



**Massachusetts Department of Environmental Protection**  
Bureau of Waste Prevention – Solid Waste Management  
Permits for Post-Closure Use

**BWP SW 36 Post-Closure Use – Major**  
**BWP SW 37 Post-Closure Use – 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](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.



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# BWP SW 36, 37

## Permit Fact Sheet

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### 1. What is the purpose of these permits?

Post-closure permits are intended to protect the public health, safety and the environment by regulating all proposed activities at closed solid waste management facility sites to ensure that such uses are consistent with that facility's closure plan and site specifics.

Legislative authority for this permit is stated in MGL C. 21A, ss. 2 and 8, and C. 111, s. 150A. Regulations promulgated pursuant to these laws are codified in 310 CMR 19.000, the "Solid Waste Management Facilities Regulations".

### 2. Who must apply?

Any individual, business or organization that intends to use a solid waste management facility site after closure and capping of the facility for any purpose, other than that established in a prior permit or plan approval, must receive prior written approval of the Department. If the use of the facility after it has been closed is not for a solid waste regulated activity then the applicant must apply for a post-closure use permit in accordance with 310 CMR 19.016 and, when the post closure use is at a landfill, 310 CMR 19.143.

If the use of the facility after it has been closed is for a solid waste regulated activity then the applicant must apply for a permit modification to the existing closure permit or apply for a new facility permit.

**BWP SW 36** Post-closure use: major category.

Approval for post-closure use at landfills that includes:

- a. construction of a structure: or
- b. an activity that involves either significant changes or potentially adverse impacts to the final cover system. Examples include any activity that results in penetration of the impermeable layer of the final cover or involves operating equipment or vehicles on the final cover which could impact the cover system.

**BWP SW 37** Post-closure use: minor category.

Approval for post-closure use at landfills that includes:

- a. primarily passive or recreational uses with minimal changes to or potential invasive impacts to the final cover system. For example adding additional soil material to accommodate a different type of vegetative cover.
- b. changes (except constructing structures) within the site assigned area but not on the final cover system of the landfill proper are minor post-closure uses.

Approval at other solid waste facilities at other solid waste management facilities:

- a. any change in use of the site not previously approved by MassDEP in the closure permit or other approval.



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

**a. What other prerequisites should be considered before applying for these permits?**

Generally, a facility must have been closed in accordance with an approved closure plan before an application for a post-closure use permit is applicable (also see below).

A post-closure use permit is only needed to approve new uses at a closed facility that have not been previously approved by another permit or plan approval. Please note that post-closure use approvals can be incorporated into the closure plan approval for the facility. When post-closure use is part of a closure plan a separate post-closure use permit is not required.

**Note:** Permits of this type will often require MEPA review. Please carefully examine 301 CMR 11.00, the 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 (100 Cambridge Street, Boston, MA 02202; (617-727-5830). **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>

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

**4. What are the application fees?**

BWP SW 36.....\$2,790  
BWP SW 37.....\$1,085

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

Primary Permit Location:  
**Department of Environmental Protection**  
\_\_\_\_\_ \* **Regional Office**  
**Solid Waste Management**

Reserve Copy Location:  
**Not required.**

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

**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](http://www.mass.gov/dep/service/online/fees.htm)

There is no public comment review period for this permit.



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

The only compliance fee that would be associated with a post-closure use permit would be at a closed inactive landfill with post-closure monitoring.

Current annual compliance fees can be found on the MassDEP Website at  
[www.mass.gov/dep/service/online/fees.htm](http://www.mass.gov/dep/service/online/fees.htm)

**8. How long are these permits in effect?**

Generally, post-closure use permits are in effect indefinitely as long as the approved activities at the site remain the same.

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

- a. The applicant should carefully review the post-closure use application to ensure that the proposed use does not compromise the function of the existing closure.
- b. 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.

**10. What are the regulations that apply to these permits? 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 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



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## **Application Completeness Checklist**

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- The MassDEP Transmittal Form is completed: <http://mass.gov/dep/service/online/trasmfrm.shtml>
- Application Completeness Checklist has been completed.
- One copy of the post-closure use plans with reports (if applicable) are attached.
- A Massachusetts Registered Professional Engineer has prepared the plans and reports and signed them.
- Certification statement submitted and signed (310 CMR 19.011).
- Signature of appropriate responsible party (signatories (310 CMR 19.030 (11))).

To submit the application package:

- Checklist items have been completed.
- Send two copies 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:

\$2,790 for BWP SW 36;  
\$1,085 for BWP SW 37;

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





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

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

**B. Project Information (cont.)**

	Plan/Report #	Page #	DEP Use Only
2. Additional plan/reports for constructing permanent structures on filled areas:			
a. settlement analysis			
(1) waste characteristic - refuse, depth, age composition, etc.	_____	_____	
(2) settlement monitoring - preloading, test fills surveys, etc.	_____	_____	
b. design considerations			
(1) differential settlement	_____	_____	
(2) gas control/monitoring in structures	_____	_____	
(3) final cover penetrations/integrity	_____	_____	
(4) utility connections	_____	_____	

**C. Permit Review Documentation and Criteria**

Note: Complete all sections applicable to requested post closure use. Refer to referenced regulation citation for applicability. Enter NA if not applicable.

	Plan/Report #	Page #	
1. Documentation:			
a. wetlands order of conditions	_____	_____	
b. financial assurance estimate and mechanism (310 CMR 19.051)	_____	_____	
2. Permit criteria:			
a. (310 CMR 19.038(1)(d)) (all facilities)			
(1) MEPA compliance	_____	_____	
(2) sight assignment limits	_____	_____	
(3) compliance with facility specific regulations	_____	_____	
(4) health & environmental impact assessment	_____	_____	



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Transmittal Number

\_\_\_\_\_  
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**C. Permit Review Documentation and Criteria (cont.)**

	Plan/Report #	Page #	DEP Use Only
(5) compliance with other applicable laws and regulations	_____	_____	
(6) enforcement status	_____	_____	
(7) structural support	_____	_____	
b. 310 CMR 19.143(3) (landfills only)			
(1) final contour changes	_____	_____	
a. no adverse impacts	_____	_____	
b. reduce threats	_____	_____	
(2) integrity of final cover	_____	_____	
(3) drainage/erosion controls	_____	_____	

**D. 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