



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention • Air Quality

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

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Introduction

The Construction/Demolition Notification Form must be submitted to the Massachusetts Department of Environmental Protection (MassDEP) for all construction or demolition projects except those at residential buildings containing less than 20 dwelling units. This form must be submitted at least 10 working days before the start of construction or demolition work (working days are Monday through Friday, and do not count weekend days or holidays).

You may file this Notification Form either electronically or on paper:

- **Electronic Filing:** 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. Filing through eDEP will ensure that your submitted form is complete, and you will receive an automatic message indicating that your notification has been accepted.
- **Paper Filing:** For paper filers, download the Construction/Demolition Notification Form AQ-06 and Instructions from MassDEP’s web site: <http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-aq-06.html>. These documents are available 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.

Please note: If you file a paper form, please be aware that MassDEP will return it if it is found to be incomplete, and your notification will not be valid until a completed form is re-submitted.

Instructions in Microsoft Word™ contain a series of documents that provide guidance on how to prepare an Asbestos 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 and Instructions must be downloaded separately. Microsoft Word™ forms may be completed electronically. PDF™ forms may only be viewed and printed without alteration, so must be completed by hand.



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PERMIT FACT SHEET

1. What are MassDEP's notification requirements for construction or demolition of a building?

In accordance with 310 CMR 7.09, MassDEP requires notification 10 working days before the start of construction or demolition of a building. This notification requirement is designed to protect public health and the environment by ensuring that the release of dust or other potentially hazardous air pollutants to the ambient air will be prevented. Please note that "working days" are Monday through Friday and do not include Saturdays, Sundays, or holidays.

MassDEP's Asbestos Regulation (310 CMR 7.15) requires that asbestos-containing material that is present in a facility or a facility component that will undergo renovation or demolition must be removed (or "abated") before the renovation or demolitions starts, and that waste containing any amount of asbestos must also be carefully handled.

Under the federal Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), the U.S. Environmental Protection Agency (EPA) also requires notification of demolition of a building. Notification to MassDEP of your demolition project will satisfy the federal requirement; you do not need to file a separate notification with EPA.

2. Who must notify?

Any person 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 <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html>

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

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

a. 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/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.

b. 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:

MassDEP
Lock Box 4062
Boston, MA 02211



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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 \$100 per notification. However, owners of 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.

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. Notifications for jobs sponsored by an entity that is exempt from the fee may also be filed online.

Paper filers can pay the fee in two ways: 1) by purchasing a notification fee decal from MassDEP and affixing the decal to the Asbestos Notification Form ANF-001 before submitting it or 2) by sending a check (made payable to "Commonwealth of Massachusetts" with the their notification to the above Lock Box.

For paper notifications of jobs that are exempt from the fee, an EXEMPT decal must be obtained from MassDEP and affixed to the notification form or ensure that the first question asking if the project is fee exempt is marked as "Yes".

Fee decals may only be purchased in person at the reception area on the second floor of MassDEP's office at One Winter Street, Boston. EXEMPT notification decals may be picked up (free of charge) at the reception area of MassDEP's Boston Office (One Winter Street) or at any MassDEP regional office. Find your region: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>

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 indicates that the fee has been paid for a particular notification.

7. Is the notification fee decal refundable?

No. If you withdraw a construction/demolition notification, the notification fee will not be refunded. For paper filers, decal fees may be refunded if the original purchaser returns unused and intact decal. Contact MassDEP's Revenue Office at the Agency's 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 period, 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 until a new complete notification and fee decal have been submitted.



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

Yes, you can revise a Construction/Demolition Notification Form to change the information about the project that you described in the original form. However, if your project changes include construction at a different address or a different building, you will need to cancel your original Notification and provide a new one for the project you intend to perform.

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: MassDEP, Lock Box 4062, Boston, MA 02211. If the project is not fee-exempt, include a check for \$35 made payable to "Commonwealth of Massachusetts".

If you are revising your Notification Form to correct deficiencies that MassDEP has identified, please note that your corrected form must be received by MassDEP no later than 30 days after you were notified of the deficiencies. If you want to submit a corrected form more than 30 days after you were notified of deficiencies, you will need to submit a new BWP AQ 06 form and either pay a new fee electronically or affix a new decal to your revised (paper) form.

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 waiver is warranted, and to receive an emergency waiver number. If MassDEP issues an emergency waiver, the construction/demolition operation may proceed. However, a Construction/Demolition Form and fee must still be submitted to MassDEP (as described in Question #4) within one working day of the beginning of the construction or demolition operation that received the emergency waiver. Telephone numbers for MassDEP's regional offices are listed at the end of this Permit Fact Sheet.

11. Where can I find my Licensed Contractor Supervisor's license number?

The Massachusetts Building Code requires that construction of one and two family dwellings of **any size** and all other types of buildings with less than 35,000 cubic feet of enclosed space, including manufactured buildings, must, with few exceptions, be done under the supervision of a person with a Construction Supervisor License (CSL). Work on other buildings and structures must be done under the control of an engineer or architect and may require additional local licensing by some municipalities. In Section C of the Construction/Demolition Notification Form, Question 2 asks for the name and license number of the Licensed Contractor Supervisor for your project. The Licensed Construction Supervisor should provide you with his or her CSL license number, or you can obtain this information from: <http://elicense.chs.state.ma.us/Verification/Search.aspx>.

12. Survey to Identify Material Containing Asbestos:

MassDEP's Asbestos regulations (310 CMR 7.00) require owners or operators to conduct a thorough pre-construction inspection of structures where a demolition or renovation will occur (with the exception of owner occupied, single family residences where the owner is performing the asbestos abatement activities involving solely non-friable asbestos-containing material), to identify any Asbestos-Containing Material or Suspect Asbestos-Containing Material that will be removed or disturbed by the work. MassDEP's Construction/Demolition Notification Form asks for information about this survey in Questions C.6 and C.7.



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These pre-construction surveys should be performed by an “Asbestos Inspector” who holds a certification from the MA Department of Labor Standards. Your Asbestos Inspector should provide you with his or her certification number, which you will need to complete this form. If you are filing this form on-line and get a pop-up box after you type in the Asbestos Inspector’s certification number that says “License # is not recognized”, please check to make sure you typed the number correctly. If you still get this pop-up box, contact email baw.edep@state.ma.us or call the Asbestos Hotline at 617-292-5766.

Please note that abatement of asbestos before conducting a demolition or renovation project requires submittal of a separate notification form (ANF-001) to MassDEP at least 10 working days before the start of the abatement (ANF-001). See <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html> for more information).

13. What is a “P.E. # and why does Section D. of the form ask for one?”

“P.E.” stands for “Professional Engineer.” If the person submitting a Construction/Demolition Notification Form is a Registered Professional Engineer, his or her Registration Number must be entered into this line (please note that larger construction projects must be performed under the control of an engineer or architect). However, please note that a person responsible filing a Construction/Demolition Notification to MassDEP is not required to be a Registered Professional Engineer.

14. 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. Incomplete or deficient paper forms will be returned to the submitter, and, as noted in the response to Question #8 above, you will have 30 days to re-submit a complete notification form.
- b. For paper filers, make sure you attach the appropriate fee decal in the upper right hand corner of the Construction/Demolition Form.
- c. Electronic filers can see all of the Construction/Demolition Notification Forms they have submitted on-line by clicking on the “My DEP” tab in the upper left corner of your login screen. 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://www.mass.gov/eea/agencies/massdep/about/contacts/>

15. 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 Regulation, 310 CMR 7.09.
- Timely Action and Fee Provisions, 310 CMR 4.00.
- Administrative Penalty Regulations, 310 CMR 5.00.
- Asbestos regulations, 310 CMR 7.15



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MassDEP's regulations are available at the Agency's website: www.mass.gov/dep. Official copies of MassDEP'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

16. Contacting the Department of Environmental Protection (MassDEP)

For questions about how to complete the Construction/Demolition Notification Form (AQ-06), including applying for a waiver of the requirement to submit this notification at least 10 working days before the start of your construction or demolition work, please contact the Asbestos Program in the MassDEP regional office that covers the municipality where the asbestos work will be performed.

- MassDEP Central Regional Office (includes Worcester) **(508) 792-7650**
..... Fax (508) 792-7621
- MassDEP Northeast Regional Office (includes Greater Boston) **(978) 694-3200**
..... Fax (978) 694-3499
- MassDEP Southeast Regional Office (includes Cape and Islands) **(508) 946-2700**
..... Fax (508) 947-6557
..... Emergency Waiver Line (508) 946-2882
- MassDEP Western Regional Office (includes Springfield) **(413) 784-1100**
..... Fax (413) 784-1149

Find your region: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>