



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Governor

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Secretary

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Commissioner

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Dear Solid Waste Transfer Station Owner and/or Operator:

This letter includes important information regarding the regulation of your transfer station facility. As the result of regulation revisions to 310 CMR 19.000, the “Solid Waste Management” regulations, that were promulgated on February 14, 2014, the following requirements apply to your facility:

1. Effective January 1, 2015, third-party operation and maintenance (O&M) and waste ban (WB) inspections shall be conducted in accordance with (and pursuant to the schedule at) 310 CMR 19.018; and,
2. By February 15, 2015, your existing facility must complete and submit a transition certification (see 19.035(2)(f)) to MassDEP.

In addition, this letter contains a reminder about submitting your annual facility report.

On February 14, 2014, the Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Prevention, promulgated revisions to 310 CMR 19.000, the “Solid Waste Management” regulations (<http://www.mass.gov/eea/agencies/massdep/recycle/regulations/310-cmr-19-00.html>). Those revisions included new requirements for transfer station certifications and third-party inspectors/inspections (TPI). By letter dated June 17, 2014, (copy attached) MassDEP communicated to you those new requirements along with new implementation dates (see Table below). This letter provides you with information on how to comply with those requirements.

Activity or Requirement	Original Date	Revised Date
Transition Certification for Existing Transfer Stations	June 14, 2014 (See 19.035(2)(f))	February 15, 2015
Third-Party Inspections	August 13, 2014 (See 19.018(2)(b))	January 1, 2015

Transfer Station Certifications (Not applicable to C&D waste transfer stations)

The revisions to 310 CMR 19.000 changed part of the permitting process for a transfer station that is not a construction and demolition (C&D) waste transfer station (see definition in 19.006). An owner or operator of a new or expanded transfer station (see definition of expansion in 19.006) must submit an Authorization to Construct (ATC) permit application (BWPSW05 or 19) to MassDEP for review and written approval prior to construction. However, as of February 14, 2014, Authorizations to Operate (ATO) and all requests to modify a transfer station (except for an expansion) are now handled through the new certification process identified at 310 CMR 19.035. The certifications must be completed and submitted to MassDEP; however, MassDEP does not issue a written approval. The certification and corresponding regulatory requirements govern the operation of the transfer station, unless MassDEP indicates in writing otherwise. MassDEP will continue to conduct facility inspections based on the certifications and the third-party inspection reports.

Transition Certifications for Existing Transfer Stations

An active and operating TS (excluding a C&D waste transfer station) with a valid permit issued before February 14, 2014 is required to submit a *Certification for Operating a Transfer Station* if the facility will continue to operate after February 15, 2015. **The Transfer Station certification form, and instructions, is available on MassDEP's website at: <http://www.mass.gov/eea/agencies/massdep/recycle/approvals/solid-waste-applications-and-forms.html#2>. This certification must be submitted by February 15, 2015. There is no application fee associated with this submission.**

Third-Party Inspectors/Inspections

The revised regulations included a number of changes to the requirements for third-party inspections of all types of solid waste facilities. The changes standardize the frequency of inspections, establish a performance standard for inspections, and require third-party inspectors to register with MassDEP (see 310 CMR 19.018). The new requirements are effective January 1, 2015. All third-party inspections of solid waste transfer stations conducted on or after January 1, 2015, must comply with the new requirements at 310 CMR 19.018.

Third-party Inspectors

Only third-party inspectors who have registered and been listed on MassDEP's website may conduct third-party inspections of solid waste facilities, including transfer stations. The list of registered third-party inspectors is available at: <http://www.mass.gov/eea/agencies/massdep/recycle/approvals/solid-waste-applications-and-forms.html#8>

Third-party Inspections

310 CMR 19.018 provides information regarding the frequency and performance standards for third-party inspections of your transfer station. Of note is the requirement for third-party inspection reports to be certified by the third-party inspector and by the owner/operator before submitting it to MassDEP and the local board of health.

Third-party Inspection Forms

The revised regulations require that all third-party inspection reports be submitted on a form provided by MassDEP. The form is available at: <http://www.mass.gov/eea/agencies/massdep/recycle/approvals/solid-waste-applications-and-forms.html#8>.

Annual Facility Reports

Transfer Stations Permitted to Receive 50 Tons Per Day (TPD) or More

MassDEP is also reminding you that your annual facility report, required by 310 CMR 19.008, 19.043(5)(e), 310 CMR 19.207(22)(d) and/or your facility's permit/approval, is due by February 15, 2015. The form to report Calendar Year 2014 activities is located at: <http://www.mass.gov/eea/agencies/massdep/recycle/approvals/solid-waste-applications-and-forms.html#8>. Please note that this form includes specific information regarding reporting non-solid waste activities (e.g. certain composting or recycling activities) conducted in accordance with 310 CMR 16.04 that occur on the transfer station property.

Transfer Stations Permitted to Receive Less Than 50 TPD

As has been the case for a number of years, MassDEP does not require Transfer Stations permitted to accept less than 50 TPD to submit annual reports regarding that facility's solid waste activities. However, as was required last year, non-solid waste activities conducted in accordance with 310 CMR 16.04 that occur on the transfer station property should be reported. Please see the instructions and fill out as appropriate, the transfer station form located at: <http://www.mass.gov/eea/agencies/massdep/recycle/approvals/solid-waste-applications-and-forms.html#8>.

If you have questions on these issues, please contact the solid waste permit chief in the appropriate MassDEP regional office.

Sincerely,



Nancy L. Seidman,
Assistant Commissioner
Bureau of Waste Prevention

cc:

Gary Moran, DEP Deputy Commissioner

Regional solid waste section chiefs