



BWP AQ 06 Notification Prior to Construction or Demolition Instructions and Supporting Materials

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Introduction

MassDEP encourages filing Construction/Demolition Notification Form AQ-06 online via eDEP! If you have not already done so, please register online with eDEP at <https://edep.dep.mass.gov/DEPLogin.aspx>. Select “New User” and complete the required steps. It should take no more than five minutes to complete the registration process, and you can begin online filing of your notifications right away.

For paper filers, the Construction/Demolition Notification Form AQ-06 on MassDEP’s web site should be used. Construction/Demolition Notification Forms and Instructions are available for download from MassDEP’s Web site at www.mass.gov/dep in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed. A MassDEP Permit Transmittal Form is not required when submitting a Construction/Demolition Notification Form.

Instructions in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a Construction/Demolition Notification Form (which is considered 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.

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

Instructions and Forms in Adobe Acrobat PDF™ format combine Instructions and Notification Forms in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. Notification Forms in this format may not be completed electronically.



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1. What are the Department of Environmental Protection's (MassDEP's) notification requirements for construction or demolition of a building?

In accordance with 310 CMR 7.09, MassDEP requires notification 10 working days prior to the construction or demolition of a building. The purpose of the notification requirement is to protect public health and the environment by preventing the release of dust or other potentially hazardous air pollutants to the ambient air. Under the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), the U.S. Environmental Protection Agency also requires notification of demolition of a building.

2. Who must notify?

Any owner or operator responsible for construction or demolition of a building, excluding residential buildings with less than 20 units, must notify MassDEP.

3. Is there a specific notification form?

Yes. Notification must be made using MassDEP's "BWP AQ 06 Notification Prior to Construction or Demolition."

The Construction/Demolition Notification Form and Instructions are available on MassDEP's website at www.mass.gov/dep.

4. How do I submit the Construction/Demolition Notification Form?

To submit a Construction/Demolition Notification AQ-06 Form, do one of the following:

1. File the AQ-06 online via MassDEP's website. If you have not already done so, register online with eDEP at <https://edep.dep.mass.gov/DEPLLogin.aspx>. Select "New User" and complete the required steps. It should take no more than five minutes to complete the registration process, and you can begin online filing of your notifications right away.

2. For paper filers, when the AQ-06 is completely filled out, and the appropriate decal is affixed to the form (see Question #6 below), use regular, certified or U.S. Postal Service Express mail to send the form to:

Commonwealth of Massachusetts
Asbestos Program
P.O. Box 120087
Boston, MA 02112-0087

3. Use a private delivery or overnight service and send the AQ-06 to the following address: Asbestos Notification, 8th Floor, Massachusetts DEP, One Winter Street, Boston, MA 02108.

5. What is the notification fee for construction or demolition projects?

The notification fee required by MassDEP regulations (310 CMR 4.00, Timely Action and Fee Provisions) for construction or demolition projects is \$85.00 per notification. However, owner-occupied residential properties with four or fewer units, cities, towns, counties, districts of the Commonwealth, municipal housing authorities, and other state agencies are not subject to construction or demolition notification fees.



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6. How and when do I pay the notification fee?

When filing online via eDEP, you will pay the fee online using a credit card. For paper filers, in order to pay the fee, a notification fee decal must be purchased from MassDEP and affixed to the Construction/Demolition Notification Form prior to submitting the notification form. For jobs that are exempt from the notification fee an EXEMPT decal must be obtained from MassDEP and affixed to the notification form.

Fee decals may only be purchased in person at the reception area on the second floor of MassDEP's One Winter Street Boston Office. For fee-exempt construction/demolition jobs, EXEMPT notification decals may be picked up (free of charge) at the reception area of MassDEP's One Winter Street Boston Office or at any regional MassDEP office.

For decals requiring a payment, payment must be in the form of a check or money order made payable to "Commonwealth of Massachusetts." Cash and credit cards cannot be accepted.

Each notification decal contains a unique number that is used to track the notification. Forms without decals will not be accepted.

7. Is the notification fee decal refundable?

No. In the event that a construction/demolition notification is withdrawn, the notification fee will not be refunded. For paper filers, decal fees may be refunded if the original purchaser returns the unused and intact decals. Contact MassDEP's Revenue Office at the MassDEP Boston Office to find out how to obtain a refund. Lost decals are not eligible for a refund.

8. What is the timeline for notification review?

After the AQ-06 is received it will be reviewed by MassDEP. The notifier will be **contacted only in case of deficiencies** in the submitted notification form, in which case the construction/demolition operation may not start. Where MassDEP informs the notifier of deficiencies in the notification form, the notifier will have 30 calendar days from the date of being informed of the deficiencies in which to respond. Where the notifier responds to the deficiencies in the original notification form within the 30-day period, MassDEP may review the updated notification within the 10 working day notification period. If MassDEP does not issue a denial letter within the 10 working day, the job may begin. MassDEP will deny a notification only in writing.

If deficiencies are found during MassDEP's second review, MassDEP will reject the notification, and the notifier may not proceed with the job. If the notifier wishes to proceed with the construction/demolition operation after MassDEP has rejected the notification, the notifier must submit a new notification and fee to MassDEP for consideration.

9. Can I revise my construction or demolition notification form?

Yes. Revisions to the original notification form may be made by doing either of the following:

1. File the notification revision online via eDEP (you can do this even if the original notification was a paper copy).
2. For paper filers, on a copy of the original notification form, write "REVISION" under the notification fee decal, and on the form indicate the revisions being made to the original notification. Mail a copy of the revised form to Commonwealth of Massachusetts, Asbestos Program, P.O. Box 120087, Boston, MA 02112-0087.



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10. What if I need an emergency waiver from the 10 working day notification requirement?

Contact the appropriate MassDEP regional office to determine if an emergency is warranted, and to receive an emergency waiver number. If MassDEP issues an emergency waiver, the construction/demolition operation may proceed. A Construction/Demolition Form and fee must still be submitted to MassDEP as described in Question #4. The Form should be submitted within one working day of the beginning of the construction or demolition operation that received the emergency waiver.

11. What can I do in avoiding the most common mistakes in submitting this notification?

- a. Fill in **all** information required on the Construction/Demolition AQ-06 Form. Filing the AQ-06 online via eDEP helps avoid common mistakes.
- b. For paper filers, make sure you attach the appropriate fee decal in the upper right hand corner of the Construction/Demolition Form.
- c. Make sure you print out a copy of the Construction/Demolition Form you file online. For paper filers, make sure you make a copy of the Form with the notification fee decal affixed to retain for your records or for use in the event that a revision must be submitted to MassDEP.
- d. If you have any questions about the Construction/Demolition Form, call the appropriate MassDEP Regional Office. Find your region: <http://mass.gov/dep/about/region/findyour.htm>

12. Where can I get copies of the regulations that apply to air quality and construction or demolition of structures?

MassDEP's regulations include, but are not limited to:

- Dust, Odor, Construction and Demolition Regulations, 310 CMR 7.09.
- Timely Action and Fee Provisions, 310 CMR 4.00.
- Administrative Penalty Regulations, 310 CMR 5.00.

MassDEP's regulations are available on MassDEP's website at www.mass.gov/dep. Official copies of MassDEP's and DOS's regulations 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



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Notification Prior to Construction or Demolition

Please Enter Decal #

Affix Notification Decal Here

A. Applicability

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A Construction or Demolition operation of an industrial, commercial, or institutional building, or residential building with 20 or more units is regulated by the Department of Environmental Protection (DEP), Bureau of Waste Prevention - Air Quality Division, under Regulations 310 CMR 7.09. Notification of Construction or Demolition operations is required under 310 CMR 7.09 (2) ten (10) days prior to any work being performed. The following information is required pursuant to 310 CMR 7.09.

B. General Project Description

1. Facility Information:

Name

Address

City/Town

State

Zip Code

Telephone Number

E-mail Address (optional)

Size:

Square Feet

Number of Floors

Was the facility built prior to 1980? Yes No

Describe the current or prior use of the facility:

Is the facility a residential facility? Yes No

If yes, how many units? _____

2. Facility Owner:

Name

Address

City/Town

State

Zip Code

Telephone Number (include area code and extension)

E-mail Address (optional)

On-site Manager

Instructions

1. All sections of this form must be completed in order to comply with the Department of Environmental Protection notification requirements of 310 CMR 7.09

2. Submit Original Form To:
**Commonwealth of Massachusetts
Asbestos Program
P.O. Box 120087
Boston, MA
02112-0087**



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B. General Project Description (cont.)

3. General Contractor:

Name

Address

City/Town

State

Zip Code

Telephone Number (include area code and extension)

E-mail Address (optional)

On-site Manager

C. General Construction or Demolition Description

General Statement: If asbestos is found during a Construction or Demolition operation, all responsible parties must comply with 310 CMR 7.00, 7.09, 7.15, and Chapter 21E of the General Laws of the Commonwealth. This would include, but would not be limited to, filing an asbestos removal notification with the Department and/or a notice of release/threat of release of a hazardous substance to the Department, if applicable.

1. Construction or demolition contractor:

Name

Address

Telephone Number (include area code and extension)

E-mail Address (optional)

On-site Manager

2. On-Site Supervisor:

Name

3. Is the entire facility to be demolished? Yes No

4. Describe the area(s) to be demolished:

5. If this is a construction project, describe the building(s) or addition(s) to be constructed:



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C. General Construction or Demolition Description (cont.)

6. If this is a demolition project, were the structure(s) surveyed for the presence of asbestos containing material (ACM)?

Yes No

If yes, who conducted the survey?

Name

Division of Occupational Safety Certification Number

7. Construction or Demolition

Start Date

End Date

8. For demolition and construction projects, indicate dust suppression techniques to be used:

seeding paving
 wetting shrouding
 covering other

If other, please specify:

9. For Emergency Demolition Operations, who is the DEP official who evaluated the emergency?

Name of DEP official

Title

Date of Authorization

DEP Waiver #

D. Certification

I certify that I have examined the above and that to the best of my knowledge it is true and complete. The signature below subjects the signer to the general statutes regarding a false and misleading statement(s).

Print Name

Authorized Signature

Position/Title

Representing

Date

P.E. #