



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention • Business Compliance Division
BWP HW 05 Permit Application
License to Transport Hazardous Waste, Including Mixed Wastes
Instructions & Support 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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Bureau of Waste Prevention Guidance

Thank you for your interest in applying for a Massachusetts Hazardous Waste Transporter License. Hazardous waste transporters move, by vessel or carrier, hazardous waste from the point of generation to any intermediate point(s) or to the points of ultimate storage, use, treatment, recovery, or disposal.

Department's permitting and compliance fee regulations (310 CMR 4.00, titled "Timely Action Schedule and Fee Provisions") now specify the following processing timelines:

- Within 60 days of receipt of the permit application and payment of the fee, the Department will complete a technical review of the application.
- If deficiencies are found in the application, the applicant has 60 days to correct them.
- Within 60 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, MassDEP shall complete a supplemental technical review.
- Within 30 days of the close of the period for public comment, if any, the Department shall complete a public comment review.

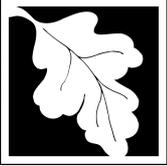
If the Department fails to make a determination on your application within the timeline outlined above, MassDEP will refund your application fee and will continue with the review.

- **The application fee for a license to transport hazardous waste is \$3,450.**

As shown in the Application Instructions, if you have a Massachusetts office address(es) where transportation related activities take place and license records are maintained, the Department requires you to:

- **Send a copy of the application to the local board of health;** The local Board of Health must be in the Massachusetts town/city of the applicant's office address, i.e., the location where transportation related activities take place and license records are maintained. Attach the enclosed cover letter when sending a copy of your application to the local Board of Health;
- **Send to the department written documentation of the board of health's receipt of the application copy** (e.g. a copy of a certified mail receipt);
- **Submit *public notice for publication in a newspaper with circulation in the town of the applicant's business office*;** The notice should be published no later than 15 days after you send the application to the Department. The notice will announce a 45-day public comment period commencing on the date of newspaper publication. ***Use the public notice format that is attached in this application package;*** and,
- **Send a copy of the published newspaper notice to the Department and to the local board of health** no later than 21 days after you send the application to the Department.

The information regarding Transporter as Marketer requirements is included for informational purposes only and does not apply directly to your application for a new transporter license. Do not submit a notification to market waste oil fuel pursuant to 310 CMR 255(4) prior to the effective date of your hazardous waste transporter license; you may choose to do so after the effective date.

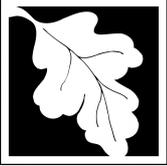


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Applicants are required to submit **one complete original application in a three-ring binder** to the Department. Firms submitting incomplete applications will be notified of deficiencies and required to provide the requested information. Failure to respond adequately and in a timely manner will result in application denial.

For qualified applicants, the Department will issue licenses for a term of up to five years. You may also be contacted to provide the Department additional information concerning vehicles that require Vehicle Identification Devices (VIDs).

If you are in need of assistance in completing your application, you may contact the Business Compliance Division at (617) 292-5576.



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How To Avoid Common Mistakes

- a. **HAZADOUS WASTE REGULATIONS:** Prior to filling out your application, obtain an updated copy of the Hazardous Waste Regulations (310 CMR 30.000) and refer to the sections cited in the application package for guidance on the information required.
- b. **ORGANIZE YOUR APPLICATION:** Organize attachments in a three ring binder and arrange them in the same order as listed in Section G of the Permit Application (from TDS1-1 to TDS1-14). The Permit Fact Sheet, the Hazardous Waste Regulations, and instructions in the Permit Application offer guidance for submitting a complete application.
- c. **DRIVER TRAINING:** (1) Provide a certification on company letterhead which states that the applicant is subject to the DOT hazardous materials training requirements of 49 CFR Part 172 (Subpart H) and Part 177, and that all drivers are currently trained and tested (See Transporter Data Sheet TDS 01-3, Training Programs); (2) Include a notation in your TDS 01-3 response indicating that drivers receive training in the list of notification numbers to call in the event of a spill or release, and that those numbers are listed in the Emergency Procedure Guide submitted in Attachment TDS-01-13, Spill Cleanup Equipment and Procedures.
- d. **OFFICER & DIRECTOR INFORMATION:** Provide the names and addresses of all officers, directors, and partners of the company and of all individuals who hold greater than 5% equity in the company (See Transporter Data Sheet TDS 01-4, Officers and Directors)
- e. **“NONE” VS. “N.A.”:** Respond directly to information requested on the Transporter Data Sheet for inclusion in each attachment; if for example, you have no “Other Business Activities”, indicate “none”; don’t respond by indicating “N.A.” (SEE TDS 01-5, Other Business Activities).
- f. **DISCLOSURE:** Disclose all past and pending legal and administrative actions and civil suits regarding violations of environmental or public health laws or regulations (See Transporter Data Sheet TDS 01-6, Past/Pending Legal or Administrative Actions), including all violations issued by MassDEP. Also disclose a list of past or pending hazardous waste related civil suits (by docket number) (See Transporter Data Sheet TDS 01-7, Past/Pending Civil Suits). Failure to disclose these items may result in the denial of your application, the revocation of your license, and/or the assessment of penalties.
- g. **LIABILITY INSURANCE:** Provide the insurance documents required by 310 CMR 30.410. These are: (1) a Certificate of Insurance for automobile liability and (2) DOT Endorsement (Form MCS-90) for environmental restoration which amends the automobile policy number on the certificate of insurance (note that the corresponding automobile policy number must appear on the endorsement form!). Both insurance documents must be in an amount of at least \$1 million. The Certificate of Insurance must indicate the Department of Environmental Protection as the certificate holder (“Massachusetts DEP, Bureau of Waste Prevention, Business Compliance Division,, One Winter Street, 7th Floor, Boston, MA 02108”), and must provide 30 day notice of cancellation. (See Transporter Data Sheet TDS 01-9, Insurance Documents).
- h. **VEHICLE CLEANING:** Provide a detailed plan for cleaning vehicles that are used to transport hazardous waste. The plan must addresses how your company prevents co-mingling of waste residues and what steps are taken to prevent releases from the washing operation (See Transporter Data Sheet TDS 01-12, Plan for Cleaning Vehicles).



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- i. **EMERGENCY PROCEDURES:** Submit your company's Emergency Procedures Guide which outlines step-by-step procedures to be followed by the driver in the event of a spill or release of hazardous waste during transport. The Guide must include a list of who shall be notified after a release, how the spill or release shall be initially contained, and how required emergency equipment shall be used. Make sure your list of MassDEP emergency response numbers and regional office phone numbers is up-to-date. The MassDEP emergency phone numbers are 617-556-1133 (from the Boston area) and 888-304-1133 (toll-free).

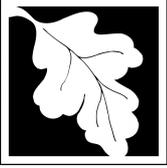
The MassDEP regional office phone numbers staffed on weekdays during normal business hours are:

- Central Regional Office (CERO): 508-792-7650
- Northeast Regional Office (NERO): 978-694-3200
- Southeast Regional Office (SERO): 508-946-2700
- Western Regional Office (WERO): 413-784-1100

Find your region: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>

- j. **NEED HELP?** Contact Asha Shah of the MassDEP/BWP/Business Compliance Division at 617-292-5576 if you need assistance.
- k. **WHERE TO SUBMIT:** Submit fee and *photocopy* of the MassDEP Transmittal Form <http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html> to: Department of Environmental Protection, P.O. Box 4062, Boston, MA 02211.

Submit one complete original copy of the application and copy of the MassDEP Transmittal Form to: Department of Environmental Protection, Business Compliance Division, Hazardous Waste Transporter Program, One Winter Street, 7th Floor, Boston, MA 02108.



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Permit Fact Sheet

Purpose of license

Transporter licensing serves to protect public health, welfare, and the environment through the review of a firm's qualifications and competence to transport hazardous wastes. License review includes assessment of an applicant's insurance coverage, driver training program, and emergency response procedures/equipment.

MassDEP unit responsible for license review

Bureau of Waste Prevention, Business Compliance Division
Hazardous Waste Transporter Program
One Winter Street
Boston, MA 02108
617-292-5576

Who must apply

Any firm or individual wishing to transport hazardous wastes from hazardous waste generators to authorized Treatment Storage Disposal Facilities (TSDFs).

Documentation to accompany application

Each application for a license to transport hazardous waste must be accompanied by 14 separate informational attachments. The required information is described briefly in the application form and in some cases, samples and/or blank forms for the required information are attached to the application. Applicants are advised to read the regulations listed to be sure that all the necessary information is included.

Fees associated with license

- An application fee of \$3,450 is due when the application is submitted.
- There is no annual compliance fee.

License review timelines

The timelines are available on the MassDEP Website:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html>

Duration of license

The license is issued for up to 5 years, provided the applicant remains in compliance with appropriate laws and regulations.

What regulations apply?

Applicable regulations include, but are not limited to:

- Hazardous Waste Regulations, 310 CMR 30.00 (in particular sections 30.010, 30.400, and 30.800)
- Timely Action and Fee Schedule Provisions, 310 CMR 4.00.

These may be purchased at:

State Bookstore
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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Procurement of the US Department of Transportation (DOT)
North American Emergency Response Guidebook

A copy of the most recent edition of the Emergency Response Guidebook for Hazardous Materials, published by the DOT, may be purchased from the organizations listed below:

J.J. Keller & Associates, Inc.
3003 West Breezewood Lane
P.O. Box 368
Neenah, WI 54956
(800)-843-3174

Labelmaster Co.
5724 N. Pulaski Road
Chicago, IL 60646-0402
(773)-478-0900
(800)-621-5808
fax: (800)-723-4327

UNZ & Company
700 Central Avenue
New Providence, NJ 07974
(201)-795-5400
(800)-631-3098



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Obtaining Vehicle Identification Devices (VIDs)

Your company must have a Vehicle Identification Device valid for the current year, for each vehicle transporting hazardous waste in Massachusetts. In accordance with Massachusetts General Laws, Chapter 21C, Sections 5 and 7 and the Massachusetts Hazardous Waste Regulations 310 CMR 30.414, a licensed hazardous waste transporter shall not transport hazardous waste in Massachusetts without a valid VID issued to the vehicle.

To obtain your VID cards as a new licensee follow the instructions below so that the Department can efficiently process your order. The VID Form (see Permit Application Forms, Item #8; pp. 1-2) should be used when ordering VIDs. Complete the form providing company information on the upper right corner and all the vehicle information as required on the rest of the form. All information must be clear and legible. Submit this form with your license application. NOTE: For a tractor-trailer combination, a VID is needed only for the tractor or the trailer, whichever you choose.

Upon receiving your license, you will receive, the VID cards, effective through December 31 of the year in which you obtain your license.

After you have received your license, you may apply for VID cards for additional vehicles at any time:

- You may apply online for additional VID cards, using application BWP HW 28.
- To submit an online application, you must first register at <https://edep.dep.mass.gov/DEPLogin.aspx> to obtain a user name and password.
- Then you may login to your eDEP account by visiting the MassDEP home page (<http://www.mass.gov/dep/>) and selecting eDEP Online Filing.
- If you need assistance in submitting your application, please contact the Business Compliance Division at 617-292-5576 or 617-292-5983.

VIDs are issued annually. As a licensee, you will be notified near the end of each year to submit to the Department a permit application BWP HW 28 for the following year's VIDs.

If you have any questions, please contact Asha Shah of the Business Compliance Division at 617-292-5576 or Jim Roberts of the Business Compliance Division at 617-292-5983.



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Tax Certification Instructions

Compliance with General Laws, Chapter 62C, Section 49A for Firms Applying for or Renewing a License To Transport Hazardous Wastes in Massachusetts or To Transport Precious Metals Class (B4) RRM

In compliance with the above stated law, all applicants for a license and all renewal applicants must certify, under penalties of perjury, that they have complied with all laws of the Commonwealth relating to taxes. Such license may not be issued or renewed unless such certification is made.

The person providing such certification must be a corporate officer, i.e., president, secretary, treasurer, or vice president of the corporation in charge of a business function for the corporation. If the applicant is a partnership, the certification must be signed by a general partner. If the applicant is a sole proprietorship, the certification must be signed by the proprietor. All such certifications will become part of the application.

C. 62C

ANNOTATED LAWS OF MASSACHUSETTS

§ 49A

§ 49A. Applicants for License or Renewal Thereof; Contractors Providing Goods, Services or Real Estate Space to Commonwealth or Subdivision Thereof; Certification of Compliance with Tax Laws of Commonwealth; Enforcement Measures.

- (a) Any person applying to any department, board, commission, division, authority, district or other agency of the commonwealth or any subdivision of the commonwealth, including a city, town or district, for a right or license to conduct a profession, trade or business, or for the renewal of such right or license, shall certify upon such application, under penalties of perjury, that he has complied with all laws of the commonwealth relating to taxes. Such right or license shall not be issued or renewed unless such certification is made.
- (b) No contract or other agreement for the purposes of providing goods, services of real estate space to any of the foregoing agencies shall be entered into, renewed or extended with any person unless such person certifies in writing, under penalties of perjury, that he had complied with all laws of the commonwealth relating to taxes.
- (c) Any such agency, which has been notified by the commissioner pursuant to section forty-seven A that a person who holds a license or certificate of authority issued by such agency or who has agreed to furnish goods, services or real estate space to such agency has neglected or refused to file any returns or to pay any tax required under this chapter and that such person has not filed in good faith a pending application for abatement of such tax or a pending petition before the appellate tax board contesting such tax, shall refuse to reissue, renew or extend such license, certificate of authority, contract or agreement until the agency receives a certificate issued by the commissioner that the person is in good standing with respect to any and all returns due and taxes payable to the commissioner as of the date of issuance of said certificate, including all returns and taxes referenced in the initial notification. (1983, 233, § 36; 1985, 593, § 22; 1986, 557, 72.)

Editorial Note: The 1985 amendment deleted, after "section" in subsection ©, "forty-seven", and Inserted therein "forty-seven A". The 1986 amendment, in § 213, repealed L 1985, ch 593, § 22, which, in subsection (c), substituted "forty-seven A" for "forty-seven", and in § 72, substituted "forty-seven A" for "forty-seven", thereby making no material change to the subsection.

Total Client-Service Library® References: 51 Am Jur 2d, Licenses and Permits §§ 45-58.

Annotations: Payment of taxes to prevent closing of, or interference with, business as involuntary So as to permit recovery. 80 ALR2d 1040.



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MEMORANDUM

TO: Hazardous Waste Transporter Applicants and Licensees

FROM: Jim Miller, Business Compliance Division, Waste Branch Chief

DATE: August 2000

SUBJECT: Guidance for Letters of Credit for Transporters of Hazardous Waste 310 CMR 30.411(7)

Attached is a sample Letter of Credit which can be used as a guide for content when pursuing a Letter of Credit to meet the requirements of 310 CMR 30.411. For further guidance, refer to the Massachusetts Hazardous Waste Regulations section 310 CMR 30.411 and the enclosed checklist.

If you have questions, please contact Asha Shah of the Division of Business Compliance at 617-292-5576.



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* SAMPLE *

RE: IRREVOCABLE LETTER OF CREDIT #1000

Gentlemen:

We hereby establish our Irrevocable Letter of Credit in your favor for the account of Acme Transport, 100 Main Street, Boston, MA 02108 for a sum or sums not exceeding in all Ten Thousand and 00/100 U.S. Dollars (\$10,000) available by your sight draft(s) drawn on us accompanied by any of the following statements:

1. "We certify that the licensee has failed to replace this Letter of Credit with other collateral acceptable to the Department within 30 days of the Bank's notice to terminate the Letter of Credit."; or
2. "We certify that the licensee has violated any of the requirements of M.G.L. c. 21C, Massachusetts Hazardous Waste Regulations 310 CMR 30.000, and conditions of the license or a Department order issued to the licensee, and the Department also finds that the licensee has failed to promptly remedy such violation."; or
3. "We certify that the funds represented by the amount of our draft be paid over to the Department as result of forfeiture."

This Letter of Credit shall be automatically extended for an additional period of one year from the present or each future expiration date unless we have notified you in writing by certified mail, not less than ninety (90) days before such expiration date, that we elect not to renew this Letter of Credit.

We will give prompt notice to the licensee and the Department of a notice received or action filed alleging the insolvency or bankruptcy of the Bank or alleging any violations of regulatory requirements which could result in suspension or revocation of the Bank's Charter or License to do business.

Drafts drawn hereunder must be marked: Drawn under Letter of Credit #1000, Dated _____

We engage with you that your draft(s) drawn hereunder and in compliance with the terms of this credit will be duly honored by us on delivery of documents as specified if presented at this office on or before _____, or any extended expiration date.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 revision). International Chamber of Commerce Publication No. 400 including amendments and successor publications.

Very truly yours,

 (Bank Name)

 (Authorized Signature)

 (Title)

 (Phone Number)



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Transporter Letter of Credit Checklist

Regulation	Item		
310 CMR 30.411	(7) (a)	Issued by a Massachusetts bank or national bank.	<input type="checkbox"/>
30.411	(7) (a)	Irrevocable.	<input type="checkbox"/>
		Valid for a term of at least one year.	<input type="checkbox"/>
30.411	(7) (a) (1)	Automatic renewal for additional terms unless banks give 90 days prior notice of intent to terminate at end of term.	<input type="checkbox"/>
30.411	(7) (b) (2)	Department may draw and convert to cash bond if licensee fails to replace with acceptable collateral within 30 days of bank's notice to terminate.	<input type="checkbox"/>
30.411	(7) (c)	Payable in part or in full upon demand in case of forfeiture or failure of licensee to replace.	<input type="checkbox"/>
30.411	(7) (e)	Subject to Uniform Customs & Practice for Documentary Credits, International Chamber of Commerce Publication #290.	<input type="checkbox"/>
30.411	(7) (f)	Must provide that bank will give prompt notice to licensee and Department if action notice alleging insolvency, bankruptcy, or violations which may lead to suspension or revocation of bank's charter.	<input type="checkbox"/>
30.411	(8)	The Department may declare forfeit all or any amount of the bond if the Department finds that the licensee has violated any of the requirements of M.G.L.c. 21C, 310 CMR 30.00, and conditions of the license or Department order issued to the licensee, and if the Department also finds that the licensee has failed to promptly remedy such a violation.	<input type="checkbox"/>

Other regulations pertaining to Letter of Credit but should not be referred to in a Letter or Credit:

30.411	(7) (g)	Upon incapacity of bank, the licensee must provide evidence of replacement\coverage within 30 days of receipt of the bank's notice.	<input type="checkbox"/>
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Application Completeness Checklist

To submit a BWP HW05 Application, complete the steps outlined below:

1. Complete a MassDEP Transmittal Form:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>
2. Complete the BWP HW 05 Application Form. Include all specified information and attachments and indicate their inclusion by checking off the completion box on the application form.
3. Submit one complete copy of the application package, including the Transmittal Form and a BWP HW 05 Application Form with all specified attachments, in a three-ring binder to:
Massachusetts Department of Environmental Protection
Bureau of Waste Prevention, Business Compliance Division
Hazardous Waste Transporter Program
One Winter Street
Boston, MA 02108
4. Submit the application fee of \$3,450 in the form of a check or money order payable to the Commonwealth of Massachusetts along with a copy of the MassDEP Transmittal Form to:
Massachusetts Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211
5. Retain a copy of the complete application package for your files.

Please complete steps #6-9 only if you have a Massachusetts office address(es) where transportation related activities take place and license records are maintained.

6. Send a copy of the application to the local Board of Health, using the enclosed applicant's cover letter to the Board of Health. The local Board of Health must be in the Massachusetts town/city of your office address (if any), i.e., in the location where transportation related activities take place and license records are maintained.
7. Submit *Public Notice* for publication in a newspaper with circulation in the town of your office address, using the Public Notice format that is attached in this application package. The notice should be published no later than 15 days after you send the application to the Department. The notice will announce a 45-day public comment period commencing on the date of newspaper publication.
8. Send to the Department written documentation of the Board of Health's receipt of the application copy (e.g. a copy of a certified mail receipt).
9. Send copies of the published newspaper Public Notice to the Department and to the local Board of Health if possible no later than 21 days after you send the application to the Department.