



SW49 Application to Transfer a Permit Instructions & Supporting Materials

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Introduction

Solid waste permits are only valid to the specific owner and/or operator as identified on the permit. When there is a change in ownership of a solid waste facility, the new owner must identify itself to MassDEP for the facility's permit to remain valid.

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 time a solid waste permit is transferred from the existing owner (transferor) to a new owner (transferee) the new owner must submit a BWP SW 49 certification. This certification must be completed by the Responsible Official for the new owner (Transferee). As defined in 310 CMR 19.006, a Responsible Official is "an individual who is duly authorized to bind the entity (e.g., but not limited to, a corporation, limited liability company, partnership, public entity, sole proprietorship or trust) which is subject to 310 CMR 19.000." The Responsible Official should make and keep a signed copy of this completed certification for recordkeeping purposes.

It is the responsibility of the new owner (Transferee) to maintain the facility (or in the case of a PCUP transfer, the post-closure use) in compliance with environmental protection requirements at all times. You may be subject to enforcement action if you do not comply with the standards.

Important: A transfer of a permit does not relieve previous owners of liability for the site under M.G.L. c. 21E or c. 21H.

Other Requirements that should be considered

Before a permit can be transferred it must satisfy the requirements as specified in 19.044 including proof of notice that the facility is operating or was operated has been recorded in the registry of deeds, or if the site is registered land, in the registry section of the land court for the district wherein the land lies.

In addition, if a municipality, as a holder of the permit being transferred, has provided an alternative financial assurance mechanism but is not one of the new permit holder(s), then the new permit holder is required to provide financial assurance for the transfer to be valid.

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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Instructions for Completing a Certification for Transfer of a Permit

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-49-certification-for-transfer-of-a-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 the Quick Guide at <https://permitting.state.ma.us/CitizenAccess> 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, 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:

Facility Type

Select from the list provided

Information about the New Owner (Transferee)

The application requires identification and contact information from the new owner as well as identification of the operator along with some basic contact information



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Information about the Previous Owner (Transferor)

The application requires identification and contact information for the Previous Owner

Permit Transfer Details

The Application contains a table where each permit to be transferred must be listed. Click “Add a Row” to begin. The first field will ask for the permit type followed by the Transmittal or Approval Number for that permit, the date the permit was issued and the effective date of the permit transfer.

If there is more than one permit being transferred click “Add a Row” and create a record for each permit.

Additional Requirements

This section contains questions the applicant must address regarding notification of the Registry of Deeds and Financial Assurance Mechanisms.

Transferee Agreements

There are two agreement statements: one for a post closure use (Solar) operation transfer and one for transfer of permits for any other type of facility. The applicant must answer one of the two questions based on what is appropriate for the application.

Step 3. Documents

Step 3 is where documents are attached to support the application. Each required document must be uploaded separately; the application will not accept one scanned document containing the four or five required documents. Typically, only a copy of each permit being transferred is required.

Other documents may be required based on answers provided in the form. Some of these other documents include:

- Updated Closure Cost Estimate or FAM estimate
- Updated operation & Maintenance Plan
- Updated Environmental Monitoring Plan
- Copy of Local notifications
- Proof of Registry of Deeds or Land Court notification

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**

#### **1. What is the application fee?**

The application fee for an SW49 is \$595

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

The timelines are available on the MassDEP Website:  
<https://www.mass.gov/media/1078346>

The Department’s permitting and compliance fee regulations (310 CMR 4.00, titled "Timely Action Schedule and Fee Provisions") specify the following processing timelines:

- Within 45 days of receipt of the permit application and payment of the fee, the Department will complete a technical review of the application.
- If deficiencies are found in the application, the applicant has 45 days to correct them. Failure to respond adequately and in a timely manner will result in application denial.
- Within 45 days of receipt of materials from the applicant in response to the Department’s statement identifying deficiencies, MassDEP shall complete a supplemental technical review.
- Unless otherwise notified by the Department, the application is presumptively approved at the end of the review period.

#### **3. What is the annual compliance fee?**

There is no annual compliance fee associated with this certification

#### **4. How long are these permits in effect?**

A transfer of permit certification is valid until the ownership of the permit changes.



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

Before making a submission ensure the application meets all the requirements stated in 19.044. Provide documentation that all other local, and state notifications have been made Provide documentation that appropriate financial assurance has been secured in accordance with 310 CMR 19.051.

### **6. 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

### **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, also see: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/>