



Massachusetts Department of Environmental Protection

Bureau of Air & Waste

Hazardous Waste Licensing

HW 08, HW 09, HW 10 and HW11 Facility Licenses Renewal, Closure and Facility Modifications (Class 1, Class 2, Class 3) Instructions & Supporting Materials

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Introduction

These licenses authorize and set conditions for Facilities that intend to Treat, Store and/or Dispose of Hazardous Waste¹. Included are license applications for new facilities, renewal of existing facility license (HW08), closure of existing operations (HW08 Closure) and applications to modify existing facility licenses. There are three classes of license modifications. Class I modifications are minor changes (HW09 and HW09A); Class II's are more involved (HW10), while Class III's are major operational changes (HW11). More substantial modifications are subject to greater review to evaluate more fully the potential effects on public health and the environment.

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

The HW08 Renewal, HW08 Closure, HW09 and HW09A Modification, HW10 Modification and HW11 Modification are currently in ePlace and online filing is required.

Records have been created for existing facilities and the access code has been sent to the Facility Contact for the existing license. This allows existing facilities to access their record to prepare a renewal, closure or modification as needed.

Who must apply?

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

- must renew its current license, or;
- intends to close all or part of an existing TSD operation, or;
- has to change 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 TSD license, as applicable.

Table 310 CMR 30.852 of the Hazardous Waste Management Regulations defines the types of proposed changes that are fall into Class 1, Class 2 or Class 3.

¹ 310 CMR 30.801:: Who Must Have a License No person shall transport, use, collect, store, treat, or dispose of hazardous waste or construct, operate or maintain any facility for the use, storage, treatment, or disposal of hazardous waste, unless said person has applied for and obtained, and has in effect, a valid license issued by the Department pursuant to M.G.L. c. 21C and 310 CMR 30.000.



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Pre-Application Consultation

You should contact staff of the Bureau of Air and Waste hazardous waste program early in the process of preparing to apply for a TSD license or license modification. A pre-application conference can save you time, and often results in faster processing by the agency. If you submit an application without scheduling such a meeting, MassDEP may require one before it can determine whether your application is administratively complete.

Instructions for Completing an Online Application

The application is an online form that can be found at:

<https://permitting.state.ma.us/CitizenAccess>

You will need to create an account to access the form. Screen by screen instructions to assist you in completing the form are available at: <https://www.mass.gov/how-to/hw-09-10-11-tsd-facility-modifications>

For each existing license, a record has already been created. The applicant must start each of the modification or renewal applications from the “My Records” tab (Not the big Blue button). If the user goes to the My Records Tab and facility license is not listed there with a “Renew” or “Amendment” Action link, please contact the primary Facility Contact or MassDEP for assistance. MassDEP created an access code for each existing license that applicants can link to their account so the license will appear on the My Records tab.

MassDEP will issue a PIN number for each existing license record in the system. This PIN needs to be activated in the users account before the user will see the record created for the existing facility license. See <https://www.mass.gov/media/1981> to learn more about activating a PIN. The PIN can be shared with any consultant or with other facility staff so that multiple people have access to the license application during its preparation.

To the right of the record will be an action Link. Most of the time, the link that appears will be “Amendment”. The “Amendment” Link is used to complete an application for an HW08 TSD Partial or Full Closure, HW09- TSD Facility Modification Class 1, HW09A- TSD Facility Modification Class I-No Approval letter required, HW10- TSD Facility Modification Class 2 and HW11- TSD Facility Modification Class 3. 120 Days prior to the expiration date of an existing license a “Renew” link will appear next to the record. Notice will also be sent that a renewal is due.

Please note; only one Amendment can be processed at a time. Please plan accordingly. Once an Amendment has been submitted, the Amendment action link will disappear from the record until the Amendment has been approved or denied.

Also, the first time an existing record is accessed either to modify or renew, the form will require additional information that will not be required in subsequent submittals. This includes the attachments or “Chapters” from the existing license(s). Each of these documents must be uploaded as PDF documents the first time the existing license is accessed.



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Finally, when completing the form online, every field with a red asterisk is required data. You will not be able to advance to the next page in the form or submit the form without entering something in each field of the form marked with a red asterisk.

The following pages provide general instructions on the forms by section.

Step 1. Facility

Facility Information

Because the applicant is starting from an existing license, facility information is pre-populated and cannot be changed. If there has been a name change for the facility, please contact MassDEP to update the facility name BEFORE starting the application. Once an application is started, a name change will not be reflected.

Owner Information

Owner information can be updated or changed by clicking on “Add new” and providing the required information then deleting the old owner information. Do not use the “Look up” button. Owner information required includes

- Organization name
- Organization address including street, city/ town, state, country and zip
- Contact Person with telephone number and email

Step 2. Application Information

Owner Type

- Select from a drop down list including county, federal , municipal, private, state and tribal

General Information

- EPA ID (12 character)
- Facility Type (storage type - select from Tanks, Containers, Both and Other. If Other is selected, provide an explanation in the box provided)
- Description of Facility - a brief description of the process, structures and equipment. A more detailed description can be attached later in the application if you answer the next question as “yes”
- Total area of the site (in acres) where the activity is performed - this is the “working” area of the site.
- Total Area of Site (in acres) includes the full site area including buffer areas.

Types of Waste

- Select the waste types that are or are being proposed to be accepted on site. The types listed include Ignitable, Corrosive and Reactive Wastes, Wastes that exhibit a



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Toxicity Characteristic, "U" Wastes, "F" Wastes, Waste Oil, Universal Waste, Regulated Recyclable Materials, and Acutely Hazardous "P" Waste.

- You can also select "Other" but will be required to provide a description.

Proposed Modifications (Amendments only)

In the table, provide some detail about the modifications that are proposed. The following is required:

- Description of the Modification (Text)
- Citation for the Modifications (Text)
- Reason for the modification (Text)
- The document(s) being modified (Select from a drop down list)
- The page(s) being modified in that document (text)

Create a row for each separate document being modified and you may need to create multiple rows per document if the modifications are described or cited differently. If you open the amendment form and an older/ already approved modification is in the table, delete that row(s) and start a new list of modifications.

Permit Status

This table is a list of all, state, local or federal permits required for the activity. Data required include

- Description of the permit (Text)
- The Issuing Authority (Text)
- The Status of the permit (select from a drop down list including application filed- Decision pending, Application not yet filed, Approved, Denied- Appeal Filed and Not Applicable)

If no permits are required enter one row with "None" as the description of the permit.

Emergency Contacts

In this table provide at least two emergency contacts including the following information:

- Contact Name
- Job Title
- Home Address including street, city, state
- Primary Phone Number

Hazardous Waste Management Personnel

In this table list all of the personnel who manage Hazardous Waste at the facility including the following information:



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- Name
- Job Title
- Home Address including street, city, state
- Primary Phone Number
- A brief description of how this person is qualified for this position

Step 3. Documents

The application will require the user to attach documents in support of the application. This document list is the same as the current list of sections in the paper TSD applications.

Each required document must be uploaded separately; the application will not accept one scanned document containing all of the required documents. The following are the minimum required for a TSD license renewal (HW08):

- Closure Plan and Financial Responsibility
- Contingency Plan
- Corrective Action Program
- Facility Design
- General and Specific Conditions
- Inspection Plan
- Personnel Training Plan
- Preparedness and Prevention Plan
- RCRA Part A Form
- Security Plan
- Signed Certifications Statement
- Site Drawings and Figures
- Waste Analysis plan
- Waste Management Activities and Selected Exhibits

The Applicant can also attach other documents such as an expanded description of the facility, a truck to truck transfer protocol or simply "Other".

The document attachment process is very similar to attaching a document to an email. Start by clicking on the "Browse" button. This will bring up a pop-up box. Click on "Browse" again and you can search your computer for the document you want to attach. Once you have attached the document, you click "Continue" which brings you back to the main screen.

The maximum file size for each attached document is 50 MB. The file name should be no more than 75 characters in length including spaces.

On the main screen you will be asked to identify the attachment type (pick from a drop down list) and provide a brief description of the attachment. The description can be no more than 50 characters including spaces.



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If preparing an application for a modification, the applicant will have an additional table to indicate what modifications are proposed. In this table the applicant will also indicate which documents are being modified. The system will then prompt the applicant to attach only those documents plus the signed certification form.

Step 4. Special Fees

310 CMR 4.00 identifies certain circumstances where special fees are applied. If the applicant is subject to a special fee, the applicant should pick the applicable fee type and provide supporting information. Do not select "Exempt". There are no fee exemptions for this license type.

Step 5. Applicants and Contributors

This step is where the Responsible Official or Signatory for the application is identified. First, you will be asked to fill in the company name, pick the appropriate organization type (LLC, Corporation or Sole Proprietorship). This is called "Source of Signatory Authority". Then pick the appropriate title or position of the person who will be the signatory.

At this point, the Signatory or Responsible Official must create an account in ePLACE and access the application to submit it. When the signatory logs into the application, their name as provided in their account information will show up in the box labelled "Applicant Information".

Step 6. Application Review and Submittal

The entire application is presented for final review in this step. You can reopen the application by clicking on the "Edit Application" button at the top or, if the information provided is complete and accurate, you can submit the application.

At the bottom of the review page is the applicant certification statement. The applicant (signatory) should read the certification statement and click the box below the statement indicating acceptance with the terms of certification. The system will insert the date of the application and the content of the application will be "locked" once applicant accepts the certification.

NOTE: Once an application is submitted, the only person who can access the application to make edits during review is the last person who clicked the "Submit" button. The person who makes the final submittal should be responsible for making edits should the need arise. If that person is not the Responsible Official, we ask that the Responsible Official provide a signed Certification Statement as an attached document with each application and subsequent edition of the document if edits are made. Failure to provide certification will result in delay in license review.



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The license fee can be paid either online or by check through the mail. The Applicant is asked to select the preferred method. If the applicant chooses to pay the fee online, an electronic check or credit card payment is allowed. Both carry a nominal handling fee. The applicant will be sent to a payment page and asked to complete information specific to the credit card or electronic check.

If paying by mail, send a check to the Massachusetts Department of Environmental Protection, P.O. Box 4062, Boston, MA 02211. You will receive an email with this information, as well.

Once the applicant certifies, pays the application fee (or indicates that the fee will be paid by mail) and clicks the “Continue” button, the application is submitted. The applicant will receive an email notice of a successful submittal and within five minutes the applicant will receive a printable copy of the application as submitted (minus attachments).

After Submittal

If you log into ePLACE and click on the “My Records” button, you will be able to view the status of your application through the review and approval process. The timeline for MassDEP to review the application will not start until the fee has been paid.

You may also see your application and all of its attachments on the public viewer at:
<https://eeaonline.eea.state.ma.us/EEA/PublicApp/>

Frequently Asked Questions

What other requirements should be considered when applying for these licenses?

Prerequisites

The applicant must already have a TSDf license from MassDEP to apply for a license modification. The licensing 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.

Concurrent Applications

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

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: Licenses 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 license application until the MEPA process has been completed, unless otherwise agreed to in writing.***

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

What is the application fee? Where can I get a copy of the timelines? What is the annual compliance fee?

Fee and timeline information is available here: <https://www.mass.gov/media/1078346>

Note: If you fail to pay the annual compliance fee, your license could be suspended or revoked.

How long are these licenses in effect?

Licenses are in effect for five years. License modifications are in effect for the remainder of the 5-year life of the TSDf license.

How can I avoid the most common mistakes made in applying for these licenses?

- 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 license modifications (310 CMR 30.852) should be reviewed carefully.
- The applicant should request an informational meeting with MassDEP's hazardous waste program in Boston **before the applicant begins to prepare the application. (Call 617-556-1096 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.
- Pay the license fee either online or by mail. If paying by mail, send payment to:
Department of Environmental Protection
P. O. Box 4062
Boston, MA 02211
Be sure to write the license application number that you receive when you submit the license on the bottom of the check.

What are the regulations that apply to these licenses? 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.



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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**

Important Contacts

- For technical assistance regarding on-line filing, contact the ePlace Help Desk Team at (844) 733-7522 or ePLACE_helpdesk@state.ma.us
- For other questions, contact hazardous waste program staff at MassDEP Boston or BAW@state.ma.us
- To see a copy of the application after submittal, also see: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/>