



# 310 CMR 19.017 Waste Ban Amendments

Solid Waste Regulation Training  
January 2006

# Overview

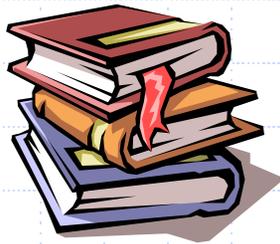
- ◆ What are the “Waste Bans”?
- ◆ What Construction and Demolition (C&D) material is included in the waste ban?
- ◆ What are the recycle/reuse markets for the banned C&D material?
- ◆ What is the effective date of the amendment?
- ◆ What are the exemptions?
- ◆ Will small municipal transfer stations be impacted?
- ◆ What permit modifications are needed?

# What are the “waste bans” ?

- Waste bans are prohibitions on the disposal, or transfer for disposal, of certain toxic and recyclable wastes at solid waste facilities in Massachusetts
- Started in 1991
- A critical component of the State's *Beyond 2000 Solid Waste Master Plan*

## Waste Control Regulations

310 CMR 19.017



# Goal of Waste Bans

- ◆ Promote recycling and reuse of materials
- ◆ Reduce the amount disposed in landfills and MWCs
- ◆ Focus on materials that have markets today or for which markets are being developed
- ◆ Focus on materials readily identified in the waste stream and which are easily diverted from disposal

# How do the waste bans work ?

- ◆ It is the responsibility of the waste facility operators to make sure that banned materials are not transferred for disposal from their facilities or disposed.
- ◆ To maintain compliance, facility operators are also required to:
  - Implement a waste ban compliance plan
  - Conduct:
    - ◆ On-going waste monitoring of loads
    - ◆ Comprehensive load inspections
  - Keep records of all waste ban compliance activities
  - Follow-up with haulers responsible for failed loads
  - Communicate the waste bans to all users

# What materials are prohibited from disposal?

- ◆ Asphalt pavement, brick and concrete
- ◆ Cathode ray tubes
- ◆ Glass containers
- ◆ Lead batteries
- ◆ Leaves and yard waste
- ◆ Metal
- ◆ Metal containers
- ◆ Recyclable paper
- ◆ Single polymer plastics (Narrow-neck plastic containers)
- ◆ Tires
- ◆ White goods
- ◆ Wood

# How the bans work



- 1 Facility operators must monitor waste loads for banned materials and perform random load inspections.

# How the bans work (cont.)



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- 2** If unacceptable quantities of banned materials are identified, the facility documents the details of the "failed load."

# How the bans work (cont.)



- 1** Facility operators must monitor waste loads for banned materials and perform random load inspections.
- 2** If unacceptable quantities of banned materials are identified, the facility documents the details of the "failed load."
- 3** Failed loads are either rejected or reloaded, accepted & separated for recycling, or accepted for disposal if the material is unrecoverable.

# What are “unacceptable quantities” of banned materials?

◆ Loads containing banned materials above these amounts “fail”:

- No lead acid batteries
- No white goods
- No whole tires at landfills
- No CRTs
- >20% by volume recyclable paper (including OCC)
- >10% by volume leaves and yard waste (loose); or 20 bags/roll-off container, 10 bags/packer vehicle, 5 bags/dump or pickup truck
- >20% by volume asphalt pavement, brick, concrete, metal, wood

# What are “unacceptable quantities” of banned materials? (Cont.)

- ◆ Option A (the contents of at least 5 bags are opened and inspected):
  - more than 5 glass, metal and plastic containers in at least 3 of the 5 refuse bags opened for inspection
  
- ◆ Option B (the facility opts NOT to open bags):
  - Facilities should estimate the aggregate amount of glass, metal and plastic containers by volume. Can not exceed 20%.

# Frequent Non-compliance Issues

- ◆ Failed loads
- ◆ Accepting restricted material for disposal
- ◆ Inadequate records
- ◆ Inadequate # of inspections

# What materials are included in the amendments to 310 CMR 19.017?

- ◆ Asphalt Pavement
- ◆ Brick
- ◆ Concrete
- ◆ Metal
- ◆ Wood

# What are the markets for the banned material?

## ◆ Asphalt Pavement

- Reclaimed asphalt pavement (RAP)
  - ◆ Used as an aggregate in the hot recycling of asphalt paving mixtures

## ◆ Brick

- Reuse
- Structural fill

## ◆ Concrete

- Crushed stone
- Structural fill onsite

# What are the markets for the banned material?

## ◆ Metal

- Recycled

## ◆ Wood

- Landfill applications
  - ◆ C&D Fines
  - ◆ C&D Residuals
- Energy Recovery
  - ◆ Biomass

# What if the banned material is contaminated?

## ◆ 310 CMR 19.017 (6) Exceptions

- Allows for the disposal of banned materials, with prior notification and approval of MassDEP, if:
  - ◆ contaminated or not acceptable for recycling, or
  - ◆ the recycling operation to which the materials are normally sent declines to accept the material or is prohibited from accepting the material.

# C&D wood used as fuel

- ◆ Wood used as a boiler fuel is being shipped to facilities in other states that are permitted to accept and use C&D wood as boiler fuel.
  - Currently, most C&D wood used as boiler fuel goes to two facilities in Maine with such permits.

# C&D used in landfill applications

- ◆ C&D wood can be a component (<35%) of C&D fines and residuals.
  - C&D fines and residuals from processing facilities are used as alternative daily cover at active landfills and grading and shaping material for closure of old and uncapped landfills.
    - ◆ Since October 2005, the market for C&D fines is diminishing

# Massachusetts Capacity to Process C&D Waste

- ◆ 10 C&D waste processing facilities in Massachusetts
  - 2 C&D processing facility in NH which takes 65% of its material from MA sources
- ◆ Total management capacity of over 7,000 tpd
- ◆ Total yearly capacity of approximately 2,100,000 tpy
- ◆ 4 new facilities coming on line that will add 1,110,000 tons per year of capacity
  - 1 permitted and under construction
  - 3 in the permit process

# When will asphalt pavement, brick, concrete, metal and wood ban go into effect?

◆ July 1, 2006

- Note: Waste Ban Compliance Plans need to be submitted to appropriate MassDEP regional office by **April 1, 2006**.

# How will the Waste Ban on Asphalt Pavement, Brick, Concrete, Metal and Wood Work?

- ◆ Landfills will not be allowed to accept any of these banned materials for disposal.
  - exceptions –
    - ◆ Loads in small vehicles or containers (< 5cy<sup>3</sup> capacity) or loads from small transfer stations.
    - ◆ Loads containing 20% or less by volume cumulative total.
- ◆ MWCs will be exempt from the ban on wood.
- ◆ Facilities can meet the ban by not accepting the materials or by diverting the materials to recycling or reuse outlets (e.g. C&D processing facilities).

# Exemptions

- ◆ Loads under 5 cubic yards do not need comprehensive load inspections or record-keeping.
- ◆ 20% de minimis standard of ABC, metal and wood combined per load.
- ◆ MWCs may accept wood for combustion.
- ◆ Transfer stations can send loads to facilities that will divert restricted material from disposal.
  - Need supporting documents (e.g. approved waste ban compliance plan) with waste ban compliance plan application.

# Specific Exemptions

## ◆ Small solid waste facilities (receive < 5yd<sup>3</sup> loads)

- No record keeping or comprehensive load inspections.
- Still monitor waste for banned materials as part of their waste ban ongoing monitoring.
- Facilities can aggregate asphalt pavement, brick, concrete, metal and wood exceeding the 20% de minimis exemption.
  - ◆ This load can be sent to a permitted SW facility for disposal and not be subject to MassDEP enforcement for asphalt pavement, brick, concrete, metal and wood **ONLY**.
  - ◆ List of small transfer stations will be given to SW facilities.

# Five Cubic Yard Truck



# Five Cubic Yard Truck



# Specific Waste Ban Compliance Plan Exemptions

- ◆ Asphalt pavement, brick, and concrete
  - Only facilities that routinely receive C&D debris need to address asphalt pavement, brick, and concrete in their waste ban compliance plans (e.g. C&D processing facilities and C&D transfer stations).
  - Facilities that receive incidental quantities do not need to address asphalt pavement, brick and concrete in their waste ban compliance plans (e.g. Municipal waste combustors, Municipal transfer stations and municipal solid waste landfills).

# Specific Waste Ban Compliance Plan Exemptions

- ◆ C&D processing facilities that routinely separate, recycle and/or divert asphalt pavement, brick, concrete, metal and wood from disposal, satisfy the ongoing waste stream monitoring and comprehensive load inspection requirements for those specific materials.
  - They need only keep records and follow up on failed loads for other banned materials.
  - They need to conduct comprehensive load inspections for other banned materials.

# Permit Application Forms and Approval Process

- ◆ All solid waste transfer and handling facilities permitted at 50 tons per day or greater **WITHOUT** an existing waste ban compliance plan.
  - Form BWP SW 07 – *Modification of a Large Handling Facility (permit fee = \$2,635)*
- ◆ All solid waste transfer and handling facilities permitted at 50 tons per day or greater **WITH** an existing waste ban compliance plan:
  - Form BWP SW 21 – *Modification of a Small Handling Facility (permit fee = \$1,125)*

# Permit Application Forms and Approval Process

- ◆ Solid waste landfills:
  - Form BWP SW 22 – *Landfills – Minor Modification* (permit fee = \$1,125)
- ◆ Solid waste incinerators
  - Form BWP SW 21 – *Modification of a Small Handling Facility* (permit fee = \$1,125)
- ◆ Any solid waste transfer and handling facility permitted at less than 50 tons per day that **will** undergo construction as a result of implementing its waste ban compliance plan:
  - Form BWP SW 21 – *Modification of a Small Handling Facility* (permit fee = \$1,125)

# Permit Application Forms and Approval Process

- ◆ Solid waste transfer and handling facilities permitted at less than 50 tons per day and **NOT** undergoing construction should submit their waste ban compliance plan with a cover letter (**i.e. no permit modification form required**).
  - These plans will be presumptively approved if MassDEP does not contact the operator within 45 (forty-five) days of receipt of the plan in accordance with 310 CMR 19.039(6) – Alternative Review Process for Certain Modifications.

# Summary

- ◆ Massachusetts has sufficient capacity online and coming online to process all the C&D waste generated and to divert banned materials from disposal.
- ◆ MassDEP does not expect significant export of C&D waste for disposal in landfills.
  - Transfer stations must comply with the waste bans and will need to demonstrate that if they accept C&D waste then those loads will be diverted to a C&D processor or directly to recycling markets.

# Where do I find more information?

◆ 310 CMR 19.017 Waste Disposal Ban Regulation:  
<http://mass.gov/dep/recycle/laws/bansreg.htm>

◆ Waste Ban Guidance Document and Appendices:  
<http://mass.gov/dep/recycle/laws/policies.htm#bans>