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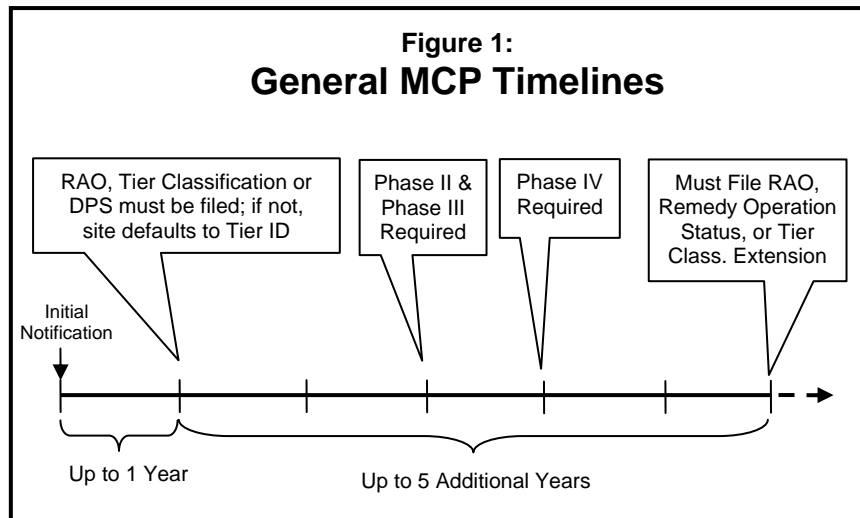
LAURIE BURT
 Commissioner

MCP TIMELINES AND FEES

This document summarizes the timelines and fees associated with response actions conducted pursuant to M.G.L. Chapter 21E and the Massachusetts Contingency Plan (MCP) 310 CMR 40.0000.

MCP TIMELINES

The MCP establishes timelines for cleanups at sites as well as timelines for specific types of response actions. **Figure 1** shows the general timeline for the process. For all sites, the clock starts when the Massachusetts Department of Environmental Protection (MassDEP) is notified of a potential or actual release of oil or hazardous material that exceeds a reporting threshold. One year from that notification, the legally responsible party must either: (1) clean up the site to



MCP standards (i.e. achieve a Response Action Outcome or RAO), (2) obtain Downgradient Property Status (DPS), or (3) tier classify the site (Tier IA, IB, IC or Tier II). **If an RAO, DPS or Tier Classification is not submitted to MassDEP by the one-year deadline, the site is deemed Tier ID by default.** For Tier Classified sites, there are deadlines for completing each phase of the MCP process and filing an RAO.

SUBMITTALS

To ensure that cleanups are proceeding as required, the MCP requires completion of response actions and the submittal of reports to MassDEP. Submittals must be filed electronically. Missed deadlines can result in requirements for additional documentation, enforcement and penalties, or new or higher fees. The MCP provides a seven-day grace period for most submittals. If MassDEP receives the submittal within seven days of the actual due date, the submittal is considered to be received by the deadline. **Please note that the seven-day “grace” period does not apply to some deadlines (see 310 CMR 40.0008).**

MCP FEES

Fees have been established to cover a portion of MassDEP’s costs for reviewing submittals, conducting inspections, compliance assistance, maintaining records, and pursuing enforcement. This includes MassDEP’s audits to ensure that cleanups are adequate, and review of permit applications within specified timeframes. The sooner response actions are completed and an endpoint is reached (i.e. by submitting a

Class A or B RAO) the lower the total fees incurred will be. Two types of fees are established in the “Timely Action Schedule and Fee Provisions” (310 CMR 4.00):

- Annual Compliance Assurance Fees (ACFs) apply to sites where response actions are or are required to be undertaken. There are two groups of ACFs that apply to involved parties:
 1. **One-time fees** apply to three specific submittals if filed prior to Tier Classification (i.e. within the first year after notification): RAO Statement; DPS Submittal; Release Abatement Measure (RAM) Plan. One-time fees do not apply after Tier Classification (excluding RAOs filed within the first 90 days of the second year for Tier ID sites). One time fees are summarized in **Table 1**.
 2. **Annual fees** apply when an RAO or DPS is not filed in the first year. These fees range from \$800 to \$5,000 per year and are based on the Tier Classification status on each Annual Status Date for the site. Initiation of Phase V monitoring activities or submittal of a Class C RAO will trigger a lower annual fee category. Annual Fees are summarized in **Table 2** and explained in more detail on page 3.
- Permit Application Fees for Tier I Permits, Extensions, Transfers and Major Modifications, Grants of Environmental Restriction or Special Project Applications are paid by applicants to cover the costs of MassDEP’s timely review.

TABLE 1: ONE-TIME FEES

SUBMITTAL	TIME OF FILING	SUBMITTAL FEE
RAO	within 120 days of notification	no submittal fee
RAO	after 120 days but prior to Tier Classification	\$1,200 RAO submittal fee
RAO	after Tier Classification (including Tier ID if filed AFTER first 90 days of one-year deadline)	no RAO fee applies (regular ACF will be billed)
RAO	within 90 days after one-year deadline if classified by default to Tier ID	\$1,200 RAO fee, in lieu of second year Tier ID fee (first year Tier ID fee will also be billed)
DPS	in first year, prior to Tier Classification	\$1,600 DPS submittal fee, unless the upgradient source is another Tier Classified Site
DPS	after Tier Classification (incl. default Tier ID)	No DPS fee (regular ACF will be billed)
RAM Plan	prior to Tier Classification (in first year)	\$800 RAM Plan submittal fee
RAM Plan	after Tier Classification (incl. default Tier ID)	no RAM fee applies (regular ACF will be billed)

TABLE 2: SUMMARY OF PERMIT AND COMPLIANCE FEES

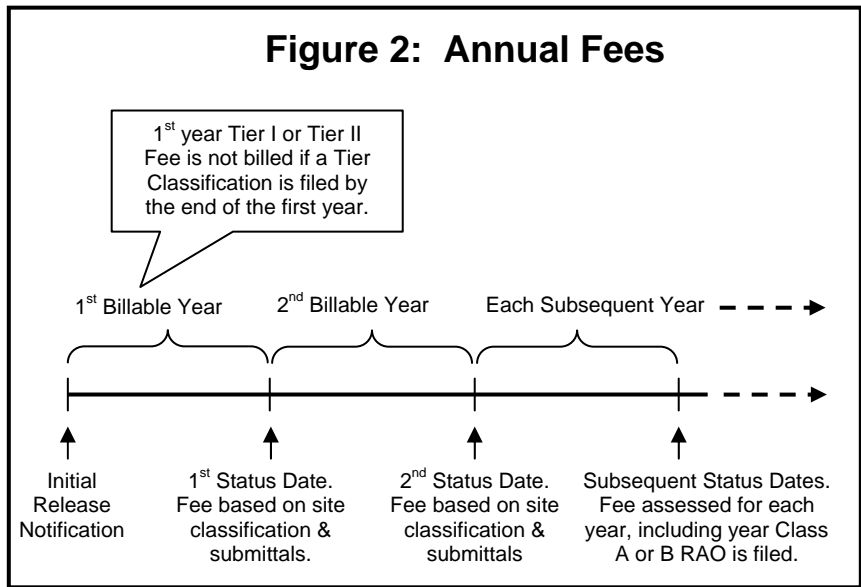
Permit/Annual Compliance Fee Category	Permit Fee:		Annual Compliance Fee:	
	Homeowner	Non-Homeowner	Homeowner	Non-Homeowner
Response Action Outcome (RAO) ¹	-----	-----	\$1,200	\$1,200
Release Abatement Measure (RAM) ¹	-----	-----	\$800	\$800
Downgradient Property Status (DPS) ¹	-----	-----	\$1,600	\$1,600
Tier IA Disposal Site	\$500	\$3,550	\$1,000	\$5,000
Tier IB Disposal Site	\$500	\$3,550	\$1,000	\$4,000
Tier IC Disposal Site	\$500	\$3,550	\$1,000	\$3,000
Tier ID Disposal Site	-----	-----	\$2,000	\$4,000
Tier I Modification Extension Transfer ²	\$250	\$1,200	-----	-----
Tier II Disposal Site	-----	-----	\$1,000	\$2,000
Phase V Monitoring	-----	-----	\$800	\$800
Post RAO Class C Monitoring	-----	-----	\$800	\$800

Note 1: these are one-time fees (see Table 1)

Note 2: multiple permit applications submitted concurrently for a single disposal site only require one permit application fee

Figure 2 shows how annual fees are assessed for Tier Classified sites. If an RAO Statement is not filed for the entire site in the first year, the site must be Tier Classified. Tier Classification requires completion of a Numerical Ranking System Scoresheet and Phase I Report that summarizes information about the site location and contaminants identified. The first year fee is **not required** if the Tier Classification submittal is made on time. If a Tier Classification, RAO, or DPS is not filed, the site is deemed Tier ID by default and the first year’s fee will be invoiced at the Tier ID rate (\$4,000). Subsequent years will be billed based on the site classification (i.e. Tier II, Tier IB, Tier ID, etc.) on the annual status date. For a Tier ID site, if an RAO Statement is filed within the first 90 days of the second year, an RAO Fee is required to be paid in lieu of the Tier ID fee for the second year. This second year fee is in addition to the first year \$4,000 Tier ID fee.

The fee amount is determined by a site’s classification on its annual status date (which falls on the anniversary of initial notification) as well as submittals made during the year. For example, if a Tier IB site is downgraded to Tier II one day prior to the status date, a Tier II fee will be assessed for that year. The fee category can also change to the \$800 “Phase V Monitoring” rate after Phase IV activities are completed and Phase V monitoring is conducted. Additionally, if a Class C-1 or C-2 RAO is filed within a billing year, the fee category changes to the “Post RAO Class C Monitoring” fee of \$800 for the billable year in which the RAO is received by MassDEP. An Annual Compliance Assurance Fee is assessed for each year that a site is in the MCP system, **including** the year in which a Class A or B RAO Statement is filed with MassDEP. These fees cannot be pro-rated for a portion of a year, so it is important to remain aware of and plan around a site’s status date.



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Downgradient Property Status

Parties who file a Downgradient Property Status (DPS) submittal are usually required to pay fees until and including the year that the DPS is filed. DPS is applicable to the party making the submittal. As long as the DPS remains in effect, the party that holds the DPS is not subject to Annual Compliance Fees for subsequent years if they elect to conduct a Release Abatement Measure or file an RAO.

Alternative Fees for Homeowners with Oil Releases and Other Parties

A lower schedule of rates may be applicable to qualifying homeowners and other parties performing response actions. To qualify for the reduced homeowner fee rate, a homeowner must submit a completed MassDEP Certification Form (BWSC-120) stating that they are performing response actions at the residential property that they own and occupy as their principal residence for six or more months per year. Additionally, the home must be one to four units and used exclusively as a residence. Alternative fee rates have also been adopted in 310 CMR 4.03 for parties that hold Financial, Technical or Legal Inability Status and continue to perform some response actions.

Resetting MCP Timeline & Status Date for New Parties

New parties that become involved with existing sites regulated under the MCP may qualify for a new timeline for assessment and cleanup as well as a new annual status date for fee billing. When a new Owner, Operator or Other Person intends to conduct assessment and cleanup at an existing site they may file an

Eligible Person, Eligible Tenant, or Other Person Certification form (BWSC-107D) within 120 days of becoming eligible. The party must certify that they did not cause or contribute to the release and, were not affiliated with any person or entity who a) caused such release or owned or operated the property from which the release originated, or b) is potentially liable for the site. The submittal must include a Tier Classification but may rely upon a prior Phase I and Numerical Ranking System Scoresheet. Upon receipt of a complete BWSC-107D certification form, the new party is provided new deadlines for most assessment and cleanup submittals. Please review 310 CMR 40.0570 for specific information. Additionally, the status date for the site will be reset to be equal to one year from the date of receipt of the BWSC-107D. The new party will be assessed Tier I or Tier II Annual Compliance Fees beginning with the second year under the new timeline.

A new party who does not meet the certification requirements summarized above may file a Tier Classification Transfer to begin performing Comprehensive Response Actions. In this instance, the new party will be assessed Annual Compliance Fees going forward, starting with the year in which they begin performing response actions related to the site. The Annual Compliance Fees will be assessed using the existing status date for the site.

Linking RTNs for New Conditions to Existing RTNs

When a new reportable release condition is identified, a new Release Tracking Number (RTN) is usually assigned by MassDEP. If there is an existing RTN, in most instances the involved party may link the new RTN to the existing RTN. Upon making a valid linkage, the RTN with the earlier cleanup timeline becomes the "Primary" RTN and this is used along with the earlier status date for Annual Compliance Fee billing going forward. A linkage may only be made between a new RTN and an existing RTN that has been Tier Classified as Tier IA, IB, IC or Tier II. If the new condition would change the Tier Classification category of the existing RTN, a revised Tier Classification would be necessary. The linkage must be made in writing on either a Tier Classification Transmittal Form (BWSC-107 Section B, Box 9) or, if at the completion of an Immediate Response Action (IRA), the linkage may be made on an IRA Completion Statement Transmittal Form (BWSC-105 Section B, Box 8a & 8b). When two or more RTNs are linked under a single Tier Classification, the earliest assessment and cleanup deadlines are applicable.

Payment of Fees

All payments for fees should be made payable to **Commonwealth of Massachusetts**. For One-Time Fees (RAM, RAO, DPS) and Permit Application Fees, the check and a copy of the first page of the applicable BWSC transmittal form should be mailed to: MassDEP, P.O. Box 4062, Boston, MA, 02211-4062. The original BWSC transmittal form and report should be submitted electronically to MassDEP. Note: copies of checks should not be submitted electronically. Payments for Annual Compliance Assurance Fee invoices should be mailed to: MassDEP, P.O. Box 3982, Boston, MA 02241-3982 with the invoice remittance. See <http://www.mass.gov/dep/cleanup/index.htm> for more information. If you have questions about the MCP or timelines and fees, please contact MassDEP at bwsc.regulations@state.ma.us.