



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

STEPHEN R. PRITCHARD
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

FACT SHEET
Jones Environmental Services (Northeast), Inc.
263 Howard St
Lowell, MA 01852
MAD047075734
Draft Hazardous Waste Facility License (renewal)

April 2006

This fact sheet summarizes the content of the Draft Hazardous Waste Facility License (Draft License) prepared by the Department of Environmental Protection ("Department") for Jones Environmental Services (Northeast), Inc. ("Jones"), pursuant to M.G.L. c. 21C and 310 CMR 30.000. This Fact Sheet was prepared in accordance with the provisions of 310 CMR 30.832, "Draft Facility License."

I. Purpose of the Licensing Process

The purpose of the licensing process is to afford the Department, the U.S. Environmental Protection Agency (EPA), local government, and citizens the opportunity to evaluate the ability of a license applicant to comply with the applicable hazardous waste management regulations promulgated under M.G.L. c. 21C and 310 CMR 30.000.

Facilities which treat, store and/or dispose of hazardous waste must be designed and safely operated to protect the people of Massachusetts from the dangers of improperly handled hazardous waste. Stringent licensing requirements are intended to ensure that those who accept hazardous waste are qualified to do so. Before issuing a hazardous waste facility license, pursuant to M.G.L. c. 21C and 310 CMR 30.000, the Department is required to prepare a draft license. The draft license sets forth in one document all the applicable requirements that a licensee is required to comply with during the 5-year duration of its facility license.

II. Procedures for Reaching a Final Decision

Massachusetts Hazardous Waste Regulation, 310 CMR 30.833, requires that the Department shall give a public notice of the draft facility license and allow at least a forty-five (45) day public comment period. The public comment period for this draft license will begin with publication of the public notice in the Lowell Sun and the Merrimack Valley Advertiser on April 21, 2006, and will end on June 5, 2006. Any person interested in commenting on the draft license must do so within this comment period. Submit comments in writing to the:

Department of Environmental Protection
Bureau of Waste Prevention
Business Compliance Division
One Winter Street, 8th Floor
Boston, Massachusetts 02108
Attention: James Paterson

The Department will schedule an informal public hearing on the proposed draft license if, during the comment period or within 15 days of the close of the comment period, the Department receives written notice requesting an informal public hearing, or if it determines on its own that there is significant public interest in the draft license. Written and oral comments will be accepted at the hearing.

In making a final decision, the Department will consider all written comments received during the comment period, all verbal comments received at a public hearing, if held, and the requirements of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000. The Department will then make a final determination to issue or deny a hazardous waste license to Jones.

The Department will give notice of its final license decision to Jones and each person who has submitted written comments or has requested notice of the final license decision. A final license decision becomes effective 21 days after the date of the notice of the decision. The final license decision will be postponed if a request for an adjudicatory hearing before the Department is made within the 21-day period.

III. Facility Description and History

A. Site Description

The facility is located at 263 Howard Street, Lowell, Massachusetts, approximately 25 miles northwest of Boston, and 1.5 miles north of U.S. Route 495.

B. General Description

Jones Environmental Services (Northeast), Inc. is a commercial hazardous waste storage facility. Jones' business involves receiving hazardous waste, consolidating it in drums and roll-offs, and shipping the drums and roll-offs off-site to other hazardous waste facilities. Jones is also engaged in similar activities for non-hazardous wastes.

C. History

Geochem, Inc. previously operated the facility at 263 Howard Street under interim Hazardous Waste license No. 108, effective January 1981.

D. Wastes That May Be Accepted

The draft license has been modified to include pesticides from any source with the condition that flammable pesticides must be stored in Jones' flammables storage cabinet. Currently, Jones can only receive pesticides from household sources. Jones is also seeking to renew its authorization to accept and store the following hazardous waste in 55-gallon drums, miscellaneous containers and roll-offs:

<u>Waste Category</u>	<u>Description</u>
D001 ¹	Ignitable wastes 310 CMR 30.122
D002	Corrosive wastes 310 CMR 30.121
D003	Reactive wastes (Only cyanides and sulfides)
D004-D043	Toxicity Characteristic wastes 310 CMR 30.125B

"MA" Massachusetts listed waste codes, 310 CMR 30.130,131
(example, waste oils and waste paint)²

"F" listed wastes from non-specific sources, 310 CMR 30.131
(example, spent solvents, wastewater treatment sludges and wastes from
electroplating operations)²

"K" listed wastes from specific sources, 310 CMR 30.133

¹ Excludes Class 1A flammable liquids (according to NFPA classification, these are liquids with flashpoint below 73°F and boiling point below 100°F).

² The specific wastes from these categories are listed in the Part A application and incorporated as Attachment XI in the license.

(example, organic and inorganic chemicals)²

"U" listed wastes, Discarded Commercial Chemical Products, 310 CMR 30.136
(example, Acetic Acid, Acetone)²

"P" listed wastes, Acutely hazardous wastes, 310 CMR 30.136
(example, Allyl Alcohol, cyanides)²

E. Storage Schedule for Hazardous Waste

THE COMBINED MAXIMUM STORAGE OF ALL AUTHORIZED WASTE IN CONTAINERS AND ROLL-OFFS SHALL NOT EXCEED 24,970 GALLONS AT ANY ONE TIME.

(a) Container Storage

<u>Container Storage Area</u>	<u>Maximum Storage Capacity</u>
-------------------------------	---------------------------------

Building 1

Area 1I	5,280 gallons
Area 1A	4,840 gallons
Area 1B	4,840 gallons

Building 2

Area 2A	5,280 gallons
Area 2B	7,920 gallons
Area 2C	7,920 gallons

(b) Roll-off(s)

Storage in roll-off containers is allowed no longer than 5 business days starting at the moment when the hazardous waste is first placed in the container. No more than one filled roll-off is allowed at the facility at any one time.

E. Ground Water Assessment and Monitoring Activity

Ground water contamination has been identified beneath the facility. Ground water investigations dating back to 1985 indicate that some volatile organic compounds were present in the ground water. The facility has nearly completed conducting a cleanup, including assessment activities at the facility under 310 CMR 40.0000, the Massachusetts

² The specific wastes from these categories are listed in the Part A application and incorporated as Attachment XI in the license.

Contingency Plan (MCP), and is seeking a Class A (1-4) Permanent Solution at its site from EPA. Corrective Action shall not be considered complete until EPA and the Department have determined that the actions taken have complied with the required statutes and regulations. For further information, please refer to the EPA's "Statement of Basis" which describes EPA's remedy proposal under the Hazardous and Solid Waste Amendments to The Resource Conservation and Recovery Act. In the event of any future spills or releases at the facility, the licensee shall comply with the applicable requirements of 310 CMR 40.0000, including but not limited to the notification requirements of 310 CMR 40.0300.

IV. Summary of License Conditions

In order to operate a hazardous waste management facility in Massachusetts, a licensee must comply with the requirements of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000, and all other applicable State and Federal statutes and regulations. These requirements are clearly stated in the terms and conditions of the license, and failure to comply with them will result in suspension or revocation of the license or other enforcement actions by the Department and/or the Office of the Attorney General.

The licensee must properly operate and maintain the facility to prevent any actual or potential threat to the public health, safety, or welfare, or to the environment. In addition, the licensee shall act to prevent all actual and potential adverse impacts to persons and the environment resulting from non-compliance and will be responsible to pay for all damages caused by such non-compliance.

The licensee must provide records of activities to the Department, allow inspections, and inform the Department of any changes in activities or to the facility. In all cases, it will be the obligation of the licensee to meet the burden of proof to persuade the Department that the applicant is competent with respect to hazardous waste activities. All documents submitted to the Department must be certified under penalty of law. In the event of an emergency, which could threaten public health, safety, welfare, or the environment, the emergency response coordinator will invoke the facility contingency plan, which includes notification to the Department's Northeast Regional office in Boston.

V. License Organization

The draft license is organized into two parts: Part I, Facility Operating Conditions; and Part II, Facility Management Requirements. Part I contains 3 sections, which describe general license conditions, specific conditions, use and management of containers. Part II contains 13 sections, which describe facility management requirements for:

- required notices
- record keeping and reporting
- ignitable, reactive and incompatible wastes
- general waste analysis plan and procedures
- security plan and procedures

- facility inspection plan and procedures
- personnel training plan and procedures
- preparedness and prevention
- contingency plan and procedures
- closure plan and procedures
- financial responsibility
- corrective action requirements

VI. Location of Available Information

A copy of the Jones draft license, additional copies of this Fact Sheet and U.S. EPA's Statement of Basis will be available at:

Lowell Health Department
275 Merrimack St.
Lowell, MA 01852
508-970-4141

Lowell Public Library
401 Merrimack St.
Lowell, MA 01852
(508) 970-4120

Department of Environmental Protection
Business Compliance Division
Bureau of Waste Prevention
One Winter Street, 8th Floor
Boston, MA 02108
James Paterson
(617) 556-1096

Environmental Protection Agency
New England - Region I
One Congress St., Suite 1100
Boston, MA 02114-2023
Contact: Sharon Leitch and/or Raphael Cody
(617) 918-1647 / (617) 918-1366

VI. Appeal Procedures

Pursuant to Massachusetts General Law (MGL) Chapter 21C, Section 11, any person aggrieved by a determination by the Department to issue or deny a license and has legal standing to do so, may request an adjudicatory hearing before the Department. For the purposes of 310 CMR 30.000, an "aggrieved person" shall be deemed to be any person who is or may become a "party" or "intervener" pursuant to 310 CMR 1.00. A person aggrieved by a final decision in any adjudicatory proceeding may obtain judicial review thereof pursuant to the provisions of M.G.L. c. 30A. This license is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the Notice of Final License Decision.

CONTENTS OF HEARING REQUEST

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

FILING FEE AND ADDRESS

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA. 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXCEPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

This Fact Sheet was prepared by the MA DEP Business Compliance Division, Bureau of Waste Prevention. For additional information contact James Paterson at (617) 556-1096.