contract for disposal shall include, but not be limited to:

1. entering into an agreement to dispose of materials restricted from disposal in violation of 310 CMR 19.000; or

2. depositing restricted materials for collection, contracting for the collection of such materials or collecting such materials in a manner which results in the disposal of materials in violation of 310 CMR 19.000; or

3. intentionally contaminating or co-mingling with solid waste pre-sorted material restricted from disposal which would result in the need to dispose of said material in violation of 310 CMR 19.000.

(3) Waste Specific Restrictions.

(a) Effective on the dates specified in Table 310 CMR 19.017(3) restrictions on the disposal or transfer for disposal of the materials listed therein shall apply as specified. No person shall dispose, transfer for disposal, or contract for disposal of the restricted material except in accordance with the restriction established in the table. No landfill, transfer facility or combustion facility shall accept the restricted material except to handle, recycle or compost the material in accordance with a plan submitted pursuant to 310 CMR 19.017(5) and approved by the Department.

(b) On the effective date of the restrictions on Cathode Ray Tubes (CRTs), specified in Table 310 CMR 19.017(3), all persons shall segregate CRTs from the solid waste stream.

Table 310 CMR 19.017(3)

Restricted Material	Effective Date of Restriction for Landfills or Combustion Facilities	Effective Date of Restriction for Transfer Facilities	Restriction
Lead Batteries	December 31, 1990	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Leaves	December 31, 1991	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Tires	December 31, 1991	April 1, 2000	Ban on disposal or transfer for disposal of whole tires only at landfills. Tires must be shredded prior to disposal in landfills.
White Goods	December 31, 1991	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Other Yard Waste	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Aluminum Containers	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Metal or Glass	December 31, 1992	April 1, 2000	Containers Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Single Polymer Plastics	December 31, 1994	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Recyclable Paper	December 31, 1994	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Cathode Ray Tubes	April 1, 2000	April 1, 2000	Ban on disposal, incineration, or transfer for disposal, at a solid waste disposal facility
Asphalt Pavement, Brick and Concrete	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility

Restricted Material	Effective Date of Restriction for Landfills or Combustion Facilities	Effective Date of Restriction for Transfer Facilities	Restriction
Metal	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Wood	July 1, 2006	July 1, 2006	Ban on disposal or transfer for disposal at landfills

(4) Criteria for Determinations of Waste Restrictions on Other Materials. In determining whether to restrict or prohibit the disposal of other materials the Department may consider:

- (a) the nature and degree of potential adverse impacts;
- (b) the quantities of restricted materials generated;
- (c) the availability of non-disposal management options for the restricted materials;
- (d) the economic impact on the facility, class of facilities or generators subject to the restriction;
- (e) such other factors as the Department deems relevant to such a determination.

(5) Waste Ban Plan Submissions.

(a) The permittee or operator shall submit a plan, or modify an existing approved plan to include newly banned materials, which describes the actions to be taken to comply with the restrictions imposed at 310 CMR 19.017(3). The plan shall be submitted to the appropriate regional office of the Department.

(b) The waste ban plan shall address the following:

1. Ongoing waste stream monitoring of all incoming loads, including:

- a. monitoring procedures;
- b. unacceptable quantities and *de minimus* acceptable quantities; and
- c. record keeping.

2. Comprehensive load inspections, including:

- a. loads not subject to comprehensive load inspections;
- b. load selection;
- c. inspection procedures;
- d. unacceptable quantities and *de minimus* acceptable quantities; and
- e. record keeping.

3. Facility response to failed loads, including:

- a. communication; and
- b. failed load disposition.

4. Other compliance plan elements, including:

- a. training;
- b. signage; and
- c. annual waste ban report.

(c) In determining the adequacy of a plan the Department may consider, without limitation: the anticipated quantities and sources of restricted materials; the contractual terms which affect the delivery of said materials; the expected maximum and minimum percentages of diversion of said materials prior to delivery to the facility and capture of said materials at the facility; the design, operational, educational, informational, financial and marketing mechanisms to be employed to achieve compliance with the restriction; and the weighing and record keeping systems by which the Department can verify compliance with the restriction.

(d) Facilities shall submit such plans at least 90 days prior to the effective date of the ban. The schedule shall not limit the Department from requiring submission of a plan as part of an application for a new or existing facility permit or modification of a permit or plan approval.

(6) Exceptions. The Department may allow a facility or person to temporarily dispose or temporarily contract for the disposal of restricted materials, with prior notification and approval of the Department, under the following circumstances:

(a) the material is contaminated or is otherwise not acceptable for recycling or composting provided that the person who contaminated or rendered the material unfit for recycling or composting is notified and takes any action necessary to prevent a recurrence of the conditions which contaminated or rendered the material unfit; or

(b) the recycling or composting operation or end user to which the restricted material is normally sent declines to accept the material or is prohibited from accepting the material as a result of an administrative or judicial order, provided that an alternative recycling or composting operation or storage facility which will accept the material cannot be found within a reasonable time.

(7) Compliance with a Restriction or Prohibition. Failure to comply with approved plans submitted pursuant to 310 CMR 19.017(5) or applicable permit conditions shall constitute a violation of 310 CMR 19.000. The Department may allow *de minimis* quantities of restricted materials, as determined by the Department, to be disposed by the facility. The Department may, in lieu of an enforcement action described in 310 CMR 19.081, require a modified plan to be submitted when restricted materials are being disposed of in excess of approved amounts.