

INSTRUCTIONS FOR NEWSPAPER PUBLIC NOTICES OF RESPONSE ACTION STATUS

Introduction

M.G.L. c. 21E and the Massachusetts Contingency Plan (310 CMR 40.0000, the "MCP") require that the public be informed about specific response action milestones at disposal sites and the opportunities to comment on such response actions. The MCP specifies that public notices be published "in a form established by the Department for such purpose." This package contains the forms established by MassDEP for the newspaper public notices required under the MCP. These notices must be used to announce:

- 1) Classification of a site as Tier I and Tier I Permit Application
- 2) Application for a Major Permit Modification
- 3) Application for a Tier I Permit Transfer
- 4) Application for a Tier I Permit Extension
- 5) Classification of a site as Tier II
- 6) Public Involvement Plan Meeting
- 7) Recording/Registering of an Activity and Use Limitation
- 8) Recording/Registering an Amendment, Release or Termination of an Activity and Use Limitation

General Instructions for Newspaper Public Notices

➤ For each notice, site-specific information must be inserted into the form at specific locations. These locations are noted in **bold type**. All site-specific information must be typed (newspapers do not generally accept public notices that are not typed).

- In the title block, the specific **SITE NAME, SITE ADDRESS, RELEASE TRACKING NUMBER** and **PERMIT NUMBER** (where applicable) must be inserted.
- Additional site-specific information must be entered into or selected from the bolded brackets ([]), as appropriate. This information includes the type of site classification, dates of submittals, deadlines for public comments, names and addresses of the applicant, person conducting the response action and Licensed Site Professional(s), and the location and contact information for the appropriate DEP Regional Office (See the following link for MassDEP regional office listings www.mass.gov/dep/about/regional.htm)

➤ All public notices must be published in a newspaper that circulates in the community(ies) in which the disposal site is located. Public notices must also be published in newspapers that circulate in any other communities that are (or are likely to be) affected by the disposal site. Either daily or weekly newspapers may be selected. The choice of newspaper should consider the area in which the newspaper circulates to ensure that the public notice will be available in the community(ies) in which the disposal site is located and in communities that are (or are likely to be) affected by the disposal site.

➤ Pursuant to 310 CMR 40.1403(2)(b), the public notice should be published as an advertisement in the local news section of the newspaper, unless the cost of the advertisement exceeds the cost of a legal notice of comparable size by 20% or more OR the newspaper refuses to publish the notice as

an advertisement.

- Copies of all public notices must be sent within specific timeframes to the appropriate MassDEP Regional Office, and to the chief municipal officer and board of health for the community in which the disposal site is located.

It is important that you consult the MCP at 310 CMR 40.0703 through 40.0707, 310 CMR 40.1403 and 310 CMR 40.1405 for detailed information about the public notices covered in this package.

Additional Information Required in Public Notices

- Several public notices in this package require that additional site-specific information be inserted where the diamond symbol (◆) is located. This information pertains to specific response actions (e.g., alteration of a permit) and their rationale.

(FORM #1)

**NOTICE OF INITIAL SITE INVESTIGATION AND
TIER I PERMIT APPLICATION**

**[SITE NAME]
[SITE ADDRESS]
[RELEASE TRACKING NUMBER]**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. To evaluate the release, a Phase I Initial Site Investigation was performed pursuant to 310 CMR 40.0480. As a result of this investigation, the proposed permit category for the site is Tier I **[A, B, C]** pursuant to 310 CMR 40.0500.

On **[DATE]**, **[NAME OF APPLICANT]** intends to file an Initial Tier I **[A, B, C]** Permit Application with the Department of Environmental Protection (MassDEP) pursuant to 310 CMR 40.0703 and 40.0704. A permit is required to perform Comprehensive Response Actions at Tier I sites.

Anyone interested in reviewing the Initial Tier I Permit Application should contact **[NAME OF APPLICANT OR APPLICANT'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER]** to request a copy of the Application. Written comments related to this Application must be submitted within 20 days of the publication of this notice to: (1) **[MassDEP, REGIONAL OFFICE ADDRESS]** by mail or by hand delivery during normal business hours; and (2) **[NAME OF APPLICANT OR APPLICANT'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS]**. Failure to provide written comments as set forth herein may affect your right, if any, to challenge MassDEP's permit decision.

The Application and the disposal site file can be reviewed at **[MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER]**.

Additional public involvement opportunities are available under 310 CMR 40.1403(9) and 310 CMR 40.1404.

(FORM #2)

**NOTICE OF APPLICATION FOR
A MAJOR PERMIT MODIFICATION**

**[SITE NAME]
[SITE ADDRESS]
[RELEASE TRACKING NUMBER]
[PERMIT NUMBER]**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. The permit category for the site is Tier I **[A, B, C]** pursuant to 310 CMR 40.0500. On **[DATE]**, **[NAME OF APPLICANT]** intends to file an Application for a Major Permit Modification with the Department of Environmental Protection (MassDEP) pursuant to 310 CMR 40.0703 and 40.0707. The Application will propose the following modifications to the existing permit and the rationale for the modifications:

- ◆
- ◆
- ◆

Anyone interested in reviewing the Application for a Major Permit Modification should contact **[NAME OF APPLICANT OR APPLICANT'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER]** to request a copy of the Application. Written comments related to this Application must be submitted within 20 days of the publication of this notice to: (1) **[MassDEP, REGIONAL OFFICE ADDRESS]** by mail or by hand delivery during normal business hours; and (2) **[NAME OF APPLICANT OR APPLICANT'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS]**. Failure to provide written comments as set forth herein may affect your right, if any, to challenge MassDEP's permit decision.

The Application and the disposal site file can be reviewed at **[MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER]**.

Additional public involvement opportunities are available under 310 CMR 40.1403(9) and 310 CMR 40.1404.

(FORM #3)

NOTICE OF APPLICATION FOR A TIER I PERMIT TRANSFER

[SITE NAME]
[SITE ADDRESS]
[RELEASE TRACKING NUMBER]
[PERMIT NUMBER]

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On [DATE], the Department of Environmental Protection (MassDEP) issued a Tier I [A, B, C] Permit to [NAME OF APPLICANT] for Comprehensive Response Actions at the site. On [DATE], [NAME OF APPLICANT] intends to file an Application for a Tier 1 Permit Transfer with MassDEP pursuant to 310 CMR 40.0703 and 40.0705. This Application will seek to transfer the permit to [NAME].

Anyone interested in reviewing the Application for a Tier 1 Permit Transfer should contact [NAME OF APPLICANT OR APPLICANT'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER] to request a copy of the Application. Written comments related to this Application must be submitted within 20 days of the publication of this notice to: (1) [MassDEP, REGIONAL OFFICE ADDRESS] by mail or by hand delivery during normal business hours; and (2) [NAME OF APPLICANT OR APPLICANT'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS]. Failure to provide written comments as set forth herein may affect your right, if any, to challenge MassDEP's permit decision.

The Application and the disposal site file can be reviewed at [MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER].

Additional public involvement opportunities are available under 310 CMR 40.1403(9) and 310 CMR 40.1404

(FORM #4)

NOTICE OF APPLICATION FOR TIER I PERMIT EXTENSION

[SITE NAME]
[SITE ADDRESS]
[RELEASE TRACKING NUMBER]
[PERMIT NUMBER]

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On [DATE], the Department of Environmental Protection (MassDEP) issued a Tier I [A, B, C] Permit for Comprehensive Response Actions at the site. On [DATE], [NAME OF APPLICANT] intends to file an Application for a Tier 1 Permit Extension with MassDEP pursuant to 310 CMR 40.0703 and 40.0706. This Application will seek to extend the permit for this site from [DATE] to [DATE] based upon the following rationale:

◆

◆

Anyone interested in reviewing the Application for a Tier I Permit Extension should contact [NAME OF APPLICANT OR APPLICANT'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER] to request a copy of the Application. Written comments related to this Application must be submitted within 20 days of the publication of this notice to: (1) [MassDEP, REGIONAL OFFICE ADDRESS] by mail or by hand delivery during normal business hours; and (2) [NAME OF APPLICANT OR APPLICANT'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS]. Failure to provide written comments as set forth herein may affect your right, if any, to challenge MassDEP's permit decision.

The Application and the disposal site file can be reviewed at [MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER].

Additional public involvement opportunities are available under 310 CMR 40.1403(9) and 310 CMR 40.1404.

(FORM #5)

**NOTICE OF INITIAL SITE INVESTIGATION AND
TIER II CLASSIFICATION**

**[SITE NAME]
[SITE ADDRESS]
[RELEASE TRACKING NUMBER]**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. To evaluate the release, a Phase I Initial Site Investigation was performed pursuant to 310 CMR 40.0480. As a result of this investigation, the site has been classified as Tier II pursuant to 310 CMR 40.0500. On **[DATE]**, **[NAME OF PERSON CONDUCTING RESPONSE ACTIONS]** filed a Tier II Classification Submittal with the Department of Environmental Protection (MassDEP). To obtain more information on this disposal site, please contact **[NAME OF PERSON CONDUCTING RESPONSE ACTIONS OR SUCH PERSON'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER]**.

The Tier II Classification Submittal and the disposal site file can be reviewed at **[MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER]**.

Additional public involvement opportunities are available under 310 CMR 40.1403(9) and 310 CMR 40.1404.

(FORM #6)

NOTICE OF PUBLIC INVOLVEMENT PLAN MEETING

**[SITE NAME]
[SITE ADDRESS]
[RELEASE TRACKING NUMBER]**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On **[DATE]**, **[NAME OF PERSON CONDUCTING RESPONSE ACTIONS]** received a petition from residents in **[NAME OF COMMUNITY(IES)]** requesting that this disposal site be designated a Public Involvement Plan site, in accordance with M.G.L. c. 21E §14(a) and 310 CMR 40.1404. As a result, a public meeting will be held at **[NAME OF LOCATION, ADDRESS]** on **[DATE/TIME]** to present the draft Public Involvement Plan, to solicit public comment on the draft Public Involvement Plan, and to provide information about disposal site conditions. Copies of the draft Public Involvement Plan will be made available at the meeting.

Any questions regarding this meeting or the draft Public Involvement Plan should be directed to **[NAME OF PERSON CONDUCTING RESPONSE ACTIONS OR SUCH PERSON'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER]**.

The disposal site file can be reviewed at **[MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER]**.

(FORM #7)

[GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION]

**[SITE NAME]
[SITE ADDRESS]
[RELEASE TRACKING NUMBER]**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On **[DATE]**, **[NAME OF PERSON RECORDING AND/OR REGISTERING THE GRANT OR NOTICE]** [recorded with the _____ County Registry of Deeds *and/or* registered with the Land Registration Office of the _____ Registry District] a **[GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION]** on the disposal site, pursuant to 310 CMR 40.1070 through 40.1080.

The **[GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION]** will limit the following site activities and uses on the above property:

- ◆
- ◆
- ◆

Any person interested in obtaining additional information about the **[GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION]** may contact **[NAME OF PERSON RECORDING AND/OR REGISTERING THE GRANT OR NOTICE OR SUCH PERSON'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER]**.

The **[GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION]** and the disposal site file can be reviewed at **[MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER]**.

(FORM #8)

**NOTICE OF [AMENDMENT, RELEASE OR TERMINATION] OF ACTIVITY AND
USE LIMITATION**

**[SITE NAME]
[SITE ADDRESS]
[RELEASE TRACKING NUMBER]**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On [DATE], [NAME OF PERSON RECORDING AND/OR REGISTERING THE AMENDMENT, RELEASE OR TERMINATION] [recorded with the _____ County Registry of Deeds *and/or* registered with the Land Registration Office of the _____ Registry District] an [AMENDMENT, RELEASE OR TERMINATION] of a [GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION] on the disposal site, pursuant to 310 CMR 40.1080 through 40.1084. The [GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION] was originally recorded and/or registered on [DATE].

The AMENDMENT [this paragraph is only applicable if an amendment is involved] to the [GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION] is as follows:



Any person interested in obtaining additional information about the [GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION] may contact [NAME OF PERSON RECORDING AND/OR REGISTERING THE GRANT OR NOTICE OR SUCH PERSON'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER].

The [AMENDED, RELEASED OR TERMINATED] [GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION] and the disposal site file can be reviewed at [MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER].