



Massachusetts Department of Environmental Protection
Bureau of Air & Waste – Solid Waste Management
Permits for Solid Waste Management Facilities
SW36, SW37
Instructions & Supporting Materials

Table of Contents

- Introduction
- Who Must Apply
- Instructions for Completing an Application for Post Closure Use
- Frequently Asked Questions

Introduction

Post-closure permits are intended to protect the public health, safety and the environment by regulating all proposed activities at closed solid waste management facility sites to ensure that such uses are consistent with that facility's closure plan and site specifics.

Legislative authority for this permit is stated in MGL C. 21A, ss. 2 and 8, and C. 111, s. 150A. Regulations promulgated pursuant to these laws are codified in 310 CMR 19.000, the "Solid Waste Management Facilities Regulations".

Who must apply?

Any individual, business or organization that intends to use a solid waste management facility site after closure and capping of the facility for any purpose, other than that established in a prior permit or plan approval, must receive prior written approval by the Department. If the use of the facility after it has been closed is not for a solid waste regulated activity then the applicant must apply for a post-closure use permit in accordance with 310 CMR 19.016 and, when the post closure use is at a landfill, 310 CMR 19.143. If the use of the facility after it has been closed is for a solid waste regulated activity then the applicant must apply for a permit modification to the existing closure permit or apply for a new solid waste facility permit.

In determining which application to complete, the following applies:

SW 36 Post-Closure Use: Major Category. Approval for post-closure use at a closed solid waste facility that is not subject to a SW 37 application.

SW 37 Post-Closure Use: Minor Category. Approval for post-closure use at a closed solid waste facility that: (a) does not affect the facility's appurtenances or (b) is not located on the final cover of a landfill.

A post-closure use permit is only needed to approve new uses at a closed facility that have not been previously approved by another permit or plan approval. Please note that post-closure use approvals can be incorporated into the closure plan approval for the facility. When post-closure use is part of a closure plan a separate post-closure use permit is not required.

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>



Massachusetts Department of Environmental Protection
Bureau of Air & Waste – Solid Waste Management
Permits for Solid Waste Management Facilities
SW36, SW37
Instructions & Supporting Materials

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/how-to/sw-36-37-landfill-post-closure-use-permit>

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-36-37-landfill-post-closure-use-permit> for more instruction on activating a PIN and sharing a form.

You will use this form for both the initial application and the renewal. When it is time to renew, a renewal link will appear next to the authorization listed on the user’s home page. Instead of starting a new application, click on this renewal link instead. The Renewal form will be prepopulated with information from the initial approval but will need to be updated with changes made since the initial approval.

The following provides general instruction on the forms by section.

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 and engineer of record is required.

Also, in this section, the applicant should provide a brief description of the current and proposed post closure use as well as

- Indicate if there are other post closure uses on site
- Identify the size of the area to be used



Massachusetts Department of Environmental Protection
Bureau of Air & Waste – Solid Waste Management
Permits for Solid Waste Management Facilities
SW36, SW37
Instructions & Supporting Materials

- Identify the year the landfill was capped
- Identify if the gas collection needs to be modified for the post closure use
- Identify if the post closure use will be located on or off the cap (or both)
- Identify if the project is subject to MEPA Review

Financial Assurance - The next section is a table that requires entry of the financial assurance mechanism(s) or FAM that has been obtained for the facility operation. More than one option can be listed.

Click “Add a Row” to begin. The first field will ask for the type of Financial Assurance. Only the types authorized by regulation are listed. Select the appropriate type and provide the following about each type:

- The name of the entity that issued the FAM
- The monetary amount of the FAM
- The term of the FAM in years

If there is more than one FAM, “Add a Row” for each FAM type in use.

In addition to this, a series of attachments are required including a completed, signed and certified BWP SW36, SW37 form.

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 and As-Built Facility plans
- Copy of the CAD Approval
- Copy of the most recent Biannual Report

Other documents may be required based on answers provided in the form.

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.

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



Massachusetts Department of Environmental Protection
Bureau of Air & Waste – Solid Waste Management
Permits for Solid Waste Management Facilities
SW36, SW37
Instructions & Supporting Materials

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).

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**

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

Generally, a facility must have been closed in accordance with an approved closure plan before an application for a post-closure use permit is applicable. As previously stated, a post-closure use permit is only needed to approve new uses at a closed facility that have not been previously approved by another permit or plan approval. Please note that post-closure use approvals can be



**Massachusetts Department of Environmental Protection**  
Bureau of Air & Waste – Solid Waste Management  
Permits for Solid Waste Management Facilities  
**SW36, SW37**  
**Instructions & Supporting Materials**

---

incorporated into the closure plan approval for the facility. When post-closure use is part of a closure plan, a separate post-closure use permit is not required.

Permits of this type will often 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 a 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>

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

**2. What is the application fee?**

|            |         |
|------------|---------|
| SW 36..... | \$3,425 |
| SW 37..... | \$1,330 |

**3. Where can I get a copy of the timelines?**

The timelines are available at: <https://www.mass.gov/media/1078346>

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

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

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

Generally, post-closure use permits are in effect indefinitely as long as the approved activities at the site remain the same.

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

The applicant should carefully review the post-closure use application to ensure that the proposed use does not compromise the function of the existing closure.

In addition:

- It is strongly recommended that the applicant have a pre-application conversation with MassDEP to discuss the scope and content of the application.
- Make sure that all conditions of the Closure have been complied with, maintained, and documented.
- Provide documentation that all other local, state and federal permits have been issued and/or complied with as applicable.
- Submit construction certification and as-built plans, both signed and stamped by a Massachusetts registered professional engineer.
- Provide documentation that appropriate financial assurance has been secured in accordance with 310 CMR 19.051.
- Make sure the application has a professional engineering stamp and certification by all parties responsible for the submission.



## **SW36, SW37**

### **Instructions & Supporting Materials**

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**7. 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