MassDEP Waste Ban Compliance and Enforcement

NEWMOA
January 14, 2015
John Fischer

Regulations

310 CMR 19.017(3)(a): “No person shall dispose, transfer for disposal, or contract for disposal of the restricted material...”

- Permitted Facilities
- Haulers
- Generators
Compliance Strategy Overview

- About 40% of trash is waste ban materials
  - Does not include commercial organics
- Use third party data to conduct outreach and target inspections
- Increased MassDEP waste ban inspections
- RecyclingWorks in Massachusetts assistance
- Guidance Changes
  - Lowered action levels

2014 Inspections

- @ Solid Waste Facilities
- 185 waste ban inspections conducted
- Inspected about 4,000 loads
- Seeing average of 22 loads/inspection
- “Failed load” rate = about 16%
- Expect to conduct about 200 inspections/year and observe > 5,000 loads
2014 Enforcement

• Issued 162 enforcement actions
  ▫ 159 notices of non-compliance (NONs)
  ▫ 3 higher level enforcements – several more in process
  ▫ 133 returned to compliance (only 25 overdue)
  ▫ 92% return to compliance rate
• Most for cardboard
• Approximately 70% of NON recipients have recycling program

2014 Enforcement

• Also sent about 600 generator letters
  ▫ Based on facility data, 3rd party data, complaint, or lower levels of banned materials observed
• Nearly 500 RecyclingWorks hotline/email requests (FY14)
  ▫ partially from MassDEP letters/enforcement
  ▫ About 350 through first 5 months of FY15
Enforcement Recipients by Business Sector (Oct 2013 – May 2014)

- Retail, 26
- Distribution, 19
- Manufacturer, 16
- Property Management, 13
- Restaurant, 12
- Hauler, 11
- Food Processor, 8
- University, 5
- Hospitality, 7
- Supermarket, 7
- Utility Service, 5
- Healthcare, 3
- Other, 2

Return to compliance response actions (Oct 2013-May 2014)

- Educational and Training: 84
- Install New Containers: 40
- Meet Compliance Goals: 31
- Implement Recycling Program: 27
- Update Recycling Program: 23
- Remove溲nent to Containers: 18
- Nip Action: 12
- Meet with Facility: 11
- Launch Investigation: 10
- Disciplinary Action: 7
- Reduce Contamination: 5
- Record Keeping: 4
- Other: 2
Next Steps

- Continue to conduct inspections, enforcement and outreach
- Includes commercial organics ban (effective 10/1/14)
- Implement lower action levels at facilities
  - Start date of October 1, 2014
- Implement regulatory reform regulations (increased 3rd party inspections)
  - Effective January 1, 2015

Contact Info

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