



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention – Hazardous Waste – Licensing and Engineering Branch

BWP HW 09 Facility Modification-Class 1

BWP HW 10 Facility Modification-Class 2

BWP HW 11 Facility Modification-Class 3

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 permits?

These permits authorize and set conditions for modifications to existing permits to treat, store or dispose of hazardous waste. There are three classes of permit modifications. Class I modifications are minor changes, Class II's are more involved, while Class III's are major operational changes.

More substantial modifications are subject to greater permit review to evaluate more fully the potential effects on public health and the environment.

Legislative authority for these permits is stated in MGL Chapter 21C, sections 4 and 6. Regulatory authority is found at 310 CMR 30.852 of the Hazardous Waste Management Regulations.

2. Who must apply?

Any treatment, storage or disposal facility (TSDF) which:

- has to change its operations as a result of new regulations, or;
- has minor changes in personnel or in hazardous waste plans, or;
- wishes to offer expanded services or close existing services;

needs to apply for a Class I, II or III permit, as applicable.

Table 310 CMR 30.852 of the Hazardous Waste Management Regulations lists the various types of proposed changes by class.

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

a. Prerequisites.

The applicant must already have a TSDF permit from MassDEP to apply for a permit modification. The permitting process has public notice requirements and the applicant must meet with MassDEP staff prior to submitting an application in order to coordinate public notice. The Class III modifications, in particular, may be subject to other statutes or regulations.

b. Concurrent Applications.

Some of the permit modifications will need to be jointly reviewed by MassDEP and the United States Environmental Protection Agency. Contact the Hazardous Waste Licensing Branch for more information.

c. Additional Information.

All additional information as defined in the Application Completeness checklist included in this application package must be submitted as required with the Transmittal Form in order for the application to be properly processed.



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Note: Permits of this type may 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 begin technical review of the permit application until the MEPA process has been completed, unless otherwise agreed to in writing.** Copies of MEPA filings (with reference to any applicable Transmittal numbers) should be sent to the appropriate program offices in Boston and the MEPA Coordinator in the appropriate Regional Office.

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?

BWP HW 09 (Class I)	There is no application fee for Class I modifications that do not require prior written approval. For those applications that do require prior written approval, there is an application fee of \$215. See Table 310 CMR 30.852, Classifications of License Modifications, to determine which Class I Modifications require prior MassDEP approval. This table is found in the Hazardous Waste Regulations.
BWP HW 10 (Class II)	\$12,525
BWP HW 11 (Class III)	Class III modifications are individual rule projects. MassDEP and the applicant negotiate the application fee and permit review timelines in accordance with 310 CMR 4.05.

5. What is the Primary Permit Location?

Primary Permit Location:
(original and one copy)
Department of Environmental Protection
Bureau of Waste Prevention, Division of Hazardous Waste
One Winter Street
Boston, MA 02108

one copy to EPA Region I, if applicable

What is the Reserve Copy Location?

Reserve Copy Location:
None

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 can be found on the MassDEP Website at:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html>
If you fail to pay the annual compliance fee, your permit could be suspended or revoked.



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8. How long are these permits in effect?

These permit modifications are in effect for the remainder of the 5-year life of the TSDf permit.

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

- a. The applicant should be sure to obtain an up-to-date edition of the Hazardous Waste Management Regulations (310 CMR 30.000). The provisions governing permit modifications (310 CMR 30.852) should be reviewed carefully.
- b. The applicant should request an informational meeting with MassDEP's Licensing and Engineering Branch in Boston **before the applicant begins to prepare the application. (Call 617-292-5853 to set up the meeting)**. That meeting will help ensure that the proposed modification is properly classified and that the applicant receives clear guidance on the application process, including the public notice requirements.
- c. Submit fee and one page 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.

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 Management Regulations, 310 CMR 30.000.
- b. Timely Action and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

State House Bookstore
Room 116
Boston, MA 02133
617-727-2834

State House West Bookstore
436 Dwight Street
Springfield, MA 01103
413-784-1376



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Application Completeness Checklist

- The MassDEP Transmittal Form is completed:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>
- The applicant has contacted MassDEP and requested an informational meeting.
- The TSD Facility Modification Summary has been completed.
- All of the required attachments have been prepared and submitted with the TSD Facility Modification Summary.
- The Application Certification Statement (at the bottom of the Facility Modification Summary) has been signed by a person authorized to do so.
- If applicable, one copy of the application and attachments has been submitted to the United States Environmental Protection Agency.

To submit the application package:

- Checklist items have been completed.
- Send **two** copies of the application along with *one* page from the MassDEP Transmittal Form to:

Department of Environmental Protection
Bureau of Waste Prevention, Hazardous Waste
1 Winter Street
Boston, MA 02108

- Send fee of:
\$215 for BWP HW 09 (Class I), if a prior written approval is required. Otherwise, there is no fee; \$12,525 for BWP HW 10 (Class II); the negotiated amount for BWP HW 11 (Class III); in the form of a check or money order made payable to *Commonwealth of Massachusetts*, along with *one* page from the MassDEP Transmittal Form to:

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