



Massachusetts Department of Environmental Protection
Bureau of Hazardous Waste – Business Compliance Division

BWP HW 06

Instructions and Supporting Materials

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Introduction

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at mass.gov/dep in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

Instructions & Support Materials files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

Permit Applications in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



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Bureau of Waste Prevention (BWP) Guidance

Thank you for your interest in applying for a Massachusetts precious metal transporter license. Precious metal transporters move, by vessel or carrier, Class B(4) Regulated Recyclable Materials (RRM), that are spent materials and certain hazardous wastes that contain economically recoverable quantities of precious metals. The permit application fee for a license to transport hazardous waste is \$1,050. Payment is made using the Transmittal Form enclosed in the permit application package.

Applicants are required to submit **two complete application originals** to the Department. Firms submitting incomplete applications will be notified of deficiencies and required to provide the requested information. Failure to respond adequately and in a timely manner will result in application denial.

For qualified applicants, the Department issues precious metals Class B(4) RRM transporter licenses for terms of up to five years.

The Department's Division of Business Compliance staff conducts informal help sessions at the Department's One Winter Street, Boston office to assist hazardous waste transporter and precious metal transporter licensees and license/permit applicants in filling out their applications and to help reduce review and response timelines. In the help session, Boston staff will discuss the following:

- each portion of the transporter application;
- the streamlined transporter licensing program, including:
 - revisions to the hazardous waste and fees regulations,
 - transporter application packages, and,
 - license modification requirements;
- common mistakes typically made in applications; and,
- issues such as compliance checks, nondisclosure, and responses to requests for information.

If you are interested in attending a help session or are in need of assistance in completing your application, you may contact me in the Business Compliance Division at (617) 292-5576.



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How to Avoid Common Mistakes

How can I avoid the most common mistakes made in applying for this precious metals transporter application?

- a. **HAZADOUS WASTE REGULATIONS:** Prior to filling out your application, obtain an updated copy of the Hazardous Waste Regulations (310 CMR 30.000) and refer to the sections cited in the application package for guidance on the information required.
- b. **ORGANIZE YOUR APPLICATION:** Arrange your application attachments in the same order as listed in “Attachments” (Section G of the Permit Application”. The Permit Fact Sheet, the Hazardous Waste Regulations, and instructions in the Permit Application offer guidance for submitting a complete application.
- c. **DRIVER TRAINING:** (1) Provide a certification on company letterhead which states that the applicant is subject to the DOT hazardous materials training requirements of 49 CFR Part 172 (Subpart H) and Part 177, and that all drivers are currently trained and tested (See Transporter Data Sheet TDS 02-3, Training Programs); (2) Include a notation in your TDS 01-3 response indicating that drivers receive training in the list of notification numbers to call in the event of a spill or release, and that those numbers are listed in the Emergency Response Guide submitted in Attachment TDS-02-10, Spill Cleanup Equipment and Procedures.
- d. **OFFICER & DIRECTOR INFORMATION:** Provide the names and addresses of all officers, directors, and partners of the company and of all individuals who hold greater than 5% equity in the company (See Transporter Data Sheet TDS 02-4, Officers and Directors)
- e. **“NONE” VS. “N.A.”:** Respond directly to information requested on the Transporter Data Sheet for inclusion in each attachment; if for example, you have no “Other Business Activities”, indicate “none”; don’t respond by indicating “N.A.” (SEE TDS 02-5, Other Business Activities).
- f. **DISCLOSURE:** Disclose all past and pending legal and administrative actions and civil suits regarding violations of environmental or public health laws or regulations (See Transporter Data Sheet TDS 01-6, Past/Pending Legal or Administrative Actions), including all violations issued by the Massachusetts DEP. Also disclose a list of past or pending hazardous waste related civil suits (by docket number) (See Transporter Data Sheet TDS 02-7, Past/Pending Civil Suits). Failure to disclose these items may result in the denial of your application, the revocation of your license, and/or the assessment of penalties.
- g. **LIABILITY INSURANCE:** Provide the insurance documents required by 310 CMR 30.410. These are: (1) a Certificate of Insurance for automobile liability and (2) DOT Endorsement (Form MCS-90) for environmental restoration which amends the automobile policy number on the certificate of insurance (note that the corresponding automobile policy number must appear on the endorsement form!). Both insurance documents must be in an amount of at least \$1 million. The Certificate of Insurance must indicate the Department of Environmental Protection as the certificate holder (“Massachusetts DEP, Bureau of Waste Prevention, Business Compliance Division,, One Winter Street, 9th Floor, Boston, MA 02108”), and must provide 30 day notice of cancellation. (See Transporter Data Sheet TDS 02-9, Insurance Documents).
- h. **EMERGENCY PROCEDURES:** Submit your company’s Emergency Procedures Guide which outlines step-by-step procedures to be followed by the driver in the event of a spill or release of hazardous waste during transport. The Guide must include a list of who shall be notified after a release, how the spill or release shall be initially contained, and how required emergency equipment shall be used. Make sure your list of MassDEP emergency response numbers and regional office phone numbers is up-to-date. The MassDEP emergency phone numbers are 617-556-1133 (from the Boston area) and 888-304-1133 (toll-free). The MassDEP regional office phone numbers staffed on weekdays during normal business hours are:
 - Central Regional Office (CERO): 508-792-7650
 - Northeast Regional Office (NERO): 978-661-7600
 - Southeast Regional Office (SERO): 508-946-2700
 - Western Regional Office (WERO): 413-784-1100Find your region: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>
- i. **NEED HELP?** Contact Asha Shah of the MassDEP/BWP/Business Compliance Division at 617-292-5574 if you need assistance.
- j. **WHERE TO SUBMIT:** Submit fee and *photocopy* of the MassDEP Transmittal Form <http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html> to: Department of Environmental Protection, P. O. Box 4062, Boston, MA 02211



Massachusetts Department of Environmental Protection
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BWP HW 06 Permit Fact Sheet

Permit Name

License to Transport Precious Metals Class B(4) Regulated Recyclable Materials

Purpose of license

Transporter licensing serves to protect public health, welfare, and the environment through the review of a firm's qualifications and competence to transport precious metals that are Class B(4) Regulated Recyclable Materials (RRM). License review includes assessment of an applicant's insurance coverage, driver training program, and emergency response procedures/equipment. Successful applicants will receive a Precious Metals Class B(4) Regulated Recyclable Materials (RRM) Transporters License.

MassDEP unit responsible for license review

Bureau of Waste Prevention, Business Compliance Division, Hazardous Waste Transporter Program
One Winter Street
Boston, MA 02108
617-292-5576

Who must apply

Companies wishing to transport precious metals that are Class B(4) regulated recyclable materials.

Documentation to accompany application

Each permit application for a license to transport precious metals Class B(4) RRM must be accompanied by **11 separate informational attachments**. The required information is described briefly in the application form and in some cases, samples and/or blank forms for the required information are attached to the application. Applicants are advised to read the regulations listed to ensure that all the necessary information is included.

Fees associated with license

- An application fee of \$1,290 is due when the application is submitted.
- There is no annual compliance fee.

License review timelines

The timelines are available on the MassDEP Website:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html>

Duration of license

The license is issued for up to 5 years, provided the applicant remains in compliance with appropriate laws and regulations.

What regulations apply?

Applicable regulations include, but are not limited to:

- Hazardous Waste Regulations, 310 CMR 30.00 (in particular sections 30.010, 30.274, 30.275, 30.400, and 30.800)
- Timely Action and Fee Schedule Provisions, 310 CMR 4.00.

These may be purchased at:

State Bookstore
Room 116
Boston, MA 02133
617-727-2834

State Bookstore
436 Dwight Street, Room 102
Springfield, MA 01103
413-784-1376



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Application Completeness Checklist

- Complete a MassDEP Transmittal Form:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>
- Complete the BWP HW 06 Application Form. Include all specified information and attachments and indicate their inclusion by checking off the completion box on the application form.
- Submit two complete copies of the application package including the Transmittal Form and a BWP HW 06 Application Form with all specified attachments to:

Bureau of Waste Prevention, Business Compliance Division
Hazardous Waste Transporter Program
One Winter Street
Boston, MA 02108

- Submit the application fee of \$1,290 in the form of a check or money order payable to the Commonwealth of Massachusetts along with a copy of the MassDEP Transmittal Form to:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

For assistance, contact:

Contact the Bureau of Waste Prevention, Business Compliance Division at 617-292-5576.



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Information on obtaining DOT's North American Response book

A copy of the most recent edition of the Emergency Response Guidebook for Hazardous Materials, published by the DOT, may be purchased from the organizations listed below:

J.J. Keller & Associates, Inc.
3003 West Breezewood Lane
P.O. Box 368
Neenah, WI 54956
(800)-843-3174

Labelmaster Co.
5724 N. Pulaski Road
Chicago, IL 60646-0402
(773)-478-0900
(800)-621-5808
fax: (800)-723-4327

UNZ & Company
700 Central Avenue
New Providence, NJ 07974
(201)-795-5400
(800)-631-3098



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Tax Certification Instructions

Compliance with General Laws, Chapter 62C, Section 49A for Firms Applying for or Renewing a License To Transport Hazardous Wastes in Massachusetts or To Transport Precious Metals Class (B4) RRM

In compliance with the above stated law, all applicants for a license and all renewal applicants must certify, under penalties of perjury, that they have complied with all laws of the Commonwealth relating to taxes. Such license may not be issued or renewed unless such certification is made.

The person providing such certification must be a corporate officer, i.e., president, secretary, treasurer, or vice president of the corporation in charge of a business function for the corporation. If the applicant is a partnership, the certification must be signed by a general partner. If the applicant is a sole proprietorship, the certification must be signed by the proprietor. All such certifications will become part of the application.



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License Renewal

C. 62C

ANNOTATED LAWS OF MASSACHUSETTS

§ 49A

§ 49A. Applicants for License or Renewal Thereof; Contractors Providing Goods, Services or Real Estate Space to Commonwealth or Subdivision Thereof; Certification of Compliance with Tax Laws of Commonwealth; Enforcement Measures.

- (a) Any person applying to any department, board, commission, division, authority, district or other agency of the commonwealth or any subdivision of the commonwealth, including a city, town or district, for a right or license to conduct a profession, trade or business, or for the renewal of such right or license, shall certify upon such application, under penalties of perjury, that he has complied with all laws of the commonwealth relating to taxes. Such right or license shall not be issued or renewed unless such certification is made.
- (b) No contract or other agreement for the purposes of providing goods, services of real estate space to any of the foregoing agencies shall be entered into, renewed or extended with any person unless such person certifies in writing, under penalties of perjury, that he had complied with all laws of the commonwealth relating to taxes.
- (c) Any such agency, which has been notified by the commissioner pursuant to section forty-seven A that a person who holds a license or certificate of authority issued by such agency or who has agreed to furnish goods, services or real estate space to such agency has neglected or refused to file any returns or to pay any tax required under this chapter and that such person has not filed in good faith a pending application for abatement of such tax or a pending petition before the appellate tax board contesting such tax, shall refuse to reissue, renew or extend such license, certificate of authority, contract or agreement until the agency receives a certificate issued by the commissioner that the person is in good standing with respect to any and all returns due and taxes payable to the commissioner as of the date of issuance of said certificate, including all returns and taxes referenced in the initial notification. (1983, 233, § 36; 1985, 593, § 22; 1986, 557, 72.)

Editorial Note--

The 1985 amendment deleted, after "section" in subsection ©, "forty-seven", and inserted therein "forty-seven A".

The 1986 amendment, in § 213, repealed L 1985, ch 593, § 22, which, in subsection (c), substituted "forty-seven A" for "forty-seven", and in § 72, substituted "forty-seven A" for "forty-seven", thereby making no material change to the subsection.

Total Client-Service Library® References--

51 Am Jur 2d, Licenses and Permits §§ 45-58.

Annotations--

Payment of taxes to prevent closing of, or interference with, business as involuntary
So as to permit recovery. 80 ALR2d 1040.