



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

Tier I Response Action Permits

BWSC 01	Tier IA Permit
BWSC 02	Tier IB Permit
BWSC 03	Tier IC Permit
BWSC 10	Tier I Major Permit Modification
BWSC 20	Tier I Permit Extension
BWSC 30	Tier I Permit Transfer

Instructions and Supporting Materials

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Introduction

Obtain *BWSC Permit Applications* online and submit the application and attachments to MassDEP using an Internet browser. More information regarding online submittals may be found at <http://mass.gov/dep/service/online/gettings.htm>

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are also available for download from the MassDEP Web site at <http://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.



BWSC 01, 02, 03, 10, 20, 30 Permit Fact Sheet

1. What is the BWSC Tier I Permit program?

Under the MCP (310 CMR 40.0000), sites that have not been cleaned up within one year of notification to MassDEP must be scored using the MCP's Numerical Ranking System (NRS). The NRS ranks sites using specific criteria and a scoring system based on the existing and potential risks posed by the site to public health, natural resources and environmental receptors. Sites that score 350 or above, as well as sites that meet Tier I Inclusionary Criteria (e.g., are located within certain groundwater resource areas), are classified as Tier I disposal sites. These sites require a Tier I Permit to proceed with cleanup actions.

Tier I sites are categorized as Tier IA, Tier IB or Tier IC depending on the site's NRS score, other factors relating to the complexity of performing response actions, and the applicant's ability and willingness to go forward. Once a Tier I Permit has been obtained by a Responsible Party (RP), Potentially Responsible Party (PRP) or Other Person, the assessment and cleanup can proceed under the supervision of a Licensed Site Professional (LSP) employed by that party to oversee the work. MassDEP may at any time require an RP, PRP or Other Person to obtain MassDEP approval of specific response actions or submittals regardless of the classification of the site.

In general, disposal sites with an NRS score of less than 350 which do not meet the Tier I Inclusionary Criteria, are classified as Tier II and do not need a Tier I Permit. Work at Tier II sites also must be overseen by an LSP.

Response actions at any disposal site may require permits from other MassDEP programs.

2. Who must apply for a permit?

If a disposal site is classified as Tier I, the Responsible Party (RP) for the disposal site must apply for a Tier I Permit. A Potentially Responsible Party (PRP) or Other Person who wants to conduct response actions at a Tier I disposal site must also obtain a permit before proceeding with response actions.

3. When must I apply for a Tier I Permit?

For sites classified as Tier I, a Tier I Permit Application must be submitted to MassDEP within one year from the date MassDEP was initially notified that a release of oil or hazardous material occurred at a site, or within one year of the date MassDEP sends a Notice of Responsibility (NOR) to the RP or PRP for a release, whichever is earlier. MassDEP may also set interim deadlines for submittal of a Tier I Permit Application.

4. What information must be submitted with all Tier I Permit Applications?

As described in 310 CMR 40.0703, all Tier I Permit Applications must include:

- a. a MassDEP Transmittal Form for Permit Application and Payment;
- b. a completed MassDEP Permit Application Form for the appropriate permit category, including a Statement of Compliance History;
- c. signed certifications as required by 310 CMR 40.0009 and 310 CMR 40.0703(9)(a) and (10);
- d. the applicable permit application fee;
- e. the tearsheet(s) from the newspaper(s) containing the legal notice required by 310 CMR 40.0703(8)(a)1., with the date of the publication and name of the newspaper;
- f. a copy of the cover letters and notices required by 310 CMR 40.1403 to the Chief Municipal Officer(s) and Board(s) of Health;
- g. a Primary Representative Certification (for multiple applicants only); and
- h. a list of all Status Reports, Phase Reports, or Completion Statements as required by 310 CMR 40.0703(1)(j).



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Send the application fee to MassDEP in the manner described in Question 7. Send the original copy of the Transmittal Form and all other application materials to the appropriate MassDEP Regional Office. Find your region <http://www.mass.gov/dep/about/region/findyour.htm>

5. What additional information is required when applying for an initial Tier I Permit?

In addition to the general requirements in 310 CMR 40.0703 described above, an initial Tier I Permit Application must include a complete Tier Classification Submittal, as required by 310 CMR 40.0500, and an LSP Opinion.

Additional information required for Applications for Tier I Permit Transfers, Extensions and Major Modifications can be found in the MCP at 310 CMR 40.0705, 40.0706 and 40.0707, respectively.

6. What is considered to be an incomplete application?

The application is considered incomplete if all of the required information and the applicable fee are not submitted to MassDEP. If MassDEP notifies you that the application is incomplete during the permit review period, you have an opportunity to complete it. If you subsequently do not provide the required information, MassDEP will consider the permit application to be withdrawn.

7. What is the application fee and how do I pay?

Permit application fees are:

Permit Category	Standard Fee	Homeowner Fee*
BWSC 01 Initial Tier IA Permit	\$3,550	\$500
BWSC 02 Initial Tier IB Permit	\$3,550	\$500
BWSC 03 Initial Tier IC Permit	\$3,550	\$500
BWSC 10 Tier I Major Permit Modification	\$1,200	\$250
BWSC 20 Tier I Permit Extension	\$1,200	\$250
BWSC 30 Tier I Permit Transfer	\$1,200	\$250

* A completed Homeowner Certification Transmittal Form (BWSC120) must be submitted to MassDEP in order to qualify for the reduced fee. Obtain Form BWSC120 online and submit to MassDEP through your Internet browser. Form BWSC120 is also available on MassDEP's web site at <http://mass.gov/dep/cleanup/approvals/trforms.htm#trans>

If you are submitting a Major Permit Modification, Permit Extension and/or Permit Transfer for a single disposal site concurrently, you are only required to pay one application fee.

Payment should be made in the form of a check or money order made payable to *Commonwealth of Massachusetts*. **Do not send cash**. One copy of the Transmittal Form for Permit Application <http://mass.gov/dep/service/online/trasmfrm.shtml> must accompany the check and be forwarded to the following address:

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

Do not send any application materials to this address. Send the original copy of the Transmittal Form and other application materials to the appropriate MassDEP Regional Office. Find your region <http://www.mass.gov/dep/about/region/findyour.htm>



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8. What other fees will be required for a 21E response action?

Prior to Tier Classification, a one-time Annual Compliance Assurance Fee (ACF) of \$800 is required to be paid for each Release Abatement Measure (RAM) Plan submitted and a one-time ACF of \$1,200 may be required to be paid for each Response Action Outcome (RAO) Statement submitted.

If a site does not achieve a Response Action Outcome (RAO) within one year of notification and is classified as Tier I or Tier II, or if it is deemed a Tier ID site (formerly default Tier IB), an Annual Compliance Assurance Fee (ACF) will be assessed for the duration of the response actions at the disposal site. Annual Compliance Assurance Fees are billed to the permit holder or primary representative if there are multiple permittees. The fees vary according to a site's classification:

Category	Fee for Billable Years	Fee for Billable Years	Homeowner Fee*
	Ending Before June 27, 2003	Ending On or After June 27, 2003	
Tier IA Site	Actual Cost	\$5,000	\$1,000
Tier IB Site	\$2,600	\$4,000	\$1,000
Tier IC Site	\$1,950	\$3,000	\$1,000
Tier ID Site	\$2,600	\$4,000	\$2,000
Tier II Site	\$1,300	\$2,000	\$1,000

* A completed Homeowner Certification Transmittal Form (BWSC120) must be submitted to MassDEP in order to qualify for the reduced fee. Obtain Form BWSC120 online and submit to MassDEP through your Internet browser. Form BWSC120 is also available on MassDEP's web site at <http://mass.gov/dep/cleanup/approvals/trforms.htm#trans>

Once a Tier I or Tier II disposal site reaches certain points in the cleanup process, a lower fee will be assessed:

Category	Fee for Billable Years	New Fee
	Ending Before June 27, 2003	
Phase V Operation, Maintenance and/or Monitoring (including Remedy Operation Status)	\$500	\$800
Post-RAO Class C Disposal Site	\$500	\$800

Statements for Annual Compliance Assurance Fees for all Tier I and Tier II disposal sites will be sent to the RP, PRP and/or Other Person conducting response actions for each billable year, up to and including the year in which a Class A or B RAO Statement is filed with MassDEP. However, if a Tier Classification Submittal (and Tier I Permit Application, if applicable) is submitted to MassDEP within the first 12 months from notification, the first year's Annual Compliance Assurance Fee will not be assessed.

9. How many permits will MassDEP issue for a disposal site?

Generally, if a disposal site consists of one property, MassDEP will issue only one Tier I Permit. If a disposal site consists of more than one property, RPs, PRPs, or Other Persons may choose to individually apply for separate permits for each of their respective properties, or apply for one permit for the entire disposal site (see Question 10 below). If multiple discrete disposal sites are located on a single parcel of land, RPs, PRPs or Other Persons may choose to individually apply for separate permits for each discrete disposal site, or apply for one permit to address the disposal sites on the property as a whole.



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10. May more than one RP, PRP, or Other Person apply for a single permit?

Yes. Whether a disposal site consists of one property or more than one property, RPs, PRPs or Other Persons may join together as a group and apply for one multiple-party permit covering cleanup activities at the disposal site.

Whenever multiple parties apply jointly for one permit, they must designate a Primary Representative.

11. What is a Primary Representative?

The Primary Representative of a multiple-party permit is the person who has been designated and authorized by the permit applicants to act on their behalf to receive oral and written correspondence from MassDEP regarding the Tier I Permit Application, subsequent response actions under the permit, and fee statements.

12. What Response Actions can be conducted without a Tier I Permit?

Response actions at the following types of sites do not require a Tier I Permit:

- a. Tier II disposal sites;
- b. disposal sites that qualify as "adequately regulated" pursuant to 310 CMR 40.0110; and
- c. disposal sites where MassDEP is conducting response actions.

In addition, Preliminary Response Actions do not require a Tier I Permit (although specific MassDEP approval may be needed). These are:

- a. Initial Site Investigation Activities;
- b. Immediate Response Actions (IRAs);
- c. Release Abatement Measures (RAMs); and
- d. Utility Related Abatement Measures (URAMs).

13. What Comprehensive Response Actions may be conducted while the Tier I Permit Application is being processed?

The applicant may initiate or continue Phase II and/or Phase III Comprehensive Response Actions pursuant to 310 CMR 40.0830 and 40.0850, respectively, at a disposal site during the period after a Tier I Permit Application has been submitted and prior to its approval.

14. Where can I get a copy of the timelines?

The timelines are available on the MassDEP Website: www.mass.gov/dep/service/online/fees.htm

15. When does a Tier I Permit become effective and for how long are such permits in effect?

A Tier I Permit is effective:

- a. 45 days from the date the complete Tier I Permit application is received by MassDEP and presumptively approved;
- b. on the date MassDEP issues its written approval of the Tier I Permit with conditions;
- c. 45 days from the date MassDEP issues a Notice of Extended Review; or
- d. on the date MassDEP issues its written approval of the Permit after an agreed upon extended review period.

Generally, initial Tier I Permits are effective for five years and Permit Extensions for two years. Permit Modifications and Transfers are effective for the duration of the original permit being modified or transferred.



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16. What types of decisions can MassDEP make on a Tier I Permit Application?

MassDEP can make several types of permit decisions following its review of a Permit Application. MassDEP may:

- a. presumptively approve the permit;
- b. deny the permit; or
- c. approve the permit with conditions.

MassDEP also may determine that the disposal site does not require a permit, because it is more appropriately classified as a Tier II disposal site.

17. What are "Permit Conditions"?

The MCP (310 CMR 40.0740) establishes standard permit conditions that apply to all Tier I Permits. In addition, MassDEP may establish other site-specific conditions as necessary to ensure the appropriate level of MassDEP oversight of response actions.

18. Can I request an Adjudicatory Hearing if I disagree with a permit decision?

Any person who disagrees with a permit decision issued by MassDEP may request an adjudicatory hearing if the decision:

- a. denies a permit without the applicant's consent;
- b. issues a permit for a higher Tier Classification than proposed by the applicant's LSP without the applicant's consent; or
- c. issues a permit imposing site-specific conditions with which the applicant has not agreed.

19. When must I submit a Tier I Permit Modification Application?

Major Permit Modification Applications are required to:

- a. upgrade a Tier IC disposal site to a Tier IB or IA; or a Tier IB disposal site to a Tier IA;
- b. downgrade a Tier IA disposal site to Tier IB or IC; or a Tier IB disposal site to a Tier IC;
- c. reclassify a Tier I disposal site as a Tier II; or
- d. request the modification of terms/conditions of a Tier I Permit other than those changes requiring a "minor permit modification".

Minor Permit Modification Submittals are required to:

- a. correct typographical errors in an existing permit;
- b. change the Permittee's name or address;
- c. change the LSP of Record;
- d. change the Primary Representative;
- e. address omissions which do not materially affect the nature or complexity of the permitted response actions which need to be conducted at the disposal site; or
- f. add one or more RPs, PRPs or Other Persons as permittees.

Note: Minor Permit Modifications must be submitted to MassDEP in writing using the Tier I Minor Permit Modification Transmittal Form (BWSC109) and include, if required, an LSP Opinion describing the reasons for the requested modifications and/or the certification required by 310 CMR 40.0009.

20. Can my Tier I Permit be suspended or revoked?



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MassDEP may suspend or revoke a Tier I Permit for several reasons, including: a violation of any permit term or condition, failure to pay Annual Compliance Assurance Fees, submittal of false or misleading information, and a violation of 310 CMR 40.0000 or other applicable law(s) or regulation(s).

21. Are Tier I Permits transferrable?

Yes. A Tier I Permit may be transferred once MassDEP reviews a completed Permit Transfer Application and approves the Permit Transfer.

22. When will the Tier I Permit requirements be considered fulfilled?

The MCP requires that a Response Action Outcome Statement must be submitted within five years of the effective date of the permit, unless other deadlines are established in the permit. If needed, a Permit Extension can be applied for to extend the permit for two years.

23. How do I complete MassDEP's Transmittal Form for a Tier I Permit Application?

Please follow these instructions when filling out the *Transmittal Form for Permit Application and Payment*.

Section A Permit Information

The Permit Code numbers listed below should be used when applying for Tier I Permits from MassDEP's Bureau of Waste Site Cleanup.

Permit Code	Name of Permit Category
BWSC 01	Tier IA Permit
BWSC 02	Tier IB Permit
BWSC 03	Tier IC Permit
BWSC 10	Tier I Major Permit Modification
BWSC 20	Tier I Permit Extension
BWSC 30	Tier I Permit Transfer

Note: At "Type of Project or Activity", write "Permit to Proceed with Response Actions".

Section B Applicant Information

Provide requisite information for the RP, PRP, or Other Person. For multiple applicants, use the Primary Representative's Name, Address and Telephone Number.

Section C Facility, Site or Individual Requiring Approval

For "Name of Facility, Site or Individual," use the disposal site name, if known; otherwise, use the company or organization's name. For disposal sites listed in MassDEP's 1993 *Transition List of Confirmed Disposal Sites and Locations To Be Investigated* (or addenda), use the name on the List. Provide the requisite information for the disposal site. Include the disposal site's Release Tracking Number in the space provided.

Section D Application Prepared By

The Licensed Site Professional (LSP) who is preparing the Permit Application places his or her name in this section.

Section F Amount Due



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The Tier I Permit Application fees are listed in Question 7 above. Two Special Provision Categories - Fee Exempt and Alternative Schedule Project Request - are not applicable for Tier I Permit Applications. Therefore, Massachusetts State Agencies, cities, towns, counties, districts, and municipal housing authorities **must pay a fee** for Tier I Permit Applications. For applicants that are Homeowners as defined in 310 CMR 4.02, the application fee may be reduced if the party has filed a Homeowner Certification Form (BWSC120) with MassDEP.

24. What are the statute and regulations that apply to these permits? Where can I get copies?

These statute and regulations include, but are not limited to:

- a. The Massachusetts Superfund Law, M.G.L. c. 21E (amended).
- b. The Massachusetts Contingency Plan, 310 CMR 40.0000.
- c. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

Copies are available online on our web site at <http://mass.gov/dep> or may be purchased at:

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

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



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

Tier I Response Action Permits

BWSC 01	Tier IA Permit
BWSC 02	Tier IB Permit
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BWSC 10	Tier I Major Permit Modification
BWSC 20	Tier I Permit Extension
BWSC 30	Tier I Permit Transfer

Application Completeness Checklist

- A MassDEP *Transmittal Form for Permit Application and Payment* is properly completed:
<http://mass.gov/dep/service/online/trasmfrm.shtml>
- An *Initial Application for Tier I Permit* or *Application for Supplemental Tier I Permit Actions* is properly completed.

Certifications/Signatures/LSP Opinions

- The Certification of Submittals, Statement of Ability and Willingness and Certification of Remittance of Permit Application Fee are signed by **all** applicants and attached.
- If applicable, the certification of the Primary Representative is signed.
- If filing a Permit Transfer, the consent of both the transferor and transferee are signed.
- A signed LSP Opinion regarding the information contained in this application is included.
- If modifying the terms or conditions of a permit, a signed LSP Opinion as to why the permit terms or conditions are no longer necessary or appropriate is included.

Reports and Other Submittals

- For Initial Permits and Major Permit Modifications that reclassifies a site, a Tier Classification Submittal is attached.
- The Compliance History pursuant to 310 CMR 40.0703(9)(b) is completed by **all** applicants and attached.
- A list of all Status Reports, Phase Reports or Completions Statements for any response actions that are in progress or have been completed at the disposal site is attached.
- For response actions that are in progress, a description of the current status and projected schedule for completion of such response actions is included.
- If filing a Permit Transfer, a statement as to why the transfer is sought is attached.
- If filing a Permit Extension, a statement as to why the extension is sought is attached.
- The tearsheet(s) from the newspaper(s) containing the legal notice required by 310 CMR 40.0703(8)(a)1., with the date of the publication and name of the newspaper is attached.
- A copy of the cover letter and notices submitted to the Chief Municipal Officer(s) and Board(s) of Health in the community(ies) in which the disposal site is located or in any other community(ies) which is, or is likely to be affected by the disposal site required by 310 CMR 40.0703(8)(a)2. are included.



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BWSC 03	Tier IC Permit
BWSC 10	Tier I Major Permit Modification
BWSC 20	Tier I Permit Extension
BWSC 30	Tier I Permit Transfer

Application Completeness Checklist

To submit the application package:

- Send one copy of the application along with the original copy of the MassDEP *Transmittal Form for Permit Application and Payment* to:

Department of Environmental Protection
 _____ * **Regional Office**

Bureau of Waste Site Cleanup

* Find your region <http://www.mass.gov/dep/about/region/findyour.htm>

- Send the appropriate application fee (see table below) in the form of check or money order made payable to *Commonwealth of Massachusetts*, along with one copy of the MassDEP *Transmittal Form for Permit Application and Payment* to:

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

Permit Category	Standard Fee	Homeowner Fee*
BWSC 01 Initial Tier IA Permit	\$3,550	\$500
BWSC 02 Initial Tier IB Permit	\$3,550	\$500
BWSC 03 Initial Tier IC Permit	\$3,550	\$500
BWSC 10 Tier I Major Permit Modification	\$1,200	\$250
BWSC 20 Tier I Permit Extension	\$1,200	\$250
BWSC 30 Tier I Permit Transfer	\$1,200	\$250

* A completed Homeowner Certification Transmittal Form (BWSC120) must be submitted to MassDEP in order to qualify for the reduced fee. Obtain Form BWSC120 online and submit to MassDEP through your Internet browser. Form BWSC120 is also available on MassDEP's web site at <http://mass.gov/dep/cleanup/approvals/trforms.htm#trans>



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BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

Transmittal Number _____

Release Tracking Number _____

A. Disposal Site Information

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



- 1. Check here if there is more than one applicant. (A Primary Representative must be listed in Section B and each applicant must fill out Sections C, D and E.)
- 2. Which category of supplemental Tier I permit actions are you applying for? (Check all that apply.)
 - a. Major Permit Modification (BWSC 10)
 - b. Permit Extension (BWSC 20)
 - c. Permit Transfer (BWSC 30)
 - d. Check here if applicant is a Homeowner pursuant to 310 CMR 4.02. A Homeowner Certification (BWSC120) must be submitted in order to qualify for the homeowner application fee.
- 3. Current permit category:
 - a. Tier IA (BWSC 01)
 - b. Tier IB (BWSC 02)
 - c. Tier IC (BWSC 03)
 - d. Transition Tier IA (BWSC 04)
 - e. Transition Tier IB (BWSC 05)
 - f. _____
Permit Number

Note:
 1. In the case of a permit transfer, the applicant is the transferee, or the individual requesting that the permit be transferred to his/her name.

2. If more than one category of supplemental Tier I permit action is being submitted concurrently, only one application fee is required.

- 4. a. _____
Disposal Site Name
- b. _____
Street
- c. _____
City/Town
- d. _____
State
- e. _____
Zip Code
- 5. List other release tracking number(s) that is(are) the subject of this permit application.

Release Tracking Number (RTN)

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

6. If the applicant is filing a Major Permit Modification, select the modification type being sought:

- a. Request for change in permit category. By checking this you are also certifying that a completed, revised Numerical Ranking System (NRS) Score Form and LSP Tier Classification Opinion prepared in accordance with 310 CMR 40.0510(3) is attached.

Revised Numerical Ranking System (NRS) Score

- i. Downgrade Tier IA to Tier IB
- ii. Downgrade Tier IA to Tier IC
- iii. Downgrade Tier IB to Tier IC
- iv. Downgrade to Tier II
- v. Upgrade Tier IB to Tier IA
- vi. Upgrade Tier IC to Tier IA
- vii. Upgrade Tier IC to Tier IB
- b. Request modifications to terms or conditions of permit. By checking this you are also certifying that a LSP Opinion as to why specific permit terms or conditions are no longer necessary or appropriate is attached. Include reports, as appropriate, detailing any new or additional information to justify the modification(s) to the permit terms or conditions being sought.



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BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
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Transmittal Number

Release Tracking Number

A. Disposal Site Information (cont.)

7. If the applicant is filing a Permit Extension, select the reason for extending the permit: (check one)

- a. An extension is necessary to initiate or continue Comprehensive Response Actions at the site to achieve a Response Action Outcome (RAO). By checking this you are also certifying that a statement describing why the extension is sought is attached. Include a schedule for completing all work at the site and a summary of all response actions performed to date, including all phase work.

- b. An extension is necessary to conduct response actions at the site after a Response Action Outcome (RAO) has been submitted to DEP.
 - i. Select the RAO class filed for the disposal site: A3 A4 B2 B3 C

 - ii. Select the reason for conducting response actions after a RAO: (check one)
 - Implement a Permanent Solution at a disposal site where a Class C RAO has been filed.
 - Implement response actions pursuant to 310 CMR 40.1080 at a disposal site where an Activity and Use Limitation is in place in order to maintain No Significant Risk.
 - Conduct further response actions at a disposal site where an Activity and Use Limitation is in place in order to withdraw such Limitation in order to allow certain site uses or activities which are prohibited pursuant to the existing Activity and Use Limitation.
 - Implement response actions after a Periodic Evaluation conducted pursuant to 310 CMR 40.0580(1) reveals that more substantial response actions are required to maintain the Temporary Solution at such disposal site other than those that may be conducted for normal maintenance of the Class C RAO pursuant to a post-Class C RAO Operation Maintenance and/or Monitoring Plan pursuant to 310 CMR 40.0896.



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BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

Transmittal Number _____

Release Tracking Number _____

B. Primary Representative Information

Note:

1. Complete this section only if there is a **change in the Primary Representative** or if you have not previously furnished this information to DEP.

2. If there is **only one** applicant, you do not need to complete this section.

3. If there is **more than one** applicant, then the Primary Representative should complete this section.

4. The **Primary Representative** for multiple applicants will receive the annual compliance assurance fee statement for the disposal site.

1. Primary Representative:

a. Is the Primary Representative also an applicant? i. Yes ii. No

b. _____
 Name of Organization

c. _____
 Name

d. _____
 Title

e. _____
 Street

f. _____
 City/Town

g. _____ State h. _____ Zip Code

i. _____
 Telephone

j. _____
 E-mail (optional)

k. _____
 Contact Name (if different)

l. _____
 Contact Telephone

2. Primary Representative Certification:

I attest under the pains and penalties of perjury that I am fully authorized to act on behalf of all persons submitting this permit application for the following purposes: (i) to receive oral and written correspondence from DEP with respect to this application; (ii) to receive oral and written correspondence from DEP with respect to the performance of response actions conducted pursuant to the Tier I permit; and (iii) to receive any statement of fee required by 310 CMR 4.03(3) associated with the Tier I permit. I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information.

a. _____
 Name (Print)

b. _____
 Position or Title

c. _____
 Signature

d. _____
 Date



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Transmittal Number _____

Release Tracking Number _____

C. Applicant Information

Note:

1. All applicants must complete this section. Where there is more than one **Applicant**, make copies of this page, have each applicant provide this information, and then attach all copies to this application.

2. The applicant, or the Primary Representative for more than one applicant, will receive the annual compliance assurance fee statement for the disposal site.

1. Applicant:

a. _____
Name of Organization

b. _____ c. _____
Applicant Name Title

d. _____
Street

e. _____ f. _____ g. _____
City/Town State Zip Code

h. _____ i. _____
Telephone E-mail (optional)

j. _____ k. _____
Contact Name (if different) Contact Telephone

2. Type of Applicant (check **one**):

- a. Individual
- b. Sole proprietorship
- c. Partnership
- d. Corporation
- e. Realty trust
- f. State authority
- g. Municipality
- h. State agency
- i. Federal agency
- j. Other, please specify: _____

3. Relationship of applicant to disposal site (check all that apply):

- a. Current owner (as defined in Section 5(a)(1) of M.G.L. c 21E)
- b. Current operator (as defined in Section 5(a)(1) of M.G.L. c 21E)
- c. Past owner (as defined in Section 5(a)(2) of M.G.L. c 21E)
- d. Past operator (as defined in Section 5(a)(2) of M.G.L. c 21E)
- e. Generator (as defined in Section 5(a)(3) of M.G.L. c 21E)
- f. Transporter (as defined in Section 5(a)(4) of M.G.L. c 21E)
- g. Other legally responsible party (as defined in Section 5(a)(5) of M.G.L. c 21E)
- h. Other person (as defined in 310 CMR 40.0006(10))

4. Check here to certify that additional copies of Sections C, D and E are attached to this application.



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D. Applicant's Compliance History

Note:
 Each applicant must complete this section. For disposal sites with more than one **Applicant**, make copies of this section, have each applicant complete this information, and then attach all copies to this application.

1. Check here to certify that a statement further describing the applicant's compliance history is attached.

This statement must describe the applicant's history of compliance with DEP's requirements, including, but not limited to, M.G.L. c. 21E, 310 CMR 40.0000, and other laws for the protection of health, safety, public welfare and the environment administered or enforced by federal, state and local government agencies, that are material to the disposal site. Such a statement should identify information such as: action(s) material to the disposal site taken by DEP to enforce its requirements including, but not limited to Notice of Noncompliance (NON), Notice of Intent to Assess Civil Administrative Penalty (PAN), administrative enforcement order, Notice of Responsibility (NOR), Notice of Intent to Take Response Action (NORA); Administrative Consent Order; Judicial Consent Judgment; similar administrative actions taken by other states, federal, or local agencies; and/or civil or criminal actions material to the disposal site brought on behalf of DEP or other federal, state, or local agencies and any additional information relevant to the applicant's history of compliance. For each action identified, give the name of the issuing authority and identification number, if available, and a description of the noncompliance cited, the current status of the matter, and final disposition, if any.

2. Check here if a statement of the applicant's compliance history was previously submitted, and there has been no change in that person's compliance history.

3. List all other DEP permits or licenses held by the applicant that are material to this disposal site:

Program	Permit Code	Permit Category	Facility ID
a. Air Quality	_____	_____	_____
b. Hazardous Waste (M.G.L. c. 21C)	_____	_____	_____
c. Solid Waste	_____	_____	_____
d. Industrial Wastewater Management	_____	_____	_____
e. Water Supply	_____	_____	_____
f. Water Pollution Control: Surface Water	_____	_____	_____
g. Water Pollution Control: Groundwater	_____	_____	_____
h. Water Pollution Control: Sewer Connection	_____	_____	_____
i. Wetlands & Waterways	_____	_____	_____

4. List all other permits, licenses, certifications, registrations, variances, or other approvals issued by other federal, state, or local authorities and held by applicant that are material to this disposal site:

Issuing Authority	Identification Number	Date Issued
a. _____	_____	_____
b. _____	_____	_____
c. _____	_____	_____



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E. Applicant Certifications

1. Certification of Submittal

I attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this submittal, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the person or entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

2. Statement of Ability and Willingness

I attest under the pains and penalties of perjury that (i) I/the person(s) or entity(ies) on whose behalf this submittal is made has/have personally examined and am/is familiar with the requirements of M.G.L. c. 21E and 310 CMR 40.0000; (ii) based upon my inquiry of the/those Licensed Site Professional(s) employed or engaged to render Professional Services for the disposal site which is the subject of this permit application and of the person(s) or entity(ies) on whose behalf this submittal is made, and my/that person's(s') or entity's(ies') understanding as to the estimated costs of necessary response actions, that/those person(s) or entity(ies) has/have the technical, financial and legal ability to proceed with response actions for such site in accordance with M.G.L. c. 21E, 310 CMR 40.0000 and other applicable requirements; and (iii) that I am fully authorized to make this attestation on behalf of the person(s) or entity(ies) legally responsible for this submittal. I/the person(s) or entity(ies) on whose behalf this submittal is made is aware of the requirements in 310 CMR 40.0172 for notifying the Department in the event that I/the person(s) or entity(ies) on whose behalf this submittal is made and/is(are) unable to proceed with the necessary response actions.

3. Certification of Remittance of Permit Application Fee

I attest under the pains and penalties of perjury that, on or before the date of submittal of this permit application to the Department, I remitted, or caused to be remitted, the applicable permit fee payable in accordance with 310 CMR 4.00.

4. Terms and Conditions Consent (if the applicant is filing a Permit Transfer)

I understand that this is a permit to proceed with response actions required under 310 CMR 40.0000 and agree to conduct all response actions pursuant to the terms and conditions of any and all Department approvals that are in effect on October 1, 1993 as well as all future response actions at the disposal site which are not subject to an existing Department approval in accordance with the provisions of 310 CMR 40.0000. I also understand and agree to all of the permit conditions set forth in 310 CMR 40.0740 and any other conditions included with the Permit. I will not proceed with response actions at the subject site until I receive Department approval of this permit transfer.

5. Applicant/Transferee Acceptance

- a. _____
Name (Print)
- b. _____
Position or Title
- c. _____
Signature
- d. _____
Date

Note:
 Each applicant must complete this section. For disposal sites with more than one **Applicant**, make copies of this page, have each applicant complete this information, and then attach all copies to this application.



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F. Transferor Information and Certification

Note:

1. The transferor is the current permittee who is transferring the permit to a new permittee.
 2. Each current permittee/transferor must complete this section. For disposal sites with more than one current permittee/transferor, make copies of this page, have each current permittee/transferor complete this information, and then attach all copies to this application.

1. If the applicant is filing a Permit Transfer, please fill out the following information on the current permittee (the transferor):

a. _____
 Name of Organization

b. _____ c. _____
 Name Title

d. _____
 Street

e. _____ f. _____ g. _____
 City/Town State Zip Code

h. _____ i. _____
 Telephone E-mail (optional)

j. _____ k. _____
 Contact Name (if different) Contact Telephone

2. Permit Transfer Consent:

I hereby consent to the transfer of my Tier I Permit for the Disposal Site/Release Tracking Number(s) stated in Section A of this application to the proposed transferee(s) designated in Section C of this application. I understand that I am still responsible for conducting all response actions required by M.G.L. c. 21E and 310 CMR 40.0000 until the Department has approved this application.

a. _____
 Name (Print)

b. _____
 Position or Title

c. _____
 Signature

d. _____
 Date

3. Check here if there is more than one transferor and additional copies of this certification are attached to this application.

4. Check here to certify that a statement as to why the permit transfer is being sought is attached.



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G. Required Technical Submittals with Application

1. Please indicate which of the following response actions are in progress or have been completed at this disposal site at the time of this application:

Response Actions	Completed	In Progress
a. Limited Removal Action (LRA)	<input type="checkbox"/>	
b. Immediate Response Action (IRA)	<input type="checkbox"/>	<input type="checkbox"/>
c. Release Abatement Measure (RAM)	<input type="checkbox"/>	<input type="checkbox"/>
d. Utility Related Abatement Measure (URAM)	<input type="checkbox"/>	<input type="checkbox"/>
e. Phase I Initial Site Investigation	<input type="checkbox"/>	<input type="checkbox"/>
f. Phase II Comprehensive Site Assessment	<input type="checkbox"/>	<input type="checkbox"/>
g. Phase III Identification, Evaluation and Selection of Comprehensive Remedial Action Alternatives	<input type="checkbox"/>	<input type="checkbox"/>
h. Phase IV Implementation of the Selected Remedial Action Alternative (Remedy Implementation Plan only)	<input type="checkbox"/>	<input type="checkbox"/>
i. _____ Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

2. Please indicate which of the following Status Reports, Phase Reports, or Completion Statements have been prepared for response actions that are in progress or have been completed at the disposal site at the time of this application.

Document	Previously Submitted	Submitted with this Application	Projected Date for Completion
a. Bill(s) of Lading	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. Immediate Response Action (IRA) Plan(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
c. IRA Status Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
d. IRA Completion Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
e. Release Abatement Measure (RAM) Plan(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
f. RAM Status Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
g. RAM Completion Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
h. Utility-Related Abatement Measures (URAM)	<input type="checkbox"/>	<input type="checkbox"/>	_____

Note:
 For response actions in progress, attach a statement of description of the current status and projected schedule for completion of such response actions.



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G. Required Technical Submittals with Application (cont.)

Document	Previously Submitted	Submitted with this Application	Projected Date for Completion
i. URAM Status Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
j. URAM Completion Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
k. Phase I Report and Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	_____
l. Phase II Scope of Work	<input type="checkbox"/>	<input type="checkbox"/>	_____
m. Phase II Report and Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	_____
n. Phase III Remedial Action Plan and Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	_____
o. Phase IV Remedy Implementation Plan (RIP)	<input type="checkbox"/>	<input type="checkbox"/>	_____
p. Phase IV As-Build Construction Report	<input type="checkbox"/>	<input type="checkbox"/>	_____
q. Phase IV Final Inspection Report and Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	_____
r. Phase V Operation Maintenance and/or Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	_____
s. Remedy Operation Status (ROS)	<input type="checkbox"/>	<input type="checkbox"/>	_____
t. Response Action Outcome (RAO) Statement	<input type="checkbox"/>	<input type="checkbox"/>	_____
u. _____ Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	_____

H. Licensed Site Professional Opinion

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this submittal, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and 309 CMR 4.03(2), and (iii) the provisions of 309 CMR 4.03(3), to the best of my knowledge, information and belief, this application was developed in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000. I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

1. _____
License Number
2. _____
LSP Name (Print)
3. _____
Date
4. _____
Telephone
5. _____
LSP Signature
6. LSP Seal:

