

Massachusetts Department of Environmental Protection

Bureau of Air & Waste

Solid Waste Management

SW 01 Site Suitability Report

SW 38 Major Modification of a Site Suitability Report

Instructions & Supporting Materials

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Introduction

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.

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.

Instructions for Completing a Site Suitability Report or Major Modification to a Site Suitability Report



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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/sw-01-38-site-suitability-report>

Please note that 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 application allows a preparer (who may be a different person than the responsible official for the company) to “Save and Resume Later” on any form. It is recommended that the first person to open a form in the online system enter the first page of data and then click “Save and Resume”. This action will create a PIN that can be shared with another person (consultant, staff or signatory). Once another person activates the PIN in their account, they will be able to open the form and add information or approve it as the signatory. See <https://www.mass.gov/media/1981> for more instructions on activating a PIN and sharing a form.

The following provides general instructions on the forms by section.

Step 1. Facility Information

Identify the Facility. For an SW01, the applicant can enter the required information for a new facility (Name, address). For an SW38, the applicant must select from a list of existing facilities. A new facility cannot be created with this application. It is suggested that the applicant click on the Search Button and enter the facility address... If there has been a facility name change, notify the Department in advance of starting this application.

The form also requires the applicant to provide information about the facility owner and contact. Click “Add New” to start and complete the required information.

Step 2. Application Information

The following are the items that need to be provided in the online form:

Owner Type

Select from the list provided that includes: Municipal, County, State, Federal, Tribal and Private

General Information

If this is a Major Modification (SW38), then you will need to indicate the existing SW01 Transmittal or approval number



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You will also need to identify the type of Facility

For both the SW01 and SW38 the following Operator Information is required:

- Operator Company Name and Contact Name
- Contact Phone and Email
- Name of the Engineer of Record, their PE License number and the Expiration Date for their PE License

Also in General Information, provide a general description of Project, Facility or Site including:

- A general description of the proposed project
- Total Area of the site including buffer zones(in acres)
- Total are of the solid waste activity within the site assigned area (acres)
- Maximum Daily Capacity of the facility in tons per day
- Average Daily Capacity of the facility in tons per day
- A description of how this average daily capacity was computed, and
- The estimated annual capacity of the facility in tons.

In addition, there are two questions that need to be answered; one related to Household Hazardous Waste collection and one related to MEPA applicability.

Waste Types

The next section asks the applicant to check off each type of waste that would be received on site. You must check at least one and you can check multiple waste types. If “Other” is checked, a box will appear where the material must be described.

Waste Capacity

In this section provide the number of years the proposed facility is expected to operate and the total lifetime capacity of the facility in tons or cubic yards.

Waiver Information

This section asks if the project will require a waiver from site suitability criteria in 310 CMR 16.00. and whether a waiver has been requested and filed with the Office of the Commissioner at the time this application is being submitted.

Waiver Details

If the “Yes” is entered to the waiver questions, a table is provided for the applicant to indicate some specifics about the waiver. To get started on the table, Click “Add a Row”. A box will open up and the applicant will need to enter the following:

- Identify the criteria for which you are requesting a waiver
- Describe the need for a waiver and the extent of the waiver
- Provide a citation to the regulatory provision under which this waiver is requested.



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Once complete, click “submit”. More than one row can be added to this table to describe each of the criteria for which a waiver is being requested. In addition to this table an attachment will be required addressing the waiver request.

Step 3. Documents

Step 3 is where documents are attached to support the application. The documents include such things as copies of the current site assignment and site plans for the proposed project. Each required document must be uploaded separately; the application will not accept one scanned document containing the four or five required documents. Typically, the following are required:

- The Permit Application Form, with the Applicant Certification
- The Report/ Narrative
- Site Plans and Maps
- MEPA Certificate or evidence that MEPA is not required

Other documents may be required based on answers provided in the form. The regional office also may request a hard copy of the site plans in large scale format. If a Waiver is requested then a document detailing the waiver request along with a Determination of Need for the Waiver must be attached.

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.

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. Once finished, click “Save”. It may take a minute or two for the attachment to load after which you can click “Continue” to move along to the next section.

Step 4. Special Fees

310 CMR 4.00 identifies certain circumstances where special fees are applied. If the applicant is eligible for a special fee, the applicant should pick the applicable fee exemption type and provide supporting information.

Step 5. Applicants and Contributors

This Step is where the “Responsible Official” (hereafter called the 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. No other person can submit the application. When the signatory logs into the application, their name as provided in their account information will show up in the box labelled “Applicant Information”



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In the area marked “Signatory Authority” you are defining who the responsible Official for this application is by position (not by name). Enter the company or organization name, the organization type (Corporation, LLC, Municipality, etc. and the title of the person who will be the responsible Official.

Step 6. Application Review

The entire application is presented for final review in this step. You can reopen the application to edit it 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.

Step 7. Pay Fees and Submit

The permit 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, the applicant sends a check to the Massachusetts Department of Environmental Protection, PO Box 4062, Boston, MA 02211. An email with this address information will be sent to the applicant 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 the Department to review the application will not start until the fee has been paid or a fee exemption (if requested) has been verified.



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You can also see your application and all of its attachment 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 this permit?

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: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>

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.

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

What is the application fee? What is the review timeline and where can I get a copy of the timelines?

Application fee and review timeline is available at:
<https://www.mass.gov/media/1078346>

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.

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

- 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*.
- Make sure MEPA requirements have been met.
- Pay the Technical Fee required pursuant to 310 CMR 16.30 to the board of health.



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Provide the appropriate copies of the application to all parties. In addition to filing the online application the applicant should be prepared to supply copies of the application to the following:

- Two copies to the local board of health.
- One 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.*
- One copy to the library *of any municipality within one half mile of any boundary of the proposed site.*
- One 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
- One copy to any person requesting it during the public comment period. The applicant may charge a reasonable cost of reproduction for copies requested in this manner

What is the annual compliance fee?

There is no annual compliance fees associated with this application.

How long is this application in effect?

There is no applicable time limitation.

What are the regulations that apply to these permits? Where can I get copies?

Applicable regulations include, but are not limited to:

- a. Solid Waste Management Regulations, 310 CMR 19.000.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

Official copies may be purchased at:

State Bookstore (in State House)
Room 116 436
Boston, MA 02133
617-727-2834

State Bookstore
Dwight Street, Room 102
Springfield, MA 01103
413-784-1376

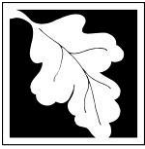
Unofficial copies of the above regulations are available on MassDEP's website at:
<http://www.mass.gov/dep/>



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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 your regional office. You can look up your regional office and their contact information at: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>
- To see a copy of your application after submittal, see: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/>



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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.