



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention – Solid Waste Management – Facility Siting

BWP SW 01 Site Suitability Report
BWP SW 38 Major Modification of Site Suitability Report

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 this report?

The purpose of the site assignment process is to determine if a parcel of land is suitable to use as a site for a solid waste management facility. Site assignments are granted by the local board of health following MassDEP review of the site assignment application. This review determines if the site meets all the criteria established in the Site Assignment Regulations. Suitability criteria are intended to protect public health, safety and the environment by requiring that minimum distances be maintained from drinking water supplies, residences, hospitals, schools and other sensitive receptors. Suitability criteria are also intended to address concerns over traffic, rare and endangered species, air quality, agricultural lands, Areas of Critical Environmental Concern and potential nuisances.

The purpose of the Major Modification of a Suitability Report is to allow the Major Modification of an existing Solid Waste Site Assignment. What constitutes a Major modification is defined in the Solid Waste Site Assignment regulations at 310 CMR 16.22(2).

Legislative authority is stated in MGL c. 21A, ss. 2 & 8 and c. 111, ss. 150A and 150A½. Regulatory authority is found in 310 CMR 16.00: Site Assignment Regulations for Solid Waste Facilities.

2. Who must apply?

SW01: Any individual, business or organization that is seeking to expand a solid waste management facility or establish a new solid waste management facility at an unassigned site must apply for a site assignment.

SW38: Any individual, business or organization that is seeking to make a Major Modification to an existing site assignment. What constitutes a Major modification is defined in the Solid Waste Site Assignment regulations at 310 CMR 16.22(2).

A **Solid Waste Management Facility** is an established site or works, and other appurtenances thereto, which is, has been, or will be used for the storage, transfer, processing, treatment or disposal of solid waste including all land, structures and improvements which are directly related to solid waste management activities.

3. What other requirements should be considered when applying?

Pursuant to 310 CMR 16.30, a separate application fee to the local board of health that includes a technical fee and a public hearing fee, is required to cover the board's expenses in receiving information and conducting a hearing relative to the site assignment or site assignment major modification.

Permits of this type will often require MEPA review. Please carefully examine 301 CMR 11.00, the Massachusetts Policy Act (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 (251 Causeway Street, Suite 900 Boston MA, 02114; Phone: 617-626-1000). **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://www.mass.gov/eea/agencies/massdep/about/contacts/>

BWP SW38 Only: When applying for a Major Modification, the applicant need only complete those sections of the form that concern criteria affected by the major modification as determined in writing by the Department. The applicant shall obtain this written determination from the Solid Waste Section in the MassDEP Regional Office prior to completing and submitting this application.



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Note: This list of additional requirements is presented as a guide and does not necessarily include **all** additional requirements.

4. What is the application fee?

The application fee for BWP SW01 is \$10,585
The application fee for BWP SW38 is \$1,920

5. Where must copies of the application be submitted?

Copies of the application form, including the MassDEP Transmittal form, should be submitted as follows (See 310 CMR 16.08(2) for details):

- 1 copy to the Solid Waste Section in the MassDEP Regional Office in which the proposed site is located. Find your region: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>
- 1 copy to the MassDEP, Bureau of Waste Prevention, Business Compliance Division, 1 Winter Street, Boston, MA 02108.
- Two copies to the local board of health.
- 1 copy to the local library
- One copy to:
**Massachusetts Department of Public Health
Bureau of Environmental Health Assessment
250 Washington Street
7th Floor
Boston, MA 02108**
- One copy to the board of health *of any municipality within one half mile of any boundary of the proposed site.*
- 1 copy to the library *of any municipality within one half mile of any boundary of the proposed site.*
- 1 copy to the applicable regional planning agency duly established by the Legislature and governing the municipality in which the proposed facility is to be located
- 1 copy to any person requesting it during the public comment period. The applicant may charge the reasonable cost of reproduction.

6. What are the timelines?

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>

Note: Timelines for review of applications for site assignment and applications for major modifications of site assignments by the Department and local boards of health are established in the Site Assignment Regulations, 310 CMR 16.00.



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7. What is the annual compliance fee?

There is no annual compliance fee associated with this report.

8. How long is this report in effect?

There is no applicable time limitation.

9. How can I avoid the most common mistakes made in this process?

Consult with the MassDEP about the scope of work prior to conducting the evaluation required at 310 CMR 16.40(4)(k), *Consideration of Other Sources of Contamination or Pollution*.

- a. Make sure MEPA requirements have been met.
- b. Pay the Technical Fee required pursuant to 310 CMR 16.30 to the board of health. Include a completed copy of the MassDEP Transmittal Form* with the application.
- c. Submit the MassDEP application fee and a copy of the MassDEP Transmittal Form* to: Department of Environmental Protection, P. O. Box 4062, Boston, MA 02211.

10. What are the regulations that apply to this process? Where can I get copies?

These regulations include, but are not limited to:

- a. Site Assignment for Solid Waste Facility Regulations, 310 CMR 16.00
- 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

*<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>



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Application Completeness Checklist

Site Assignment Public Notice Advertisement Format

Department of Environmental Protection
Bureau of Waste Prevention
(Regional Office Address and telephone number)

Town/City of, _____

Public Notice

In accordance with Massachusetts General Laws, Chapter 111, Sections 150A and 150A 1/2 and the regulations promulgated thereunder, 310 CMR 16.00 "Site Assignment Regulations for Solid Waste Facilities," an application for site assignment has been filed with the (town) Board of Health or (city) Department of Public Health for the site assignment of a (sanitary landfill/transfer station/resource recovery facility; select appropriate facility), area located at (provide complete address and location of the site, including the abutting properties).

The area under consideration is _____ acres, and will be used for a (sanitary landfill/transfer station/resource recovery facility; select appropriate facility) that will accept the (municipal, construction and demolition, ash, etc; identify waste) solid wastes at approximately _____ tons/day. The proponent is (provide name and complete address of the proponent).

Copies of the Site Assignment Application may be reviewed at the offices of the (provide name and complete address of the Town/City office and/or any other location, as well as the times the application may be reviewed)

between the hours of _____ A.M. to _____ P.M.

The Department of Environmental Protection (the Department) shall receive comments on the proposed facility site for 21 days from the date the applicant provides proof to the Department that this Public Notice has been published and that all other public notice requirements are completed. All comments regarding the assignment of this site should reference the MassDEP File #,(DEP FILE # _____), and be mailed to: (name and address of appropriate MassDEP regional office).

The applicant may modify the application for the initial forty (40) days of the review period where such modifications are deemed not to be major modifications. The Department shall issue a Department Report on Suitability within sixty (60) days of receiving proof from the applicant that all public notice requirements are completed.



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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>
- Form BWP SW 01, 38 is completed.
- A cover letter is attached explaining the request.

To submit the application package:

- Checklist items have been completed.
- Send one copy 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://www.mass.gov/eea/agencies/massdep/about/contacts/>

- Send fee of:

\$10,585 for SW 01;
\$1,920 for SW 38;

in the form of 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