



**Massachusetts Department of Environmental Protection**  
Bureau of Waste Prevention – Hazardous Waste – Recycling Branch

**BWP HW 22** Level I Recycling Permit

**BWP HW 23** Level II Recycling Permit

**BWP HW 25** Level III Recycling Permit

**BWP HW 1 2** Level III Recycling Permit – Precious Metals

## **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<sup>®</sup> and Adobe Acrobat PDF<sup>®</sup>. Either format allows documents to be printed.

*Instructions & Support Materials* files in Microsoft Word<sup>®</sup> 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<sup>®</sup> format must be downloaded separately. Users with Microsoft Word<sup>®</sup> 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF<sup>®</sup> format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF<sup>®</sup> 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

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

These permits authorize and set conditions for persons wishing to recycle hazardous waste rather than disposing of it or having it treated. At the same time, these permits are designed to protect public health and the environment by ensuring that recycling is conducted in a sound manner.

There are three levels of recycling permits based on the complexity of the processes and the resources required to review them. See the chart included in this kit for a description of the permit levels.

Legislative authority for these permits is stated in MGL Chapter 21 C, section 4.  
Regulatory authority is found at 310 CMR 30.200.

### 2. Who must apply?

Any person who wishes to recycle hazardous waste must apply for a recycling permit, including waste oil, which is considered a hazardous waste in Massachusetts. Apply for the appropriate permit based on the situations described below.

#### **BWP HW 22:**

a) A person who wishes to be a generator/marketer of off-specification used oil fuel generated on site by selling or otherwise transferring such fuel for burning. [See 310 CMR 30.261, 30.264 and 30.213(3)].

b) A person who wishes to recycle Class B(1) regulated recyclable material. [See 310 CMR 30.232 and 30.213(1)].

c) A person wishing to accumulate for recycling Class B(4) regulated recyclable materials listed in 310 CMR 30.131 or 30.132, or that are characteristic for D011 [silver] pursuant to 310 CMR 30.125(B), and that have economically recoverable quantity of precious metals. [See 310 CMR 30.273 and 30.213(4)].

#### **BWP HW 23:**

a) A person who wishes to burn Class B(2) hazardous waste fuel at the site of generation for the production of heat or power by burning. [See 310 CMR 30.247 and 30.213(2)].

b) A person who intends to burn Class B(3) off-specification used oil fuel that is generated at the site of burning in a fossil fuel utilization facility in amounts less than 100,000 gallons per year. Also, a person who burns, or receives and intends to burn off-specification used oil fuel not generated at the site of burning, and blended at the site of burning in amounts less than 100,000 gallons per year. [See 310 CMR 30.260(3), 30.260(4) and 30.213(3)].

c) A person who wishes to operate a transfer station to receive and store Class B(4) regulated recyclable materials. [See 310 CMR 30.010, 30.277 and 30.213(4)].



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**BWP HW 25:** a) A person who wishes to recycle Class A regulated recyclable materials described in 310 CMR 30.212(3), (5) through (8), or (11) allowing applicants to accept for recycling such materials generated off the site of generation. [See 310 CMR 30.224 and 30.212].

b) A person who is a marketer who receives only specification used oil fuels from off the site of generation as described in 310 CMR 30.260(2), and who sells or transfers such oils to other persons who burn such fuels for energy recovery. [See 310 CMR 30.260(2) and 30.213(3)].

c) A person who is a generator of Class B(3) off-specification used oil fuel who burns such fuel oil at the site of generation Class (B3) in a fossil fuel utilization facility in amounts equal to or greater than 100,000 gallons per year. Also, a person who burns off-specification used oil fuel not generated at the site of burning, and blended at the site of burning in compliance with 310 CMR 30.251 (3) in amounts equal to or greater than 100,000 gallons per year. [See 310 CMR 30.260(3)and(4), 310 CMR 30.213(3) and 30.251(3)].

d) A person wishing to recycle Class C regulated recyclable materials as described in 310 CMR 30.214. [See 310 CMR 30.290 and 30.214].

**BWP HW 12:** A person wishing to recycle Class B(4) regulated recyclable material as described in 310 CMR 30.213(4), at the site of generation or receive and store such materials not generated at the site of storage. [See 310 CMR 30.277, 30.276, and 30.213(4)].

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

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

The applicant must have either an EPA identification number or a MassDEP-assigned number. To obtain an identification number, call 1-800-462-0444 from area codes 413 and 508, or 617-338-2255 from area code 617 and out of state. If you have other hazardous waste questions, call the Compliance Assistance Line at 617-292- 5898.

**b. What concurrent applications are related to these permits?**

Some recycling activities may require additional permits from MassDEP. For example, air or water permits may be required if recycling involves potential discharges to the environment.

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

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

<b>BWP HW 22</b> Level I Recycling Permit.....	\$245
<b>BWP HW 23</b> Level II Recycling Permit.....	\$1,235
<b>BWP HW 25</b> Level III Recycling Permit.....	\$9,550
<b>BWP HW 12</b> Level III, Precious Metals .....	\$5,845



## Massachusetts Department of Environmental Protection

Bureau of Waste Prevention – Hazardous Waste – Recycling Branch **BWP HW**

**22** Level I Recycling Permit

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

Primary Permit Location:

Reserve Copy Location:

Department of Environmental Protection **None.**  
Hazardous Materials

\_\_\_\_\_ \* Regional Office

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

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

The timelines are available on the MassDEP Website:

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

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

Current annual compliance fees for a Level III recycling permit, can be found at <http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html> There is no compliance fee for a Level I or Level II recycling permit.

If you fail to pay an annual compliance fee, your permit could be suspended or revoked.

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

Recycling permits are generally issued for five years. In some cases, however, MassDEP may issue a permit for less than five years. For example, sometimes recycling involves a new technology. MassDEP can determine that more frequent permit review is necessary in these instances.

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

- a. Be sure to sign the application form.
- b. Enter the correct EPA identification number on the application form.
- c. Indicate precisely the type and model of any equipment used in recycling.
- d. Indicate precisely the type of material that will be recycled, including its waste code as listed in 310 CMR 30.120 through 30.136.
- e. If the recycling process requires an air quality control permit, include a copy of the air quality permit with the recycling permit application.
- f. Submit fee and *one copy* of the MassDEP Transmittal Form to: Department of Environmental Protection, P. O. Box 4062, Boston, MA 02211.



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## **Permit Fact Sheet**

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

These regulations include, but are not limited to:

- a. Hazardous Waste Regulations, 310 CMR 30.000.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

**State House 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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**Guide to Determining The Level and Class of a Recycling Activity**

The recycling regulations (310 CMR 30.200) establish three *classes* of recycling permits: Class A, B and C. From Class A to Class C, the regulatory controls become progressively more stringent. Each class encompasses different types of materials and activities. There are, for example, 11 different types of Class A materials.

The Timely Action and Fee Provisions (310 CMR 4.00), however, group the various permits into levels based on work required for permit review.

To determine the level and class of recycling permit you need, refer to the chart below. *Note: Very small quantity generators (VSQGs) who recycle do not have to get a permit.* You are a VSQG if you generate less than 27 gallons/month of hazardous waste or regulated recyclable material. To register as a VSQG, call 1-800-462-0444 (Option 1 on menu) from area codes 413 or 508, or 617-338-2255. If you have questions about hazardous waste recycling, call the Hazardous Waste Compliance Assistance Line at 617-292-5898.

<b>BWP HW 21: Level I, Class A Presumptive Approval Recycling Permit - \$100 Application Fee</b>			
Recyclable Material	Type of Recycling	Class	Regulation Citation
Any Regulated Recyclable Material that is used or reused as an:  Ingredient in a product without reclamation; Substitute for a commercial product; Substitute for feedstock with reclamation.	Used or reused in manufacturing process which does not include reclamation, burning, over accumulation, or placing on land	A	310 CMR 30.212(1)
Industrial Ethyl Alcohol	Any type of recycling	A	310 CMR 30.212(2)
Scrap Metal that would be hazardous if disposed of (such as powdered lead)	Any type of recycling	A	310 CMR 30.212(3)





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**Permit Fact Sheet**

**Guide to Determining The Level and Class of a Recycling Activity (cont.)**

<b>BWP HW 21: Level I, Class A Presumptive Approval Recycling Permit - \$100 Application Fee</b>			
Recyclable Material	Type of Recycling	Class	Regulation Citation
A Characteristic Sludge	Being reclaimed on-site or sent off-site	A	310 CMR 30.212(5)
A Characteristic By-Product	Being reclaimed on-site or sent off-site	A	310 CMR 30.212(6)
Unused Commercial Chemical Product	Being reclaimed on-site or sent off-site	A	310 CMR 30.212(7)
Waste Oil	Recycled in a manner other than burning for energy recovery	A	310 CMR 30.212(8)
Specification Used Oil	Burned for energy recovery in a boiler or furnace	A	310 CMR 30.212(9)
Any Regulated Recyclable Material recycled at the site of generation in a completely-enclosed recycling system, such as used oil, spent solvent, or spent fixer	Recycled at the site of generation in a completely-enclosed recycling system, such as a: space heater for used oil; solvent distillation unit for spent solvents; silver recovery unit for spent fixer	A	310 CMR 30.212(10)
Material with a RCRA variance from the EPA and approved as a Class A material	Recycled at the site of generation or sent off-site for recycling	A	310 CMR 30.212(11)

**Guide to Determining The Level and Class of a Recycling Activity**

<b>BWP HW 22: Level I, Class B Recycling Permit - \$200 Application Fee</b>			
<i>Recyclable Material</i>	<i>Type of Recycling</i>	<i>Class</i>	<i>Regulation Citation</i>
Any Recyclable Material	Recycled in a manner constituting disposal	B(1)	310 CMR 30.213(1)
Waste Oil	Sent off-site by the generator to be burned for energy recovery	B(3)	310 CMR 30.213(3) 310 CMR 30.261
Hazardous Wastes and Spent Materials Containing Precious Metals	Sent off-site by the generator to be recycled	B(4)	310 CMR 30.213(4) 310 CMR 30.273

<b>BWP HW 23: Level II, Class B Recycling Permit - \$1,005 Application Fee</b>			
<i>Recyclable Material</i>	<i>Type of Recycling</i>	<i>Class</i>	<i>Regulation Citation</i>
Hazardous Waste Fuels	Burned for energy recovery	B(2)	310 CMR 30.213(2)
Off-Specification Used Oil	Burned for energy recovery in amounts less than 100,000 gallons per year	B(3)	310 CMR 30.213(3)
Spent Materials and Hazardous Waste that Contain Precious Metals	Accumulated at transfer station	B(4)	310 CMR 30.213(4) 310 CMR 30.277

## Guide to Determining The Level and Class of a Recycling Activity

<b>BWP HW 25: Level III, Class A, B, and C Recycling Permit: \$7,775 Application Fee</b>			
<i>Recyclable Material</i>	<i>Type of Recycling</i>	<i>Class</i>	<i>Regulation Citation</i>
Scrap Metal that would be hazardous if disposed of (such as powdered lead).	Any type of recycling	A	310 CMR 30.2 12(3)
A Characteristic Sludge	Received from off-site for recycling	A	310 CMR 30.212(5)
A Characteristic By-Product	Received from off-site for recycling	A	310 CMR 30.212(6)
Unused Commercial Chemical Product	Received from off-site for recycling	A	310 CMR 30.212(7)
Waste Oil Generated off the Site of Recycling	Recycled in a manner other than burning for energy recovery, such as refining	A	310 CMR 30.2 12(8)
Material Given a Variance from RCRA by the EPA and approved as a Class A	Received from off-site for recycling	A	310 CMR 30.212(11)
Specification Used Oil	Collected from generators by a marketer and sent to a burning facility	B(3)	310 CMR 30.213(3) 310 CMR 30.260(2)
Off-Specification Used Oil	Burned for Energy Recovery in amounts equal to or greater than 100,000 gallons per year	B(3)	310 CMR 30.23 1(3) 310 CMR 30.260(3) or 310 CMR 30.260(4)
Class C Materials, as described in 310 CMR 30.214	Any type of recycling	C	310 CMR 30.214

## Guide to Determining The Level and Class of a Recycling Activity

<b>BWP HW 12: Level III, Class B, Precious Metals Recycling Permit - \$4,760</b>			
<i>Recyclable Material</i>	<i>Type of Recycling</i>	<i>Class</i>	<i>Regulation Citation</i>
Spent Materials and Hazardous Wastes Containing Precious Metals	For all precious metal waste recycling, except spent photographic fixer being recycled on-site.	B(4)	310 CMR 30.213(4) 310 CMR 30.276



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## **Hazardous Waste Recycling Summary**

### **Hazardous Waste Recycling Forms**

- ◀ **BWP HW RDS 02** (for use with BWP HW 22)  
Recycling Data Sheet for Recycling of a Regulated Recyclable Material by a Use Constituting Disposal Under a Class B(1) Permit
- ◀ **BWP HW RDS 02-3** (for use with BWP HW RDS 02) Class B, Out of  
State Certification Statement for a Receiving Facility
- ◀ **BWP HW RDS 03** (for use with BWP HW 23) Recycling Data Sheet for Recycling  
Hazardous Waste Fuel Under a Class B(2) Permit
- ◀ **BWP HW RDS 03-1** (for use with BWP HW RDS 03)  
Certification Statement
- ◀ **BWP HW RDS 04** (for use with BWP HW 22 or BWP HW 25) Recycling Data  
Sheet for Marketing Used Oil Fuel Under a Class B(3) Permit
- ◀ **BWP HW RDS 04-2** (for use with BWP HW RDS 04)  
Certification Statement for Receiving Facility
- ◀ **BWP HW RDS 05** (for use with BWP HW 21, BWP HW 23 or BWP HW 25)  
Recycling Data Sheet for those who Burn Used Oil for Energy Recovery Under a Class A and a Class  
B(3) Permit
- ◀ **BWP HW RDS 06** (for use with BWP HW 22 or BWP HW 12)  
Recycling Data Sheet for Generators Planning to Recycle Materials Containing Precious  
Metals Under a B(4) Permit
- ◀ **BWP HW RDS 07** (for use with BWP HW 23 or BWP HW 12)  
Recycling Data Sheet for Recycling Facilities and Transfer Stations Planning to Receive Materials  
Containing Precious Metals under a Class B(4) Permit
- ◀ **BWP HW RDS 08** (for use with BWP HW 25)  
Recycling Data Sheet for Class C Permit



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## **Application Completeness Checklist**

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- The MassDEP Transmittal Form is properly completed: <http://mass.gov/dep/service/online/trasmfrm.shtml>
- The proper application forms for the appropriate hazardous waste recycling categories have been completed and signed.
- The type of material that will be recycled, including its waste code as listed in 310 CMR 30.120 through 30.136, has been precisely indicated.
- The type and model of any equipment used in recycling has been precisely indicated.  
If recycling requires an air quality or water pollution permit, a copy of that permit has been submitted with the recycling permit application.

To submit the application package:

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

Department of Environmental Protection  
\_\_\_\_\_ \* Regional Office  
Hazardous Materials

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

- Send fee of:

\$245 for BWP HW 22; \$1,235 for  
BWP HW 23; \$9,550 for BWP HW  
25; \$5,845 for BWP HW 12;

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

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