

**Massachusetts Department of Environmental Protection**  
Bureau of Air & Waste  
Solid Waste Management Facility Modifications  
**SW 07, 11, 16, 21, 22, 45**  
**Instructions & Supporting Materials**

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## **Introduction**

This permit is intended to protect public health, safety and the environment by comprehensively regulating modifications to 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 are issued for approvals of modifications to previously approved (permitted) solid waste management facilities. These approvals include, but are not limited to, modifications of design plans, construction, facility operation, maintenance and corrective actions.

Legislative authority for this permit is stated in MGL c. 21A, ss. 2 and 8, c. 111, s. 150A and the Acts of 1987 c. 584. Authority for the Class II Recycling Program may be found at M.G.L. 25A Section 11F(d). Regulations promulgated pursuant to these laws are codified in 310 CMR 19.000, Solid Waste Management Regulations.

## **Who must apply?**

Any individual, business or organization intending to modify a previously approved (permitted) solid waste management facility – except for a transfer station that is subject to the certification process under 310 CMR 19.029(4) – must apply for this permit modification in accordance with 310 CMR 19.029(2) or (3).

### **SW 07**

Permit modifications to:

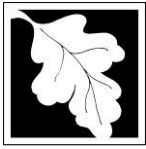
- a. Transfer stations that are C&D transfer stations; or
- b. Other handling facilities that are not transfer stations but receive 50 tons per day or more.

### **SW 11**

Major permit modifications to landfills. A major modification is defined as a design change that will result in the construction of an appurtenance or structure. If the Modification requires a Variance pursuant to 310 CMR 19.080, file an SW11BD application. If no variance is required, file an SW11AC application form.

### **SW 16**

Permit modifications to combustion facilities.



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**SW 21**

Permit modifications to handling facilities that are not transfer stations and receive less than 50 tons per day.

**SW22**

Minor permit modifications to landfills. A minor modification is defined as a change in operations, equipment or daily capacity but not construction of an appurtenance or structure.

**SW 45**

Permit modifications submitted in accordance with 310 CMR 19.034: Presumptive Approval Procedure.

**Pre-Application Consultation**

You should contact the appropriate MassDEP Regional Office early in the process of preparing to apply for a Modification to a Solid Waste Handling Facility. 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>

**Instructions for Completing an Application for an Authorization to Operate**

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/media/1981>

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 new form 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.



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### **Step 1. Facility Information**

Provide general information such as facility name, facility owner, and address. You must search for your facility from a pre-loaded list. A new facility cannot be created with this application. If there has been a facility name change, notify the Department in advance of starting this application.

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**

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 required.

#### *Project Description*

Provide a general description of the proposed modification and specific information about the following:

- Currently approved facility capacity
- Total Area of the Site (in acres)
- Description of the impact of the modification on facility capacity
- Description of the impact of the modification on the operating life of the facility

In addition, there are four questions that need to be answered related to notification of local officials and MEPA.

#### *Currently Valid Approvals*

List each permit received over the last five years including any other approved modifications for this facility.

#### *Compliance History*

List any enforcement document received from MassDEP during the last five (5) years. Indicate the type of document and provide a brief plain English description of the violation (e.g. Waste Ban, Failure to monitor, excess litter, etc.)



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*Financial Assurance*

List and describe the financial assurance mechanism (FAM) in use for this facility or modification. This includes the type of financial assurance, the issuer, the amount of coverage, and the term. Municipalities may select “exempt” as a FAM type. If there is more than one FAM for the facility, list each one separately.

In addition to this, a series of attachments are required, including a completed, signed and PE certified SW07, SW11, SW16, SW21, SW22 or SW45 form as appropriate.

**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, signed and certified by the PE
- The Report/ Narrative
- Site Plans showing the proposed modification

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.

The full list required and optional attachments include:

- Facility Site Plan showing the Proposed Modification
- Local Notification
- MEPA Certificate
- Permit Application form with PE and Applicant Certification
- Report/ Narrative
- Updated Closure cost estimate/ FAM estimate
- Updated Environmental Monitoring Plan
- Updated Waste Ban Plan
- Updated operation & Maintenance Plan
- 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.

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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#### **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”

#### **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 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 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).



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## 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.

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

### What other requirements should be considered when applying for this permit?

#### a. Prerequisites for this permit

A valid facility permit issued in accordance with 310 CMR 19.000 is a prerequisite applicable to all facilities seeking a permit modification.

**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.

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.

#### b. Concurrent applications related to this permit

The following may be needed depending on the type of modification requested:

- 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)

Authorizations to operate (SW 06, SW 10, SW 20) may be required before the facility can begin operations depending on the type of modification requested.

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



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

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

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

The permit modification may state, as a condition of approval, how long the permit modification is in effect. Otherwise, the timelines established by the facility permit or authorization to operate govern how long the permit modification is valid.

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

- a. Contact MassDEP before submitting a permit modification so the agency can determine what plan components set forth in 310 CMR 19.030(2)(d) are necessary to evaluate the feasibility and potential impact of the proposed modifications on the public health, safety or the environment.
- b. Carefully review the criteria for a permit modification (19.038) to ensure that all applicable criteria have been identified and are comprehensively addressed in the submission.

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

These 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/>

**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](mailto: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/>