

February 19, 2014

## **MASSDEP PROMULGATES ORGANICS WASTE BAN AND SOLID WASTE REGULATORY REFORM**

Accomplishing at least one of Commissioner Ken Kimmell's priorities, on January 31, the MassDEP announced its final statewide commercial organic waste disposal ban regulations to take effect (along with supporting guidance documents) on October 1, 2014. And on February 14, the Department announced that its solid waste regulatory reform package was published as final.

As of October 1, 2014, it will be unlawful for commercial and institutional establishments that generate more than one ton per week of food waste to dispose of such waste, and for haulers, handling and disposal facilities to accept such materials for disposal (except in compliance with an approved waste ban compliance plan). Presumably, banned food waste will go to an organics composting or conversion facility, the permitting of which the MassDEP eased in 2013.

Solid waste facility operators are concerned that they will be unable to identify whether a food waste laden load comes from a regulated establishment. In response, the MassDEP intends to publish shortly an updated Waste Ban Compliance Guidance for Solid Waste Facilities to set forth procedures that will reduce the difficulty.

Governor Patrick's call to streamline permitting across all agencies prompted the Department to propose a host of regulatory reforms, including several in the solid waste regulations, beyond last year's rewrite of the site assignment regulations and the new commercial organics waste ban. The solid waste regulatory reform package finalized on February 14 affects four major areas of the regulations:

- Streamlines the permitting process for transfer stations that do not handle C&D waste;
- Streamlines permitting for post-closure uses at landfills but not on the capped portion of a site;
- Streamlines special waste permits; and
- Increases oversight of solid waste facilities by expanding the use of third-party inspections conducted by qualified third-party inspectors.

While the first three categories of reform should lessen the regulatory burden on certain smaller solid waste facilities and non-controversial approvals, the last category will increase the regulatory burden and costs of operating larger solid waste facilities by imposing new requirements to hire independent third-party inspectors.

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