



**Massachusetts Department of Environmental Protection**  
Bureau of Waste Prevention – Solid Waste Management – Facility Siting

**BWP SW 01      Site Suitability Report**  
**BWP SW 38      Major Modification of Site Suitability Report**

## **Instructions and Supporting Materials**

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### **Table of Contents**

- introduction
- permit fact sheet
- appendix A: sample public notice
- completeness checklist

### **Introduction**

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at [mass.gov/dep](http://mass.gov/dep) in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

*Instructions & Support Materials* files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

*Permit Applications* in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



# BWP SW 01, 38

## Permit Fact Sheet

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### 1. What is the purpose of this report?

The purpose of the site assignment process is to determine if a parcel of land is suitable to use as a site for a solid waste management facility. Site assignments are granted by the local board of health following MassDEP review of the site assignment application. This review determines if the site meets all the criteria established in the Site Assignment Regulations. Suitability criteria are intended to protect public health, safety and the environment by requiring that minimum distances be maintained from drinking water supplies, residences, hospitals, schools and other sensitive receptors. Suitability criteria are also intended to address concerns over traffic, rare and endangered species, air quality, agricultural lands, Areas of Critical Environmental Concern and potential nuisances.

The purpose of the Major Modification of a Suitability Report is to allow the Major Modification of an existing Solid Waste Site Assignment. What constitutes a Major modification is defined in the Solid Waste Site Assignment regulations at 310 CMR 16.22(2).

Legislative authority is stated in MGL c. 21A, ss. 2 & 8 and c. 111, ss. 150A and 150A½. Regulatory authority is found in 310 CMR 16.00: Site Assignment Regulations for Solid Waste Facilities.

### 2. Who must apply?

**SW01:** Any individual, business or organization that is seeking to expand a solid waste management facility or establish a new solid waste management facility at an unassigned site must apply for a site assignment.

**SW38:** Any individual, business or organization that is seeking to make a Major Modification to an existing site assignment. What constitutes a Major modification is defined in the Solid Waste Site Assignment regulations at 310 CMR 16.22(2).

A **Solid Waste Management Facility** is an established site or works, and other appurtenances thereto, which is, has been, or will be used for the storage, transfer, processing, treatment or disposal of solid waste including all land, structures and improvements which are directly related to solid waste management activities.

### 3. What other requirements should be considered when applying?

Pursuant to 310 CMR 16.30, a separate application fee to the local board of health that includes a technical fee and a public hearing fee, is required to cover the board's expenses in receiving information and conducting a hearing relative to the site assignment or site assignment major modification.

Permits of this type will often require MEPA review. Please carefully examine 301 CMR 11.00, the Massachusetts Policy Act (MEPA) Regulations, to determine if your project exceeds the MEPA review thresholds, or for more information contact the MEPA Unit of the Executive Office of Environmental Affairs (251 Causeway Street, Suite 900 Boston MA, 02114; Phone: 617-626-1000). **MassDEP cannot complete technical review of the permit application until the MEPA process has been concluded.** Copies of MEPA filings should be sent to the appropriate program offices in Boston and the MEPA Coordinator in the appropriate Regional Office. Find your region: <http://mass.gov/dep/about/region/findyour.htm>

**BWP SW38 Only:** When applying for a Major Modification, the applicant need only complete those sections of the form that concern criteria affected by the major modification as determined in writing by the Department. The applicant shall obtain this written determination from the Solid Waste Section in the MassDEP Regional Office prior to completing and submitting this application.



# BWP SW 01, 38

## Permit Fact Sheet

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**Note:** This list of additional requirements is presented as a guide and does not necessarily include **all** additional requirements.

#### 4. What is the application fee?

The application fee for BWP SW01 is \$8,615

The application fee for BWP SW38 is \$1,565

#### 5. Where must copies of the application be submitted?

Copies of the application form, including the MassDEP Transmittal form, should be submitted as follows (See 310 CMR 16.08(2) for details):

- 1 copy to the Solid Waste Section in the MassDEP Regional Office in which the proposed site is located. Find your region: <http://mass.gov/dep/about/region/findyour.htm>
- 1 copy to the MassDEP, Bureau of Waste Prevention, Business Compliance Division, 1 Winter Street, Boston, MA 02108.
- Two copies to the local board of health.
- 1 copy to the local library
- One copy to:  
**Massachusetts Department of Public Health  
Bureau of Environmental Health Assessment  
250 Washington Street  
7th Floor  
Boston, MA 02108**
- One copy to the board of health *of any municipality within one half mile of any boundary of the proposed site.*
- 1 copy to the library *of any municipality within one half mile of any boundary of the proposed site.*
- 1 copy to the applicable regional planning agency duly established by the Legislature and governing the municipality in which the proposed facility is to be located
- 1 copy to any person requesting it during the public comment period. The applicant may charge the reasonable cost of reproduction.

#### 6. What are the timelines?

##### Where can I get a copy of the timelines?

The timelines are available on the MassDEP Website: [www.mass.gov/dep/service/online/fees.htm](http://www.mass.gov/dep/service/online/fees.htm)

**Note:** Timelines for review of applications for site assignment and applications for major modifications of site assignments by the Department and local boards of health are established in the Site Assignment Regulations, 310 CMR 16.00.



## **BWP SW 01, 38**

# **Permit Fact Sheet**

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**7. What is the annual compliance fee?**

There is no annual compliance fee associated with this report.

**8. How long is this report in effect?**

There is no applicable time limitation.

**9. How can I avoid the most common mistakes made in this process?**

Consult with the MassDEP about the scope of work prior to conducting the evaluation required at 310 CMR 16.40(4)(k), *Consideration of Other Sources of Contamination or Pollution*.

- a. Make sure MEPA requirements have been met.
- b. Pay the Technical Fee required pursuant to 310 CMR 16.30 to the board of health. Include a completed copy of the MassDEP Transmittal Form\* with the application.
- c. Submit the MassDEP application fee and a copy of the MassDEP Transmittal Form\* to: Department of Environmental Protection, P. O. Box 4062, Boston, MA 02211.

**10. What are the regulations that apply to this process? Where can I get copies?**

These regulations include, but are not limited to:

- a. Site Assignment for Solid Waste Facility Regulations, 310 CMR 16.00
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

**State Bookstore (in State House)**  
Room 116  
Boston, MA 02133  
617-727-2834

**State Bookstore**  
436 Dwight Street, Room 102  
Springfield, MA 01103  
413-784-1376

\*<http://mass.gov/dep/service/online/trasmfrm.shtml>



**Massachusetts Department of Environmental Protection**  
Bureau of Waste Prevention – Solid Waste Management – Facility Siting

**BWP SW 01      Site Suitability Report**  
**BWP SW 38      Major Modification of Site Suitability Report**

## **Application Completeness Checklist**

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### **Site Assignment Public Notice Advertisement Format**

Department of Environmental Protection  
Bureau of Waste Prevention  
(Regional Office Address and telephone number)

Town/City of, \_\_\_\_\_

#### Public Notice

In accordance with Massachusetts General Laws, Chapter 111, Sections 150A and 150A 1/2 and the regulations promulgated thereunder, 310 CMR 16.00 "Site Assignment Regulations for Solid Waste Facilities," an application for site assignment has been filed with the (town) Board of Health or (city) Department of Public Health for the site assignment of a (sanitary landfill/transfer station/resource recovery facility; select appropriate facility), area located at (provide complete address and location of the site, including the abutting properties).

The area under consideration is \_\_\_\_\_ acres, and will be used for a (sanitary landfill/transfer station/resource recovery facility; select appropriate facility) that will accept the (municipal, construction and demolition, ash, etc; identify waste) solid wastes at approximately \_\_\_\_\_ tons/day. The proponent is (provide name and complete address of the proponent).

Copies of the Site Assignment Application may be reviewed at the offices of the (provide name and complete address of the Town/City office and/or any other location, as well as the times the application may be reviewed)

between the hours of \_\_\_\_\_ A.M. to \_\_\_\_\_ P.M.

The Department of Environmental Protection (the Department) shall receive comments on the proposed facility site for 21 days from the date the applicant provides proof to the Department that this Public Notice has been published and that all other public notice requirements are completed. All comments regarding the assignment of this site should reference the MassDEP File #,(DEP FILE # \_\_\_\_\_ ), and be mailed to: (name and address of appropriate MassDEP regional office).

The applicant may modify the application for the initial forty (40) days of the review period where such modifications are deemed not to be major modifications. The Department shall issue a Department Report on Suitability within sixty (60) days of receiving proof from the applicant that all public notice requirements are completed.



**Massachusetts Department of Environmental Protection**  
Bureau of Waste Prevention – Solid Waste Management – Facility Siting

**BWP SW 01      Site Suitability Report**  
**BWP SW 38      Major Modification of Site Suitability Report**

## **Application Completeness Checklist**

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- The MassDEP Transmittal Form is completed: <http://mass.gov/dep/service/online/trasmfrm.shtml>
- Form BWP SW 01, 38 is completed.
- A cover letter is attached explaining the request.

To submit the application package:

- Checklist items have been completed.
- Send one copy of the application along with one copy of the MassDEP Transmittal Form to:

Department of Environmental Protection  
\_\_\_\_\_ \* Regional Office  
Solid Waste Management

\*Find your region: <http://mass.gov/dep/about/region/findyour.htm>

- Send fee of:

\$8,615 for SW 01;  
\$1,565 for SW 38;

in the form of check or money order made payable to *Commonwealth of Massachusetts*, along with one copy of the MassDEP Transmittal Form to:

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



Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number \_\_\_\_\_

**BWP SW 38 Site Suitability Report for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known) \_\_\_\_\_

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## Instructions

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



### **BWP SW 01 Site Suitability Report for New Site Assignment:**

The information requested on this application form must be supplied when filing an Application for a new Site Assignment pursuant to the provisions of the *Site Assignment Regulations for Solid Waste Management Facilities*, 310 CMR 16.00.

The form is divided into six parts that are to be completed as follows:

- I. General Information: All Applicants complete Part I.
- II. Facility Specific Criteria: Part II is divided into three sections,
  - II.A. For landfills,
  - II.B. For combustion facilities, and
  - II.C. For waste handling and processing facilities.Applicants should complete only the appropriate section.
- III. General Criteria: All Applicants complete Part III.
- IV. Integrated Solid Waste Management: Complete Part IV only if the proposed facility is a landfill or combustion facility.
- V. Waiver: Complete Part V only if a waiver is requested.
- VI. Signatures and Certification: All Applicants must sign the application in Part VI.

### **BWP SW 38 Site Suitability Report for a Major Modification of a Site Assignment:**

The information requested on this application form must be supplied when filing an Application for a major modification of an existing Site Assignment pursuant to the provisions of the *Site Assignment Regulations for Solid Waste Management Facilities* at 310 CMR 16. 22(2).

When applying for a Major Modification, the applicant need only complete those sections of the form that concern criteria affected by the major modification as determined in writing by the Department. The applicant shall obtain this written determination from the Solid Waste Section in the DEP Regional Office prior to completing and submitting this application.

#### **General Information:**

The Applicant should refer to the regulations themselves when completing the Application form. The Application form provides a format for presenting the information required to determine whether the site meets the criteria set forth in the Site Assignment Regulations themselves. The Application form is not a substitute for the regulations, and the Applicant is responsible for providing all the information relevant to evaluating the suitability of the site in accordance with 310 CMR 16.00.



**Massachusetts Department of Environmental Protection**  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

\_\_\_\_\_  
Transmittal Number

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

\_\_\_\_\_  
Facility ID# (if known)

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**Instructions (cont.)**

The application form is annotated with section numbers, enclosed in {braces}, that reference sections in the regulations. These references are included to make it easier to consult the regulations for guidance in completing the application. The references are abbreviated in that, for example, 310 CMR 16.05(2) is written as {16.05(2)}.

**Completing the Application Form:**

This application form contains three types of questions or requests for information:

- 1) Requests that documents be attached (e.g., maps). Please attach these documents and note on the application form where these documents can be found.
- 2) Questions that require a written response. Questions that require a very brief response may be answered in the space provided on the form itself. Longer responses should be attached to the form and the location of the attachment identified in the space provided.
- 3) Questions that require a "yes" or "no" response. Put an "X" in the appropriate box and indicate in the space provided where additional information or information supporting the response can be found.



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## Section I. General Information

Instructions: All Applicants should complete Part I.

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### A. Site Location and Project Description

Please provide the information requested.

1. Project name:

\_\_\_\_\_  
Name of Project

2. Site address:

\_\_\_\_\_  
Street

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

3. Type of facility:

- landfill  
 combustion  
 waste handling and processing

4. Total area of the site, including all buffer zones:

\_\_\_\_\_  
acres

5. Total area to be site assigned for solid waste activities:

\_\_\_\_\_  
acres

6. Capacity and expected life of proposed facility:

- a. State the maximum daily capacity of the proposed facility in tons per day. (This number should represent the maximum amount of waste to be accepted on any single day.):

\_\_\_\_\_  
tons per day

- b. State the average daily capacity of the proposed facility and describe how the average was computed:

\_\_\_\_\_  
average daily capacity (tons per day)

\_\_\_\_\_  
how average was computed



**BWP SW 01** Site Suitability Report for a New Site  
Assignment

Transmittal Number \_\_\_\_\_

**BWP SW 38** Site Suitability for a Major Modification  
of an Existing Site Assignment

Facility ID# (if known) \_\_\_\_\_

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**A. Site Location and Project Description (cont.)**

- c. State the yearly capacity of the proposed facility and, if the capacity is expected to change over the life of the facility, indicate the capacity in each year the proposed facility is expected to operate:

\_\_\_\_\_   
yearly capacity

Expected change in capacity (if applicable):

Expected yearly capacity	Year
_____	_____
_____	_____
_____	_____
_____	_____

- d. State the number of years the facility is expected to operate:

\_\_\_\_\_   
years

- e. State the total lifetime capacity of the proposed facility:

\_\_\_\_\_   
total lifetime capacity

7. Type of Waste: What type of waste will be accepted at the proposed facility? (check all that apply)

- municipal solid waste
- construction and demolition waste
- industrial waste
- other, please specify: \_\_\_\_\_

8. Project Description: describe the proposed project:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management**

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number \_\_\_\_\_

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known) \_\_\_\_\_

**B. Applicant Identification**

1. Identify the owner of the site:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Contact Telephone

2. Identify the operator of the proposed facility if the owner has entered into an agreement with an operator:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Contact Telephone

**C. Fees {16.08(4)}**

1. Proof of Payment: Documentation must be submitted showing that the requirements for paying the Technical Fee to the Board of Health as per 16.08(4) have been satisfied.

Proof of payment may be either (please check which one you have provided):

Document from the Board of Health stating that the Board of Health has waived the technical fee or that the Applicant has satisfied the Technical Fee payment requirements; or

Receipt showing that the Applicant has paid the Maximum Technical Fee to the municipality.

Location of Attachment:

\_\_\_\_\_  
section and/or page numbers



Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number \_\_\_\_\_

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known) \_\_\_\_\_

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**C. Fees {16.08(4)} (cont.)**

2. Amount of Maximum Technical Fee: Enter the Maximum Technical Fee as computed using Appendix A of 310 CMR 16.99:

Maximum Technical Fee \_\_\_\_\_

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**D. Collection Center for Household Hazardous Waste**

Does the applicant intend to apply, pursuant to 310 CMR 30.190, for approval to operate a collection center for hazardous waste from households on the proposed site?

Yes     No

If "yes," the Applicant should contact the Permitting Section of the Bureau of Waste Prevention in the appropriate DEP Regional Office.

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**E. Declaration of Waiver Request {16.08(5)(c)}**

1. Is a waiver from any of the site suitability criteria being requested under provisions of 310 CMR 16.40(6)? (If "yes," complete Part V.A. of this application form.)

Yes     No

2. Is a waiver from any of the requirements of Part I of 310 CMR 16.00 being requested under provisions of 310 CMR 16.18? (If "yes," complete Part V.B. of this application form.)

Yes     No

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**F. Massachusetts Environmental Policy Act (MEPA) {16.08(5)(d)}**

Indicate which one of the following is attached to the application:

Evidence that the project does not require MEPA review.

Certificate from the Secretary of the Executive Office of Environmental Affairs stating that an Environmental Impact Report is **not** required.

Evidence that the MEPA process does apply and the Secretary has determined that an EIR is required. (Note: The DEP will not complete its technical review of the application until the applicant submits the Certificate from the Secretary of the Executive Office of Environmental Affairs stating that the Final Environmental Impact Report is acceptable.)

Certificate from the Secretary of the Executive Office of Environmental Affairs stating that the Final Environmental Impact Report is acceptable.



**F. Massachusetts Environmental Policy Act (MEPA) {16.08(5)(d)} (cont.)**

Location of Attachment:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

**G. Wetlands Resources**

1. Buffer Zone: Is any part of the proposed site located within 100 feet of any wetlands?

Yes     No

2. Riverfront Area: Is any part of the site located within a riverfront area?

Yes     No

3. Floodplain: Is any part of the proposed site located within a 100-year floodplain?

Yes     No

If the answer to question I.G.1, I.G.2 or I.G.3 is "yes," please describe what activities, if any, will occur within the 100-foot buffer zone, the riverfront area or the 100-year floodplain.

Respond here or identify location of attached response:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

4. Order of Conditions: Will an Order of Conditions under the Wetlands Protection Act (c.131, s.40) be required?

Yes     No

5. Variance: Will a variance from the Wetlands regulations be required?

Yes     No



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## H. Maps

1. Ground Water Contour Map: Has a ground water contour map for the site been developed?

Yes     No

If Yes, please attach the map and identify the location of the attachment:

\_\_\_\_\_  
section and/or page numbers

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Please submit the following with the Application:

2. Locus Map: A US Geological Survey (USGS) topographic map of at least 8.5 x 11 inches in size (7.5 minute series scale) should be attached which clearly delineates the proposed site boundaries and shows all access roads to the proposed site.

Identify the attachment:

\_\_\_\_\_  
section and/or page numbers

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3. Water Resources Site Plan: The following information regarding water resources should be indicated on a site plan (scale no larger than one inch equals two hundred feet) that covers the site plus a one-half mile extension in all directions from the site boundary. Please refer to the definitions at 310 CMR 16.02 for guidance on the meaning of the terms.

- All wetlands, associated buffer zones and riverfront areas as defined in 310 CMR 10.00
- All 100-year flood plains
- All surface water bodies (rivers, streams, ponds, lakes, reservoirs etc),
- All perennial streams draining to surface drinking water supplies,
- All private water supply wells
- All public water supply wells
- All or any fractions of Interim Wellhead Protection Areas (IWPA) or Zone II areas
- All or any fractions of Proposed Drinking Water Source Areas
- All or any fraction of a Zone A or B of a surface water supply

Identify the location of the attachment:

\_\_\_\_\_  
section and/or page numbers

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**Massachusetts Department of Environmental Protection**  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number \_\_\_\_\_

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known) \_\_\_\_\_

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**H. Maps (cont.)**

4. Land Use Site Plan: The following information regarding land use should be indicated on a site plan (scale no larger than one inch equals two hundred feet) that covers the site plus a one-half mile extension in all directions from the site boundary:
- All wildlife management areas,
  - All Areas of Critical Environmental Concern (ACEC) as established by the Secretary of the Executive Office of Environmental Affairs (EOEA),
  - All lands actively devoted to agricultural or horticultural uses and lands classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service;
  - All of the Following Open Space Protected Areas:
    - state forests
    - state or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution
    - MDC reservations
    - lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs
    - conservation land owned by private non-profit land conservation organizations that is open to the public
    - All residential dwellings on site and within 500 feet (1000 feet for landfills) of the property boundary,
    - All occupied commercial buildings within 500 feet of the property boundary,
    - All of the following:
      - health care facilities
      - prisons
      - Elementary Schools
      - middle schools
      - high schools
      - children's' pre-schools
      - licensed day care centers
      - senior centers
      - youth centers
    - Other Solid Waste Facilities
  - All proposed waste handling areas on the site,
  - All proposed areas of waste deposition on the site,
  - All buildings and other facilities proposed on the site,
  - All access roads on the site and traffic flow off the site,
  - All abutting properties and their appropriate zoning designation (include any zoning abbreviations in plan legend).
  - The zoning designation of the proposed site.

Identify the location of the attachment:

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section and/or page numbers

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## Section II. Facility Specific Criteria

Part II is divided into three sections. Complete only the appropriate section.

- II.A. Landfills
- II.B. Combustion Facilities
- II.C. Waste Handling and Processing Facilities

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### A. Landfills {16.40(3)(a)}

Complete Part II.A., if Site Assignment is sought for a landfill.

1. Zone II of Existing Public Water Supply {16.40(3)(a)1.}: Will any area of waste deposition be located within the designated Zone II area of an existing public water supply well?

Yes     No

Location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

2. IWPA of Existing Public Water Supply {16.40(3)(a)2.}: If the Zone II of an existing public water supply well has not been determined, will any area of waste deposition be within the Interim Wellhead Protection Area (IWPA) as defined at 310 CMR 22.02?

Yes     No

If "Yes" see the note at Question II.A.4. and identify where additional information is attached:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

3. Zone II or IWPA of a Proposed Drinking Water Source Area {16.40(3)(a)3.}: Will any area of waste deposition be within the area of a Zone II or Interim Well Head Protection Area (IWPA) of a proposed drinking water source area for which the documentation necessary to obtain a source approval has been submitted prior to the earlier of either the site assignment application, or if the MEPA process does apply, the Secretary's Certificate on the Environmental Notification Form or Notice of Project Change, or where applicable, the Secretary's Certificate on the EIR or Final EIR;

Yes     No

If "Yes" see the note at Question II.A.4. and identify where additional information is attached:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_



**A. Landfills {16.40(3)(a)} (cont.)**

4. 15,000 Feet Upgradient of Existing Public Water Source Well or Proposed Drinking Water Source Area {16.40(3)(a)4.}: In instances where the Zone II has not been calculated, will any area of waste deposition be 15,000 feet or less hydraulically upgradient of an existing public water source well or proposed drinking water source area?

Yes     No

See the note and identify where additional information is attached:

\_\_\_\_\_ section and/or page numbers

**Note:** If the answer to Questions II.A.2., 3, or 4 is “YES,” the applicant may conduct and submit with this application a preliminary Zone II study, approved of by the Department, showing that the waste deposition area would be beyond the Zone II of the public water supply well or proposed drinking water source area in question. Alternatively, the applicant may prepare and submit, with this application, other evidence showing the well or proposed drinking water source area and the ground water under the proposed site are not hydraulically connected

The Applicant should consult with the DEP Drinking Water Program in the Bureau of Resource Protection prior to conducting a preliminary Zone II investigation to determine the scope of the investigation. At a minimum, the preliminary Zone II submittal should consist of:

- 1) A review and discussion of all available pertinent geologic and hydrologic data including bedrock and surficial geologic maps, hydrologic data reports and atlases, consultant reports, and pumping test reports;
  - 2) An estimate and orientation of the regional hydraulic gradient across the well site;
  - 3) A preliminary conceptual model of the aquifer, including a discussion of pertinent recharge and till boundaries; and
  - 4) A preliminary estimate of the Zone II area as defined in the Drinking Water Program’s Water Supply Guidelines.
5. Danger to existing or proposed drinking water source area {16.40(3)(a)5.}: State why a discharge from the facility would not pose a danger to any existing or proposed drinking water source area.

Respond here or identify where the response is attached:

\_\_\_\_\_ section and/or page numbers



Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number \_\_\_\_\_

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known) \_\_\_\_\_

**A. Landfills {16.40(3)(a)} (cont.)**

- 6. Sole Source Aquifer {16.40(3)(a)6.}: Will any area of waste deposition be located within the recharge area of a designated sole source aquifer? (Sole Source Aquifers are designated by the US Environmental Protection Agency. To inquire as to whether a site is located above a Sole Source Aquifer contact the US Environmental Protection Agency, Region I, Ground Water Management Section.)

Yes     No

Identify location of attached information:

\_\_\_\_\_ section and/or page numbers

If the answer to question II.A.6. is "yes," then the site is not suitable unless the criteria in 310 CMR 16.40(3)(a)6.a., b. and c. are met. Attach documentation showing that these criteria are satisfied.

Identify location of attached information:

\_\_\_\_\_ section and/or page numbers

- 7. Zone of Contribution or Recharge Area {16.40(3)(a)7.}: Is any area of waste deposition within the zone of contribution of an existing public water supply or proposed drinking water source area, or the recharge area of a surface drinking water supply, pursuant to a municipal ordinance or by-law enacted in accordance with M.G.L. c. 40A, § 9?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_ section and/or page numbers

- 8. Zone A or B of Surface Drinking Water Supply {16.40(3)(a)8.}: Will any area of waste deposition be within the Zone A or Zone B of a surface water supply?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_ section and/or page numbers



Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known)

---

**A. Landfills {16.40(3)(a)} (cont.)**

9. Perennial stream draining to Surface Drinking Water Supply {16.40(3)(a)9.} Will any area of waste deposition be located within 400 feet upgradient, as defined by groundwater flow or surface water drainage, of a perennial water course that drains to a surface water supply that itself is within one mile of the waste deposition area?

Yes     No

Identify location of supporting information or comments:

---

section and/or page numbers

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10. Potentially Productive Aquifer {16.40(3)(a)10.}: Will any area of waste deposition be within a Potentially Productive Aquifer?

Yes     No

Identify location of supporting information or comments:

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section and/or page numbers

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If the answer to question II.A.10. is "yes," then the site is not suitable unless documentation is attached showing that either 16.40(3)(a)10.a., b. or c. applies.

Identify location of attached documentation:

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section and/or page numbers

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11. Within 1000 feet Upgradient or Otherwise within 500 Feet of an Existing or Potential Private Water Supply Well {16.40(3)(a)11.}: Will any area of waste deposition be within 1000 feet upgradient, and where not upgradient, within 500 feet, of a private water supply well existing or established as a potential supply at the time of submittal of the application?

Yes     No

Identify location of supporting information or comments

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section and/or page numbers

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Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number \_\_\_\_\_

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known) \_\_\_\_\_

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**A. Landfills {16.40(3)(a)} (cont.)**

If the answer to question II.A.11 is "yes," attach documentation showing a valid option to purchase each such supply. Also indicate whether a replacement drinking water supply will be provided.

Identify the location of attached documentation:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

12. Four Feet Depth to Ground Water {16.40(3)(a)12.}: Will the maximum high ground water level under any area of waste deposition be less than four (4) feet below the lowermost level of the waste or, if a liner system is employed, four feet below the bottom of the lower most liner?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

13. Wetlands 16.40(3)(a)13.}: Will any area of waste deposition or any leachate containment structure be within any resource area, including the 100 year floodplain, protected by the Wetlands Protection Act?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

14. 400 Feet to a Lake or 200 feet to a Riverfront Area {16.40(3)(a)14.}: Will any area of waste deposition or any leachate containment structure be within 400 feet of a lake or within 200 feet of a Riverfront Area as defined in 310 CMR 10.00, that is not a drinking water supply?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_



Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known)

**A. Landfills {16.40(3)(a)} (cont.)**

15. 1000 Feet to Various Occupied Facilities {16.40(3)(a)15.}: Will any area of waste deposition be within 1000 feet of any of the following (excluding equipment storage or maintenance structures):

- an occupied residential dwelling,
- health care facility
- prison,
- Elementary School
- middle school
- high school
- children's' pre-school
- licensed day care center
- senior center
- youth center

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_ section and/or page numbers

If the answer to II.A.15. is "yes", attach documentation showing evidence of a valid option to purchase the facility in question.

Identify location of attached documentation:

\_\_\_\_\_ section and/or page numbers

16. Ground water Protection System {16.40(3)(a)16.}: Will a ground water protection system be employed?

Yes     No

If a ground water protection system will be employed, describe the general features and components of the system which will prevent the migration of leachate and avoid adverse impact to the ground water.

If a ground water protection system will not be employed, demonstrate that the facility will not discharge leachate that presents a threat of adverse impact to ground water.

Identify location of attached explanation:

\_\_\_\_\_ section and/or page numbers



**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number \_\_\_\_\_

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known) \_\_\_\_\_

**B. Combustion Facilities {16.40(3)(c)}**

Complete Part II.B. if site assignment is sought for a combustion facility.

1. Zone I of Public Water Supply {16.40(3)(c)1.}: Will any waste handling area be within the Zone I of a public water supply?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_ section and/or page numbers

2. IWPA or Zone II of Existing Supply or Proposed Drinking Water Source Area {16.40(3)(c)2.}: Will any waste processing area be within:

- a) the Interim Wellhead Protection Area (IWPA) of an existing public supply

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_ section and/or page numbers

- b) Zone II of an existing public water supply

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_ section and/or page numbers

- c) a proposed drinking water source area, provided that the documentation necessary to obtain a source approval has been submitted prior to the earlier of either the site assignment application, or if the MEPA process does apply, the Secretary's Certificate on the Environmental Notification Form or Notice of Project Change, or where applicable, the Secretary's Certificate on the EIR or Final EIR,

Yes     No



Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known)

---

**B. Combustion Facilities {16.40(3)(c)} (cont.)**

Identify location of supporting information or comments:

---

section and/or page numbers

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If the answer to all the above is "No," do not respond to the following and go on to section II.B.3. If the answer to any of the above is "Yes," respond to the following requests:

Supply information to demonstrate to the Department that the risk of an adverse impact to the ground water will be minimized.

Identify location of attached information:

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section and/or page numbers

---

Supply information to demonstrate to the Department that at least one of the following is true:

- 1) The proposed facility cannot reasonably be sited outside the IWPA or Zone II.
- 2) If the site has been previously used for solid waste management activities, there would be a net environmental benefit to the ground water by siting the facility within the Zone II or the IWPA.

Identify location of attached information:

---

section and/or page numbers

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3. Zone A of Surface Water Supply {16.40(3)(c)3.}: Will the waste processing area be within the Zone A of a surface water supply?

Yes     No

Identify location of supporting information or comments:

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section and/or page numbers

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**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number \_\_\_\_\_

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known) \_\_\_\_\_

**B. Combustion Facilities {16.40(3)(c)} (cont.)**

- 4. Within 500 feet Upgradient or Otherwise within 250 Feet of an Existing or Potential Private Water Supply Well {16.40(3)(c)4.}: Will the waste processing area be within 500 feet upgradient, and where not upgradient, within 250 feet, of a private water supply well existing or established as a potential supply at the time of submittal of the application?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

If the answer to question II.B.4 is "yes," attach documentation showing a valid option to purchase each such supply. Also indicate whether a replacement drinking water supply will be provided.

Identify location of attached documentation:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

- 5. Two Foot Depth to Ground Water {16.40(3)(c)5.}: Will the maximum high ground water level be less than 2 feet below the surface in any waste handling or processing area?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

If "yes," indicate how the project can be designed to maintain a two foot separation.

Identify location of explanation:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_



**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

\_\_\_\_\_  
Transmittal Number

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

\_\_\_\_\_  
Facility ID# (if known)

**B. Combustion Facilities {16.40(3)(c)} (cont.)**

6. 500 Feet to Various Occupied Facilities {16.40(3)(c)6.}: Will any waste handling or processing area be within 500 feet of any of the following (excluding equipment storage or maintenance structures):

- an occupied residential dwelling,
- health care facility
- prison,
- Elementary School
- middle school
- high school
- children's' pre-school
- licensed day care center
- senior center
- youth center

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers

If the answer to II.B.6. is "yes", attach documentation showing evidence of a valid option to purchase the facility in question.

Identify location of attached documentation:

\_\_\_\_\_  
section and/or page numbers

7. Riverfront Area {16.40(3)(c)7.}: Will the waste handling area be within the Riverfront Area as defined at 310 CMR 10.00?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers



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## C. Waste Handling and Processing Facilities {16.40(3)(d)}

Complete Part II.C if site assignment is sought for a waste handling and processing facility (all facilities other than landfills and combustion facilities).

1. Zone I of Public Water Supply {16.40(3)(d)1.}: Will any waste handling area be within the Zone I of a public water supply?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

2. IWPA or Zone II of Existing Supply or Proposed Drinking Water Source Area {16.40(3)(d)2.}: Will any waste handling or processing area be within:

- a) the Interim Wellhead Protection Area (IWPA) of an existing public supply

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

- b) the Zone II of an existing public water supply

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

- c) a proposed drinking water source area, provided that the documentation necessary to obtain a source approval has been submitted prior to the earlier of either the site assignment application, or if the MEPA process does apply, the Secretary's Certificate on the Environmental Notification Form or Notice of Project Change, or where applicable, the Secretary's Certificate on the EIR or Final EIR,

Yes     No



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**C. Waste Handling and Processing Facilities {16.40(3)(d)} (cont.)**

Identify location of supporting information or comments:

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section and/or page numbers

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If the answer to II.C.2.a, b and c is "No," do not respond to the following and go on to section II.C.3.  
If the answer to II.C.2.a, b or c is "Yes," respond to the following requests.

Supply information to demonstrate to the Department that the risk of an adverse impact to the ground water will be minimized.

Identify location of attached information:

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section and/or page numbers

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Supply information to demonstrate to the Department that at least one of the following is true:

- 1) The proposed facility cannot reasonably be sited outside the IWPA or Zone II.
- 2) If the site has been previously used for solid waste management activities, there would be a net environmental benefit to the ground water by siting the facility within the Zone II or the IWPA.

Identify location of attached information:

---

section and/or page numbers

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3. Zone A of Surface Water Supply {16.40(3)(d)3.}: Will the waste handling or processing area be within the Zone A of a surface water supply?

Yes     No

Identify location of supporting information or comments:

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section and/or page numbers

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**C. Waste Handling and Processing Facilities {16.40(3)(d)} (cont.)**

4. Within 500 feet Upgradient or Otherwise within 250 Feet of an Existing or Potential Private Water Supply Well {16.40(3)(d)4.}: Will the waste handling or processing area be within 500 feet upgradient, and where not upgradient, within 250 feet, of a private water supply well existing or established as a potential supply at the time of submittal of the application?

Yes     No

Identify location of supporting information or comments:

section and/or page numbers

If the answer to question II.C.4 is "yes," attach documentation showing a valid option to purchase each such supply. Also indicate whether a replacement drinking water supply will be provided.

Identify location of attached documentation:

section and/or page numbers

5. Minimum Distances to Various Occupied Facilities {16.40(3)(d)5.}:

a) Is the facility a transfer station using a fully enclosed storage system such as a compactor unit that proposes to receive less than or equal to 50 tons per day of solid waste

Yes     No

Identify location of supporting information or comments:

section and/or page numbers

b) Is the waste handling area 250 feet or less from any of the following (excluding equipment storage or maintenance structures)

- an occupied residential dwelling,
- health care facility
- prison,
- Elementary School
- middle school
- high school
- children's' pre-school
- licensed day care center
- senior center
- youth center

Yes     No

**Note:**  
Respond to this question if the answer to question a) above is "Yes."



Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01** Site Suitability Report for a New Site  
Assignment

Transmittal Number

**BWP SW 38** Site Suitability for a Major Modification  
of an Existing Site Assignment

Facility ID# (if known)

---

**C. Waste Handling and Processing Facilities {16.40(3)(d)} (cont.)**

Identify location of supporting information or comments:

---

section and/or page numbers

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**Note:**  
Respond to this question if the answer to question a) above is "No."

c) Is the waste handling area 500 feet or less from any of the following (excluding equipment storage or maintenance structures)

- an occupied residential dwelling,
- health care facility
- prison,
- Elementary School
- middle school
- high school
- children's' pre-school
- licensed day care center
- senior center
- youth center

Yes       No

Identify location of supporting information or comments:

---

section and/or page numbers

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6. Riverfront Area {16.40(3)(d)6.}: Will the waste handling area be within the Riverfront Area as defined at 310 CMR 10.00?

Yes       No

Identify location of supporting information or comments:

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section and/or page numbers

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**C. Waste Handling and Processing Facilities {16.40(3)(d)} (cont.)**

7. Two Foot Depth to Ground Water {16.40(3)(d)7.}: Will the maximum high ground water level be less than 2 feet below the surface in any waste handling or processing area?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers

If "yes," indicate how the project can be designed to maintain a two foot separation.

Identify location of explanation:

\_\_\_\_\_  
section and/or page numbers



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### Section III. General Criteria {16.40(4)}

All applicants should complete all sections of Part III.

**Note:** When a response includes a description of a potential adverse impact, the applicant should describe both the qualitative and quantitative aspects of the potential impact.

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#### A. Agricultural Land {16.40(4)(a)}

1. Does the site contain any land classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

2. Does the site contain any land deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

3. Will the facility be less than 100 feet from any land classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_



**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known)

---

**A. Agricultural Land {16.40(4)(a)} (cont.)**

4. Will the facility be less than 100 feet from any land deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_ section and/or page numbers  
\_\_\_\_\_

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**B. Traffic Impacts {16.40(4)(b)}**

1. ENF/EIR Accepted by MEPA

If the applicant prepared an Environmental Notification Form (ENF) to comply with the requirements of the Massachusetts Environmental Policy Act (MEPA), please attach all portions of the ENF that are relevant to traffic impacts. If the applicant was also required to submit an Environmental Impact Report (EIR) to comply with MEPA, please attach all portions of the EIR relevant to traffic impacts.

ENF/EIR traffic impacts attached  
 ENF/EIR not required

Identify location of attachments or comments:

\_\_\_\_\_ section and/or page numbers  
\_\_\_\_\_

2. ENF/EIR Not Required by MEPA

If no ENF or EIR was required to comply with MEPA, please provide the following information in an attachment:

- a) Maximum number of trips to the site per day by type of vehicle:
- b) Indicate, by vehicle type, the anticipated number of trips that will be made on each of the roads serving the facility.
- c) Identify any intersections, school zones, hospitals, or other locations on the roads serving the facility that may be adversely impacted by traffic accessing the site.



**B. Traffic Impacts {16.40(4)(b)} (cont.)**

Identify the location of the attached information or comments

\_\_\_\_\_   
section and/or page numbers  
\_\_\_\_\_

**C. Wildlife and Wildlife Habitat {16.40(4)(c)}**

The Natural Heritage and Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife administers the programs dealing with the Wildlife and Wildlife Habitats referred to in these questions. The NHESP should be contacted to obtain the information and documentation needed to respond to the questions in this section.

The applicant must obtain a specific response from NHESP regarding the proposed site and attach the response to this application.

- 1. Habitat of Endangered, Threatened, or Special Concern Animal or Plant: Is the proposed site within the habitat of a state-listed Endangered, Threatened, or Special Concern animal or plant, as documented by the Natural Heritage and Endangered Species Program in its database?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_   
section and/or page numbers  
\_\_\_\_\_

- 2. Ecologically Significant Natural Communities: Is the proposed site located in or adjacent to an area described on the most recent map of Ecologically Significant Natural Communities as documented by the Natural Heritage Program in its database?

Yes     No

Identify location of supporting information:

\_\_\_\_\_   
section and/or page numbers  
\_\_\_\_\_



**C. Wildlife and Wildlife Habitat {16.40(4)(c)} (cont.)**

- 3. Wildlife Management Area: Is the proposed site located in an area adjacent to or with the potential to impact upon a Wildlife Management Area designated and managed by the Division of Fisheries and Wildlife?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_ section and/or page numbers

**Instructions:** If the answer to any of the above questions (III.C.1., III.C.2. or III.C.3.) is "yes," and the proposed facility does have the potential to adversely impact one or more Endangered, Threatened, or Special Concern animals or plants or Wildlife Management Area, then answer questions III.C.4. and, if necessary, III.C.5. If the answer to each of the above questions (III.C.1., III.C.2. and III.C.3.) is "no," do not answer question III.C.4. or III.C.5.

- 4. Adverse Impact on Habitat: Will the proposed site have an adverse impact on the habitat of a state-listed Endangered, Threatened, or Special Concern animal or plant, Ecologically Significant Natural Community, or Wildlife Management Area, as determined by the Natural Heritage and Endangered Species Program? (Attach determination from NHESP.)

Identify location of supporting information or comments:

\_\_\_\_\_ section and/or page numbers

**Instructions:** If the Natural Heritage and Endangered Species Program has determined there will not be an adverse impact, do not answer question III.C.5. If NHESP determined there is a potential for an adverse impact, respond to question III.C.5.

- 5. Mitigation of Adverse Impacts: If there is a determination by the Natural Heritage and Endangered Species Program that the proposed facility may potentially impact the habitat of a state-listed Endangered, Threatened or Special Concern animal or plant, Ecologically Significant Natural Community, or Wildlife Management Area, are there any reasonable mitigation measures the proponent may use to minimize or eliminate any adverse impacts?

Yes     No

If "no," then the site is unsuitable and the proposed facility shall not be sited.

If "yes," then with regard to this criterion the site may be assigned with conditions which will meet Division of Fisheries and Wildlife approval for mitigation of the adverse impacts. The mitigation measures proposed shall be appended to this application.



**C. Wildlife and Wildlife Habitat {16.40(4)(c)} (cont.)**

Identify location of supporting information or comments:

section and/or page numbers

**D. Areas of Critical Environmental Concern {16.40(4)(d)}**

Programs for designating and protecting Areas of Critical Environmental Concern (ACEC) are administered by the Executive Office of Environmental Affairs (EOEA). EOEA should be contacted to obtain the information and documentation needed to respond to the questions in section III.D. Responses by EOEA should be appended to this application.

A specific response from EOEA is not required when EOEA's data show the site is not located near any ACEC.

- 1. Site Within ACEC: Is the proposed site located within the boundaries of an area designated as an Area of Critical Environmental Concern by the Secretary of EOEA?

Yes     No

Identify location of supporting information or comments:

section and/or page numbers

If the answer to question III.D.1. is "yes, the site is not suitable.

- 2. Site Adjacent to ACEC: Is the proposed site adjacent to an ACEC with the potential to impact the resources designated by the Secretary of EOEA as worthy of protection? (As defined in 16.02, "adjacent" may include areas not contiguous to the boundaries of the site.)

Yes     No

Identify location of supporting information or comments:

section and/or page numbers



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**D. Areas of Critical Environmental Concern {16.40(4)(d)} (cont.)**

3. Mitigation Measures: If there is a determination by EOEА that the proposed facility may potentially adversely impact the ACEC, are there any reasonable mitigation measures the proponent may use to minimize or eliminate any adverse impacts?

Yes     No

If "no," the site is not suitable.

If "yes," then with regard to this criterion the site may be assigned with conditions which will meet EOEА approval for mitigation of the adverse impacts. The mitigation measures proposed shall be appended to this application.

Identify location of supporting information or comments:

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section and/or page numbers

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**E. Protection of Open Space {6.40(4)(e)}**

1. State Forests: Will the proposed solid waste management facility have an adverse impact on the physical environment of, or on the use and enjoyment of state forests?

Yes     No

Identify location of supporting information or comments:

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section and/or page numbers

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2. State or Municipal Lands: Will the proposed solid waste management facility have an adverse impact on the physical environment of, or on the use and enjoyment of state or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution?

Yes     No

Identify location of supporting information or comments:

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section and/or page numbers

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**E. Protection of Open Space {6.40(4)(e)} (cont.)**

3. MDC Reservation: Will the proposed solid waste management facility have an adverse impact on the physical environment of, or on the use and enjoyment of MDC reservations?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers

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4. Lands Protected by EOE A Restrictions: Will the proposed solid waste management facility have an adverse impact on the physical environment of, or on the use and enjoyment of lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers

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5. Privately Owned Public Conservation Land: Will the proposed solid waste management facility have an adverse impact on the physical environment of, or on the use and enjoyment of conservation land owned by private non-profit land conservation organizations and open to the public?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers

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## F. Air Quality Impacts {16.40(4)(f)}

**Instructions:** If the proposed facility is a combustion facility, complete only section III.f.1. If the proposed facility is **not** a combustion facility, complete only section III.f.2.

### 1. Air Quality Impacts: Combustion Facilities

The Applicant shall, pursuant to the Air Pollution Control regulations, 310 CMR 7.02, submit a complete application to the Department for its review. The application shall be submitted on forms furnished by the Bureau of Waste Prevention. A copy of the permit application shall be appended to this application.

In addition to the Air Quality Control application, the Applicant shall provide information on any populations within the area impacted by emissions from the facility which might be sensitive to the projected emissions from the facility. Information should include relevant health statistics for the impacted population.

Identify location of supporting information or comments:

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section and/or page numbers

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### 2. Air Quality Impacts: Non-Combustion Facilities

a) Characterize the possible airborne emissions from the proposed facility. Include the composition and quantity of possible emissions. Indicate how these emissions are expected to vary over the life of the facility. Also characterize any other air emissions associated with the proposed facility such as emissions from vehicles.

b) Demonstrate that the anticipated emissions from the facility will meet required state and federal air quality standards and criteria and otherwise will not constitute a danger to the public health, safety or the environment. Take into account the concentration and dispersion of emissions, the number and proximity of sensitive receptors and the attainment status of the area.

Identify location of supporting information or comments:

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section and/or page numbers

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**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known)

**G. Nuisance Conditions {16.40(4)(g)}**

For each of the following nuisance conditions that could occur during the construction and/or operation of the proposed facility, indicate the extent of the possible nuisance conditions and the measures that will be taken to mitigate or prevent the occurrence of the nuisance condition:

- Noise,
- Dust,
- Litter;
- Vectors such as rodents and insects,
- Odors,
- Bird hazards to air traffic, and
- Other nuisance conditions (please specify).

Identify location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

**H. Size of Facility {16.40(4)(h)}**

**Explanation:** The information requested in this section is needed to determine whether the size of the site, considering access roads, areas for vehicles to wait before unloading, unloading facilities, storage areas, waste processing areas and pollution control equipment, is adequate for a facility with the proposed daily capacity.

1. Discussion: Discuss the waste delivery, unloading, and handling (including processing and storage) activities and pollution control equipment to demonstrate whether the size of the site is adequate to properly manage the proposed facility. Be specific with respect to the proposed capacity of the facility.

Identify the location of supporting information or comments:

\_\_\_\_\_

section and/or page numbers

\_\_\_\_\_

2. 100 Foot Set Back: Will the waste handling area or deposition area be less than 100 feet from any property boundary except where the property boundary borders a separate solid waste management facility?

Yes     No



**H. Size of Facility {16.40(4)(h)} (cont.)**

Identify location of supporting information or comments:

section and/or page numbers

**I. Areas Previously Used for Solid Waste Disposal {16.40(4)(i)}**

1. Previous Solid Waste Activities: Have the proposed site or any of the abutting properties been previously used for the legal or illegal disposal of solid wastes?

Yes     No

Identify location of supporting information or comments:

section and/or page numbers

If "yes," please supply the following information and append to this application:

- a) Address: The address of the area previously used for the disposal of solid waste,
- b) Owner: The owner and the address of the owner of the area previously used for the disposal of solid waste,
- c) Dimensions: The dimensions of the area previously used for the disposal of solid waste,
- d) Status: Current status of the area previously used for the disposal of solid waste (e.g., active, inactive),
- e) Impacts on Site: The nature and extent to which the area previously used for the disposal of solid waste currently impacts or threatens to impact the proposed site,
- f) Impacts of Site: The nature and extent to which the proposed site may impact the area previously used for the disposal of solid waste,
- g) Combined Impacts: The nature and extent of any combined impacts from the area previously used for the disposal of solid waste and the proposed facility to public health, safety or the environment (Include factors such as ground water contamination and surface water runoff.),
- h) Mitigation: The extent to which use of the proposed site would result in mitigation of existing or potential impacts from the previously used site through remediation, closure or other activities.



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**I. Areas Previously Used for Solid Waste Disposal {16.40(4)(i)} (cont.)**

Identify location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers

\_\_\_\_\_

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**J. Existing Disposal Facilities {16.40(4)(j)}**

1. Existing Disposal Facilities in Municipality: Are there any existing (active or inactive) disposal facilities (solid waste landfills or combustion facilities) in the municipality in which the proposed site is located?

Yes     No

Identify the location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers

\_\_\_\_\_

2. Exclusive Use of Facility: Will the proposed facility be limited to the exclusive use of the municipality in which the proposed facility is to be sited?

Yes     No

Identify the location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers

\_\_\_\_\_

**Instructions:** If the answer to III.J.1. is "yes" and the answer to III.J.2. is "no," please provide the information requested in III.J.3. Otherwise, go on to question III.K.

3. Existing Facility Identification: Provide the following information about the existing disposal facility or facilities in the municipality in which the proposed site is located:
- a) Existing facility identification (name, address, type of facility):
  - b) How much of the waste (tons/day) accepted at the proposed facility will be generated in the municipality in which the facility is located?
  - c) What percentage of the waste accepted at the proposed facility will come from the municipality in which the site is located?



**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

Transmittal Number

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

Facility ID# (if known)

---

**J. Existing Disposal Facilities {16.40(4)(j)} (cont.)**

- d) Discuss to what extent the proposed facility meets the needs of the region in which the site is located.
- e) Explain to what extent the proposed facility incorporates recycling, composting and waste diversion. (Refer to other responses, if appropriate.)

Identify the location where the information is attached:

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section and/or page numbers

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**K. Other Sources of Contamination or Pollution {16.40(4)(k)}**

Attach an evaluation of whether the projected impacts of the proposed facility pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by the Department, and whether the proposed facility will mitigate or reduce those sources of pollution or contamination.

The Department has prepared a guidance document that describes how to make this evaluation. The document is titled, *Interim Risk-Evaluation Guidance Document for Solid Waste Site Assignment and Permitting in Support of 310 CMR 16.00 and 19.000* (first issued June 8, 2001). This guidance document, including its title, will be revised from time to time. Please contact the Department or visit the Department's web site to obtain the most recent version of the guidance document.

The applicant should contact the Department to discuss the scope of work prior to undertaking the evaluation.

Identify the location of the attached evaluation:

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section and/or page numbers

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## L. Regional Participation

1. Municipal Participation in Regional Disposal: Does the municipality in which the proposed site is located now participate in a regional disposal facility?

Yes     No

Identify location of supporting information or comments:

\_\_\_\_\_  
section and/or page numbers

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**Instructions:** If the answer to question III.L.1. is "Yes," supply the information requested in question III.L.2. Otherwise, go on to part IV.

2. Proposed Facility: Provide the following information about the proposed facility:
- a) How much of the waste (tons/day) accepted at the proposed facility will be generated in the municipality in which the facility is located?
  - b) What percentage of the waste accepted at the proposed facility will come from the municipality in which the site is located?
  - c) Discuss to what extent the proposed facility meets the needs of the region in which the site is located.
  - d) Explain to what extent the proposed facility incorporates recycling, composting and waste diversion. (Reference other responses, if appropriate.)

Identify the location of the information or comments:

\_\_\_\_\_  
section and/or page numbers

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## Section IV. Integrated Solid Waste Management {16.40(5)}

**Instructions:** Complete Part IV only if site assignment is sought for a **Landfill** or **Combustion** facility.

It is likely that the information requested in Part IV will have been included in the EIR submitted to complete the MEPA process. If this is the case, the applicant should attach the relevant sections from the EIR that was accepted by the Secretary of EOE. If all the information requested below is not included in the EIR attach additional information.

In order to complete this section, the Applicant will need information on the Commonwealth's goals for recycling and composting and for establishing a statewide integrated solid waste management (ISWM) system. This information is contained in the Commonwealth's Solid Waste Master Plan which is available on the DEP's web site or by calling the DEP. The Master Plan is periodically revised and may be updated by issuing annual Status Reports, so it is important to make sure you have the current version before completing this application.

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### A. Capacity Need {16.40(5)(a)1.}

Demonstrate the need for the capacity that will be provided by the proposed facility. For each year of the expected life of the proposed facility identify the sources (residential, commercial, industrial) of the solid waste that will supply the amount of waste equal to the proposed capacity. Please be as specific as possible in identifying "sources." Include the municipalities in which the waste will be generated and the type of waste (demolition/construction, wood waste, sludge, ash, special wastes, commercial wastes, household wastes, etc.).

Show how the capacity that will be provided by the proposed facility will contribute to providing the capacity needed by the Commonwealth as identified in the most recent Solid Waste Master Plan and/or most recent annual Status Report.

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### B. Waste Diversion {16.40(5)(a)2.}

Explain how the proposed facility will maximize the diversion of recyclable and compostable materials from the waste prior to combustion or landfilling. Include a discussion of how the proposed facility will coordinate with other facilities or programs to maximize the diversion.

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### C. Contribution to ISWM {16.40(5)(a)3.}

How will the proposed facility contribute to the establishment and maintenance of a statewide system for integrated solid waste management? Include a discussion of how the proposed facility will complement the other facilities in the service area.



**Massachusetts Department of Environmental Protection**  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01 Site Suitability Report for a New Site  
Assignment**

\_\_\_\_\_  
Transmittal Number

**BWP SW 38 Site Suitability for a Major Modification  
of an Existing Site Assignment**

\_\_\_\_\_  
Facility ID# (if known)

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**D. Recycling and Composting {16.40(5)(b)}**

Explain to what extent the proposed facility itself incorporates recycling and composting and explain how the proposed facility will be integrated into the recycling and composting activities in the service area.

Identify the location of the information requested in Part IV:

\_\_\_\_\_  
section and/or page numbers

\_\_\_\_\_

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## Section V. Waivers

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### A. Site Suitability Criteria Waiver {16.40(6)}

The Site Suitability Criteria Waiver Application should be completed only if the applicant is seeking a waiver from one or more of the Site Suitability Criteria set forth in the Site Assignment Regulations, 310 CMR 16.40(3) or the setback distance at 310 CMR 16.40(4)(h). (The intention to seek a waiver must be noted in Part I of the Site Assignment Application Form.)

**Note:** As required by 310 CMR 16.08(5)(c), an application for a waiver must be accompanied by all data and documentation necessary to support the waiver request.

Check here if a waiver from the Site Suitability Criteria is requested.

Identify the location of the information requested in V.A.1 through V.A.9:

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section and/or page numbers

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1. Criteria: Identify the Site Suitability Criteria in 310 CMR 16.40(3) or 310 CMR 16.40(4)(h) from which a waiver is sought and for each explain the nature of the waiver being requested.
2. Hardship: State the nature of the hardship which would result if a waiver were not granted.
3. Interest Served: State the community, regional or state public interest that would be served by granting the waiver.
4. Maintain Protection: Explain why granting the waiver will not result in less protection of the public health and safety and the environment than would exist in the absence of the waiver.
5. Alternative Site: Explain why the proposed facility cannot be located at another site in the affected municipality or region at which a waiver would not be needed.
6. Preferred Municipality: Is the proposed site located in a preferred municipality as defined in MGL c.111, s. 150A1/2? (A "preferred Municipality" is a municipality that does not have existing disposal facilities and is not part of a regional waste disposal district.)
7. Environmental Benefit: Will granting the waiver result in any environmental benefits in excess of those benefits achievable in the absence of a waiver? Explain.
8. Integrated Solid Waste Management: Explain how the proposed facility contributes to integrated solid waste management.
9. Waiver Needed for Project Goals: Explain why the solid waste management objectives of the proposed project could not be achieved in the absence of the waiver.



Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01** Site Suitability Report for a New Site  
Assignment

\_\_\_\_\_  
Transmittal Number

**BWP SW 38** Site Suitability for a Major Modification  
of an Existing Site Assignment

\_\_\_\_\_  
Facility ID# (if known)

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**B. Waiver from Application Process {16.18}**

This waiver application should be completed only if the applicant is seeking a waiver from one or more of the provisions of Part I (310 CMR 16.01-16.19) of the Site Assignment Regulations that deals with the application process. (The intention to seek a waiver must be noted in Part I of the application form .)

**Note:** As required by 310 CMR 16.08(5)(c), an application for a waiver must be accompanied by all data and documentation necessary to support the waiver request.

Check here if a waiver from the Application Process is requested.

Identify the location of the information requested in V.B.1 through V.B.4.

1. Regulatory Provision: Identify the provision of the regulations from which a waiver is being requested and explain the specific nature of the request.
2. Interest Served: State the community, regional or state public interest that would be served by granting the waiver.
3. Interference with Suitability Evaluation: State why the granting of the waiver would not interfere with the ability of the Board of Health to evaluate the Suitability of the proposed site.
4. Public Review and Comment: State why granting the waiver would not diminish the ability of the general public to review and comment on the proposed project.



Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management

**BWP SW 01** Site Suitability Report for a New Site  
Assignment

\_\_\_\_\_  
Transmittal Number

**BWP SW 38** Site Suitability for a Major Modification  
of an Existing Site Assignment

\_\_\_\_\_  
Facility ID# (if known)

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**VI. Signatures and Certification {16.08(5)(e)}**

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**A. Land Owner's Signature**

Where the applicant is not the owner of the legal title to the land described as the "site" in this application, the owner or other person with control of the site pursuant to an order of a court of competent jurisdiction shall sign the application here:

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

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**B. Applicant's Signature and Certification**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties both civil and criminal for submitting false information including possible fines and imprisonment.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent's Signature

\_\_\_\_\_  
Date