



Massachusetts Department of Environmental Protection
Bureau of Air & Waste – Solid Waste Management
Permits for New or Expanded Solid Waste Management Facilities

Permit and Authorization to Construct:

SW 05	Large Handling Facilities
SW 19	Small Handling Facilities
SW 26	New Large Landfill or Major Expansion
SW 27	New Medium Landfill or Medium Expansion
SW 28	New Small Landfill or Small Expansion
SW 29	New or Expanded Woodwaste Landfill

Authorization to Construct – Additional Phases:

SW 08	Landfills – Phase Approval
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Permit to Construct or Operate:

SW 15	New or Expanded Combustion Facility
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Instructions & Supporting Materials

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Introduction

These permits are intended to protect public health, safety and the environment by comprehensively regulating the design and construction of facilities for the storage, transfer, processing, treatment or disposal of solid waste. Solid waste management facilities must be designed and constructed to prevent pollution of land, air and water and to prevent nuisance conditions.

These permits consist of engineering design approval for construction of a new or expanded Solid Waste Management Facility or a new phase of a solid waste landfill. Legislative authority for this permit is stated in MGL c. 21A, ss. 2 and 8, c. 111, s. 150A and Acts of 1987, c. 584. Regulatory authority is stated in 310 CMR 19.000. See <https://www.mass.gov/service-details/waste-recycling-laws-rules-massdep> for a copy of the regulations.

Who must apply?

Any individual, business or organization that intends to construct a new or expanded solid waste management facility must apply for one of these permits. Please see the description below for the applicability of each permit.

NOTE: Prior to applying for one of these applications, make sure you have obtained a Site assignment from the affected Municipality and have had a pre-application conversation with the MassDEP Regional Office to discuss the scope and content of the application.

SW 05

Authorization to construct a transfer station or other handling facility which receives 50 tons per day or more of solid waste.

SW 08

Authorization to construct in an existing permitted landfill area where construction requires additional approval in phases.



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SW 15

Permit for construction or operation of a new or expansion of an existing solid waste combustion facility.

SW 19

Authorization to construct a transfer station or other handling facility which receives less than 50 tons per day of solid waste.

SW 26

- a. Permit to construct a new landfill with equal to or greater than 250 acre-feet of disposal volume.
- b. Permit to expand a permitted landfill with equal to or greater than 250 acre-feet of disposal volume.

SW 27

- a. Permit to construct a new landfill with greater than 25 acre-feet but less than 250 acre-feet of disposal volume.
- b. Permit to expand a permitted landfill by greater than 25 acre-feet but less than 250 acre-feet of disposal volume.

SW 28

- a. Permit to construct a new landfill with up to 25 acre-feet of disposal volume.
- b. Permit to expand a permitted landfill by up to 25 acre-feet of disposal volume.

SW 29

Permit to construct a wood waste landfill or to expand wood waste capacity of a permitted landfill.

Pre-Application Consultation

You should contact the appropriate MassDEP Regional Office early in the process of preparing to apply for an Authorization to Construct. A pre-application conference can save you time, spare you frustration, 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. Find Your Region: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>

NOTE: Pre-Application consultation is required if applying for an SW15 or SW26 as the fee for this application is determined on a project- specific basis.

Instructions for Completing an Authorization to Construct

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 instruction to assist you in completing the form is available at <https://www.mass.gov/how-to/sw-05-08-15-19-26-29-construct-a-new-or-expanded-facility>



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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 form allows the preparer to “Save and Resume Later” for any form you start. 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/how-to/sw-05-08-15-19-26-29-construct-a-new-or-expanded-facility> for more instruction on activating a PIN and sharing a form.

The following provides general instruction on the forms by section.

Step 1. Facility Information

Provide general information such as facility name, facility owner, address, and EPA Identification number. You can search for your facility from a pre-loaded list. If you are proposing a new facility you can enter the information for the proposed facility. A MassDEP Facility ID is not required for a new facility.

The form also requires you to enter information about the facility Owner and Contact. If you have previously completed an on-line application for the same facility or owner, you may be able to look up and select ownership information. Otherwise enter the required owner type, owner name and contact information as required.

Step 2. Application Information

This application asks for the following information. In addition to this, a series of attachments are required including a completed, signed and PE certified SW 05,08,15,19,26,27,28,29 form.

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

Owner Type- Select from the list provided

General Information

In the general information section, information about the operator and engineer of record is required.

Also, in this section, the applicant should provide a brief project description as well as

- Indicate if the project is subject to MEPA
- Identify the proposed waste disposal capacity
- Identify the size of the site assigned area
- Identify the size of the waste handling area, and
- Identify the size of the parcel or parcels in which the site assigned area is located.

Previous Approvals

The next section is a table which asks that all previous approvals for this proposed project be identified. This includes state and local approvals.



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To begin click on the “Add a Row” button. A box will pop up with four fields: Application Type, Transmittal Number, Description and Approval Date. Complete a row for each previous approval issued to the site. The local Site Assignment approval should be listed.

Waste Handling Capacity

The next section is also a table. This table asks the applicant to project 5 years into the future and estimate the average annual and average daily waste handling at the proposed facility for each of those five years.

Again, click on the “Add a Row” button to get started. The user can click on the arrow to the right of the “Add a Row” button to add five rows at once. A box will pop up with four fields: Year (the year you expect to begin accepting waste), average annual capacity, average daily capacity and unit of measure. The numbers entered in average annual capacity and average daily capacity should be in the same unit of measure (e.g. Tons or Cubic Yards)

Waste Types

Indicate what types of waste will be accepted at the site. In the list of 11 specific waste types, more than one box can be checked. If “Other” or “Special Waste” is checked, a text box will open that requires the applicant to type in a description of that waste.

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. A list of the minimum documents to be attached is presented on this page. Each required document must be uploaded separately; the application will not accept one scanned document containing the four or five required documents.

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.

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 on this page.

Step 5. Applicants and Contributors

This page is where the “Responsible Official” (hereafter called the signatory) for the application is identified. You will NOT enter a name (unless the person filling out the application is the signatory). 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.



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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”

Step 6. Application Review and Submittal

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 proceed to 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.

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 the applicant chooses to pay by mail a check should be sent 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 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 review will not start until the fee has been paid or a fee exemption (if requested) has been verified.

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

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## Frequently Asked Questions

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

- a. A prerequisite for this application is Site Assignment - SW 01 (310 CMR 16.00).
- b. In addition, the following may be needed depending on location and design:
  - Title V (subsurface disposal).
  - Wetlands Order of Conditions (310 CMR 10.00).
  - Sewer Connection (314 CMR 7.00).
  - National Pollution Discharge Elimination System (NPDES) (314 CMR 5.00).
- c. 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 complete technical review of the permit application until the MEPA process has been concluded.** 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 and does not necessarily include **all** additional requirements for any given project.

### 2. Once Constructed is anything required to operate or to begin accepting waste?

Yes- Except for transfer stations that are not a construction and demolition waste transfer station, permits to operate (SW 06, SW 10, SW 20) must be approved by MassDEP before the facility can begin operation. Transfer stations that are not a construction and demolition waste transfer station must submit a certification in accordance with 19.035 before the facility can begin operation.

### 3. What is the application fee?

|            |          |
|------------|----------|
| SW 05..... | \$7,235  |
| SW 08..... | \$1,780  |
| SW 19..... | \$2,075  |
| SW 27..... | \$28,555 |
| SW 28..... | \$14,275 |
| SW 29..... | \$14,275 |

**SW 15 and SW 26** are individual rule projects and the fee is subject to the provisions in 310 CMR 4.05. **DO NOT SUBMIT AN SW15 or SW26 Application without first meeting with MassDEP to negotiate a permit review timeline and fee.**

### 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>



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

Current annual compliance fees can be found at <https://www.mass.gov/media/1078346>

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

These permits approve the construction of the facility (or phase of the facility) only. If construction of the facility or first phase thereof has not been completed or no solid waste has been processed or disposed at the facility within three years of the date of issuance, this permit shall expire. An extension may be requested in accordance with 19.041(4).

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

- a. It is strongly recommended that the applicant have a pre-application conversation with MassDEP to discuss the scope and content of the application.
- b. Make sure that all applicable criteria for permit review have been identified and are comprehensively addressed in the submission.
- c. Make sure documentation of valid site assignment and documentation of public notice are submitted.
- d. Make sure plans and reports address each and every component of the facility specific requirements.
- e. Make sure the application has a professional engineering stamp and certification by all parties responsible for the submission.

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

These regulations include, but are not limited to:

- a. Site Assignment Regulations, 310 CMR 16.00.
- b. Solid Waste Landfill Regulations, 310 CMR 19.000.
- c. 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