



Massachusetts Department of Environmental Protection

Bureau of Air & Waste

Solid Waste Management

SW 43- Determination of Landfill Closure Completion Instructions & Supporting Materials

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Introduction

This permit is intended to protect the public health, safety and the environment by ensuring that construction during closure of a solid waste landfill facility has been completed in accordance with the approved permit and subsequent post-closure use of the site will not result in adverse effects on public health or safety, pollution of land, air and water or nuisance conditions. The date of the approval by the Department of the closure completion establishes the start date for the post-closure period. For information purposes, the construction of closure at a landfill is often referred to as capping or constructing a cap.

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. Regulations promulgated pursuant to these laws are codified in 310 CMR 19.000, Solid Waste Management Facility Regulations. Section 19.140 of those regulations applies to this permit approval.

This application is currently in ePlace and online filing is required:

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

Who must apply?

Any individual, business, or organization that has completed construction of closure of a solid waste landfill must apply for this determination in accordance with 310 CMR 19.140. A **landfill** is a facility or part of a facility established in accordance with a valid site assignment for disposal of solid waste into or on land.

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 creating an account are available at <https://www.mass.gov/media/1981>



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Screen-by-screen instructions for completing an application form in ePLACE are also available at: <https://www.mass.gov/how-to/sw-43-landfill-closure-completion>

The following pages provide general instructions on the application form by section.

Step 1. Facility

Facility Information

To start the application, the first step is to select the facility record. Type in some identifying information and click “Search” to find the facility. It is suggested that you use address for your search.

A new facility cannot be created for this application, you must select from a facility on the list. If the facility name at the address you select is not correct, please contact MassDEP to update the facility name BEFORE starting the application. We cannot implement a name change once an application has been started

Owner Information

Owner information can be entered, updated or changed by clicking on “Add New” and providing the required 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

General Information

The General Information section is used to provide information about the operator of the Landfill including the Operator Entity name, Name of the contact person and the contact phone number and email. The application also asks for information about the Engineer of Record for the site.

In addition to Operator and Engineer information, the application asks for information on the final closure construction including:

- the final cover system,
- the landfill gas controls,
- the leachate management measures,
- the storm water management measures, and
- a summary of erosion and sedimentation control measures



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The application asks for a text summary only. Additional documents will be required as attachments with details of the closure and post closure controls and monitoring

Summary of Environmental Monitoring Table

This table requires the applicant to identify each attributes of the site that will be monitored (ground water, gas, surface water, etc.), the monitoring method, the number of monitoring points and whether or not the monitoring proposed is in a plan approved by MassDEP. At least one row is required.

To get started, click “Add a Row” and provide the information required in the pop-up box. Add a new row for each attribute that will be monitored and/ or each different monitoring method.

Landfill Closure Financial Assurance Table

This table asks the applicant to identify the type of financial assurance mechanism (FAM) that will be employed for the site. If the FAM is only in place to support a post closure use, skip this table and complete the information required in the post closure use section.

For each FAM, add a row. For each FAM, the applicant will need to identify the type of FAM, the issuer of the FAM, the dollar amount of the FAM and the term of the FAM in years.

Post Closure Use- General

This section of the application asks for information on any post closure use anticipated or planned for the closed landfill. The applicant is asked to supply a description of the post closure use, the post closure use monitoring and maintenance plan and provide information on the post closure use permitting.

If post closure use is not included in the Closure plan, answer “no” to the first question in this section and skip to the Documents section

Post Closure Use Financial Assurance Table

This table asks the applicant to identify the type of financial assurance mechanism (FAM) that will be employed for the post closure use. Again, if no post closure use is anticipated or planned in this application then skip this section.



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For each FAM, add a row. For each FAM, the applicant will need to identify the type of FAM, the issuer of the FAM, the dollar amount of the FAM and the term of the FAM in years.

Step 3. Documents

The application will require the user to attach documents in support of the application. 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 Closure Completion Permit:

- Construction Certification
- Construction Report
- As- Built Site plans with a PE stamp and Signature
- Notice of Landfill Operation
- Post-Closure Monitoring and Maintenance Plan
- Table of Reporting Requirements
- Permit Application Form with PE Certification and Applicant Certification Completed
- Report/ Narrative

The Applicant can also attach other documents such as an expanded description of the facility, 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.

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.



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Step 4. 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 5. 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.

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.



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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

The Responsible Official or party who made the final submittal can follow the status of the permit review in ePLACE. When that person logs into ePLACE and clicks on the “My Records” button, they 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.

Anyone may also see the 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?

You must obtain permits for Final Closure/Post-Closure Plans prior to construction of the landfill closure, then complete closure construction before applying for this determination. These are issued by MassDEP's Solid Waste Management. Other requirements may be found in 310 CMR 19.140 and in the Application Completeness Checklist. You must submit documentation that any and all required local, state and federal permits have been issued.

Concurrent permits may include, but are not limited to:

- Wetlands Order of Conditions (310 CMR 10.00), issued by the conservation commission in the city or town where the facility is located.
- Sewer Connection (314 CMR 7.00), issued by Water Pollution Control or Industrial Wastewater.
- National Pollution Discharge Elimination System (NPDES) (314 CMR 5.00), issued by Water Pollution Control or Industrial Wastewater.

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?

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

How long are these permits in effect?

This determination will be valid until, or if, such time the department approves a modification of or a superseding permit for the site.

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

- Make sure that all conditions of the Final Closure and Post-Closure Use Permit have been complied with and documented
- Provide documentation that all other permits, local, state and federal, have been issued and/or complied with as applicable.
- Submit construction certification and as-built plans, both signed and stamped by a registered professional engineer.
- Provide documentation that appropriate financial assurance has been secured in accordance with 310 CMR 19.051.

7. What are the regulations that apply to these licenses? 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.

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**

Also, unofficial copies of these regulations can be found on the MassDEP web site at 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 the application after submittal, also see: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/>