



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention – Solid Waste Management
Special Waste Determination
BWP SW 14 Special Waste Determination – Major
BWP SW 31 Special Waste Determination – Minor
Instructions and Supporting Materials

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Introduction

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at 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.



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Permit Fact Sheet

1. What is the purpose of these determinations?

Some solid wastes are classified as Special Wastes. These wastes are either listed in the Solid Waste Regulations or are determined to be special wastes that require special handling. In these cases, MassDEP reviews and approves all requests for disposal or handling. The regulations listed below govern the process for applying for a determination of whether a solid waste requires special handling procedures, what the requirements for disposal are and how to obtain a facility approval to handle a special waste.

Legal authority is found in MGL c. 21A, ss. 2 and 8, c. 111, s. 150A. Regulatory authority is found in 310 CMR 19.000: Solid Waste Management Facility Regulations, specifically 310 CMR 19.061, Special Waste.

2. Who must apply?

Any solid waste facility shall apply to handle a special waste, including, but not limited to, the following:

- asbestos waste;
- infectious waste;
- sludges, including, but not limited to, wastewater treatment sludges, drinking water treatment sludges, and industrial process wastewater treatment sludges;
- other wastes which may require special management to ensure protection of public health, safety or the environment based upon the physical, biological or chemical properties of the waste.

2a. Which application should I file, major (BWP SW 14) or minor (BWP SW 31)?

The application you should use is determined by the quantity of material which you will be disposing of, either at one time or over a period of time. For example, if you dispose of greater than 20 tons of special waste at one time or over a period of time, use BWP SW 14. If you dispose of 20 tons or less at one time, then use BWP SW 31.

3. What other requirements should be considered when applying for these determinations?

- a. The applicant must have a valid site assignment and a permit pursuant to c.111, s. 150A.
- b. The applicant must submit the appropriate data on the physical, chemical and biological nature of the material for which a determination is to be made. In most cases the generator of the waste material should be able to provide most or all of the required information. If not, a certified laboratory should be retained to provide the relevant data. Please note that data is not required to be submitted for asbestos waste or infectious waste.
- c. In accordance with 310 CMR 19.061(5)(e), the Department may require that the facility operator submit an application for permit modification in accordance with 310 CMR 19.039 where the Department determines that the handling of a waste at a facility shall cause a deviation from the facility permit.



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Note: These additional requirements are intended to serve as a guide to the applicant. It does not necessarily include **all** requirements.

4. What is the application fee?

BWP SW 14 - Major.....\$1,580
BWP SW 31 - Minor.....\$400

5. What is the Primary Permit Location? What is the Reserve Copy Location?

Primary Permit Location:
Dep't. of Environmental Protection
_____ * Regional Office
Solid Waste

Reserve Copy Location:
None

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

Important Note: A copy of the application must be sent to the board of health for the community in which the disposal facility is located.

6. 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

7. What is the annual compliance fee?

There is no annual compliance fee for these determinations.

8. How long are these determinations in effect?

There is generally no time limit on approvals to manage special wastes unless specified in the approval. MassDEP may suspend or modify an approval at the request of the board of health as specified at 310 CMR 19.061(5)(g). In addition, MassDEP may reclassify the waste or place further conditions on an approval as specified at 310 CMR 19.061(7).

9. How can I avoid the most common mistakes made in applying for these determinations?

- a. Submit all the data on the chemical, physical and biological properties of the waste required for MassDEP to make a determination.
- b. Submit a signed copy of the certification form.
- c. Submit fee and *one copy* of the MassDEP Transmittal Form
<http://mass.gov/dep/service/online/trasmfrm.shtml> to: Department of Environmental Protection,
P. O. Box 4062, Boston, MA 02211.



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10. What are the regulations that apply to these determinations? Where can I get copies?

These regulations include, but are not limited to:

- a. Solid Waste Management Facility Regulations, 310 CMR 19.000.
- b. Timely Action Schedule 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



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Application Completeness Check List

- The MassDEP Transmittal Form is completed: <http://mass.gov/dep/service/online/trasmfrm.shtml>
- The application has been completed.
- The certification statement submitted and signed (310 CMR 19.011).

To submit the application package:

- Checklist items have been completed.
- Send one copy of the application, with any supporting documentation, along with one copy of the MassDEP Transmittal Form to both of these locations:

Department of Environmental Protection
_____ *Regional Office
Solid Waste Management

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

AND

Board of Health

_____ (Address)
_____ (City or Town)

- Send fee of:

\$1,580 for BWP SW 14;
\$400 for BWP SW 31;

in the form of a 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 14 Beneficial Use Determination – Major
BWP SW 31 Beneficial Use Determination - Minor
Application for Beneficial Use Determination

Transmittal Number # _____

Facility ID (if known) _____

A. Project Information (cont.)

	Page #	DEP USE ONLY
e. criteria evaluation		
(1) protection of public health, safety, and environment	_____	_____
(2) toxicity reduction and volume	_____	_____
(3) implementability	_____	_____
(4) cost	_____	_____
4. Chemical, physical and biological properties of the waste:		
a. chemical properties of the waste		
(1) pH	_____	_____
(2) reactivity	_____	_____
(3) leachability (TCLP test)	_____	_____
(4) total metals	_____	_____
(5) VOCs	_____	_____
(6) other appropriate constituents	_____	_____
b. Physical properties of the waste		
(1) particle size	_____	_____
(2) density	_____	_____
(3) total solids	_____	_____
(4) volatile solids	_____	_____
(5) moisture content	_____	_____
(6) free liquid	_____	_____
c. biological properties of the waste, if applicable		
(1) pathogens	_____	_____



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A. Project Information (cont.)

	Page #	DEP USE ONLY
5. Proposed disposal location and handling methods:		
a. proposed handling methods		
(1) transportation	_____	_____
(2) storage	_____	_____
(3) processing	_____	_____
b. disposal site	_____	_____
c. proposed method or methods for disposal	_____	_____

B. Certification: 310 CMR 19.011

Any person, required by these regulations or any order issued by the Department, to submit papers shall identify themselves by name, profession, and relationship to the applicant and legal interest in the facility, and make the following 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.

Print Name

Authorized Signature

Position/Title

Date