



Massachusetts Department of Environmental Protection
Industrial Wastewater Holding Tank
Compliance Certification (DEP01) Instructions

This document contains instructions for the one-time Compliance Certification (DEP01), which is required for many Industrial Wastewater Holding Tanks (IWHTs) under 314 CMR 18.00. The instructions are intended to help you to determine the applicability of the regulation to any tank you own or operate, and to guide you through the certification process with specific construction, operation, and record-keeping requirements.

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I. What is the Compliance Certification Program?

Effective November 15, 2002, all owners/operators of industrial wastewater holding tanks (IWHTs), mobile tanks, and containers are required to comply with Volume 314 of the Code of Massachusetts Regulation, Section 18.00 (314 CMR 18.00).

The purpose of this regulation is to protect public health, safety, and the environment by establishing specific construction and operation standards, record-keeping requirements, and decommissioning procedures for these industrial wastewater storage vessels. In addition to these standards, this regulation replaces the previous IWHT Plan Approval requirement (DEP reference numbers IW-29 and WP-56) with a one-time IWHT Compliance Certification requirement (reference number DEP01). This Certification requirement does not apply to mobile tanks and containers.

The Compliance Certification requires you to provide general information about your facility and to answer a series of specific compliance questions. Before completing it, you will need to inspect your IWHT and review your operation and maintenance procedures. You are also required to sign a statement that certifies to DEP that all of the information you are submitting is true, accurate, and complete.

If you identify compliance problems that cannot be corrected before your submittal deadline, you must file a Return to Compliance Plan (RTC) for each of the problems along with your Compliance Certification. The RTC requires you to explain the problem, list the correction actions to be taken, and provide an anticipated return to compliance date. DEP may follow up with additional questions or an on-site inspection, if necessary.

This package includes the following documents:

- Compliance Certification Form
- Compliance Certification Instructions with step-by-step guidance
- Return to Compliance Plan
- Transmittal Form for the Fee Payment

You are required to pay a certification fee of \$140 at the time you submit your Compliance Certification. This replaces the former Plan Approval fee of \$350.

If you have questions, or need additional information about 314 CMR 18.00 or the Compliance Certification, please contact:

- DEP Bureau of Resource Protection at (617) 556-1168 or (617)556-1036

You may obtain an official copy of 314 CMR 18.00 from the Office of the Secretary of State, or download from the DEP Web site at <http://www.mass.gov/dep> or request a hard copy from DEP.



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II. Do I Have to Certify?

Holding tanks, mobile tanks, and containers are common in industrial settings and may be regulated by other programs depending upon the specific situation. The IWHT Compliance Certification replaces the previous DEP IWHT Plan Approval only. Before you file, it is important to determine if 314 CMR 18.00 applies to you and whether you qualify for certain exemptions.

A. Does 314 CMR 18.00 Apply to Me?

The regulation applies to holding tanks, mobile tanks, and containers that meet **all three** of the following criteria:

1. The vessel is **used exclusively to accumulate or store industrial wastewater** generated on-site or off-site.

For example, if you use your holding tank, mobile tank, or container within a production process or within a wastewater treatment system, then this regulation does not apply to you.

-and-

2. The industrial wastewater in the vessel will be **transported directly to an off-site facility for recycling, treatment, or disposal.**

For example, if your holding tank, mobile tank, or container is used to transfer industrial wastewater within or between your production process(es) or treatment system(s), then this regulation does not apply to you.

-and-

3. The wastewater accumulated or stored in the vessel is **non-hazardous, non-domestic industrial wastewater.**

For example, if the industrial wastewater in the holding tank, mobile tank, or container is hazardous industrial wastewater or domestic wastewater, then this regulation does not apply to you.

Please note that under criteria 1 and 2 above, 314 CMR 18.00 does not apply to tanks that are used to hold wastewater before it is discharged to a municipal sewer system. Such tanks may be regulated through industrial wastewater discharge permits and plan approvals under 314 CMR 7.00 and 12.00.

If your holding tank, mobile tank, or container does not meet all three of the applicability criteria above, you may **stop here** because 314 CMR 18.00 does not apply to you.



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Even if you meet all three of the applicability criteria, you may still qualify for an exemption from 314 CMR 18.00 if you meet any **one** of the following exemption conditions:

1. You are a dry cleaner, photo processor, or printer regulated under the DEP Environmental Results Program (ERP);
2. Your holding tank, mobile tank, or container is used for a waste site cleanup project (for example, addressing contaminated soils) that is regulated under 310 CMR 40.00 at your facility;
3. The holding tanks or containers in your facility meet the standards in the Massachusetts Hazardous Waste Regulations (310 CMR 30.000), **and** the industrial wastewater is shipped to a licensed Treatment, Storage and Disposal Facility (TSDF); or
4. Your holding tank, mobile tank, or container is used for non-contact cooling water, or heating or cooling condensate only.

If you are unsure whether you qualify for any of the above four exemptions, call DEP for assistance. If you meet any of the above four exemption conditions, you may **stop here** because 314 CMR 18.00 does not apply to you.

B. Do I Have to Submit the Compliance Certification?

If you meet all three of the applicability criteria **and** do not qualify for any of the four exemptions, you are required to comply with applicable construction and operation standards under 314 CMR 18.00 and to submit a one-time Compliance Certification to DEP for each of your IWHTs, unless:

1. Your existing IWHT was approved by DEP under the previous IWHT plan approval program and issued a IW-01, IW-28, IW-29, or WP-56 permit; or
2. Your existing IWHT has already been approved by DEP under the Compliance Certification program (DEP01).

If you have more than one IWHT, you need to check the regulatory applicability for each tank and submit a Compliance Certification for each if required.

Even if your IWHT has previously been approved by DEP and therefore exempt from the Compliance Certification requirement, you must still comply with the construction and operation standards established by 314 CMR 18.00. You should periodically inspect your IWHT, review operation procedures, perform maintenance, and keep records of these activities. Using the Certification form as a compliance checklist is a good idea even if you are not required to submit one.



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III. How do I Complete the Compliance Certification?

The following *Explanation and Instruction Table* is designed to guide you through each part of the Compliance Certification by section and number. You will notice that some items, such as “Facility Name” and “Telephone Number,” are omitted because they are self-explanatory.

Explanation and Instruction Table

No.	Term	Explanation and Instruction
A. Facility Information		
b.	Facility SIC Code	Your facility’s Standard Industrial Classification (SIC) code is a four-digit number used to describe business operations. A list of SIC code is available from: <ul style="list-style-type: none">- U.S. Occupation Safety and Health Administration (OSHA), http://www.osha.gov/oshstats/sicser.html- Mass Division of Occupational Safety, (617) 969-7177 If your facility involves multiple types of operations, you may have more than one SIC code. In that case, you should provide the primary SIC codes that are related to your industrial wastewater.
c.	DEP Assigned Facility ID	If your facility has a permit from DEP, you should have a DEP Assigned Facility ID, which can be retrieved from the first page of the permit. If your facility has never held a DEP permit, you may leave this space blank and DEP will assign a Facility ID for you during the review process.
d.	Facility Site Address	This is the physical location of the facility equipped with an IWHT. Example: A company filing from headquarters in New York for a franchise in Boston where the IWHT is physically located should provide the Boston address here, not the headquarters address in New York.
e.	Secondary Unit	Your location may need to be identified by more than a street number. Example: Your facility is located in an industrial park at 10 Washington Street, which has ten buildings, and your company is located in building #5. In this example, your Facility Site Address is <u>10 Washington St.</u> and your Secondary Unit is <u>Building #5.</u>



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No.	Term	Explanation and Instruction
A. Facility Information (continued)		
i.	Facility Mailing Address	This is the address where the person responsible for signing the Compliance Certification can be reached through mail if it is different from the facility site address. Example: A company filing from headquarters in New York for a franchise in Boston where the IWHT is physically located should provide the New York headquarters address here, not the Boston facility address.
p.	Federal Employer Identification Number (FEIN or EIN)	This is a nine-digit number assigned by the U.S. Internal Revenue Service (IRS) to identify business taxpaying entities. Your company's FEIN (or EIN) can be retrieved from your most recent federal tax forms.
A-I. Certification Information		
a.	Contact Person	This is the person who is actively in charge of IWHT operation. The Contact Person could be the IWHT owner, plant manager, or IWHT operator.
e.	Owner	This is the person who is legally responsible for the IWHT. An owner is usually the person who has legal or equitable ownership of the IWHT, but can also be the person who has effective control over the IWHT, such as an administrator, lessee, or executor.
i.	General Business Description	You may use general terms to describe your business, such as automobile maintenance, electroplating, or food processing.
B. Industrial Wastewater and Holding Tank Information		
1.	Major Sources	These are the sources that generate most of the wastewater that enters the IWHT. Check all sources that may apply. If your wastewater stream cannot be categorized under (a) through (d), check "Other(s)" [box (e)] and describe that wastewater stream in the line provided.
1-a.	Process Wastewater	This is wastewater generated from production processes.
1-b.	Equipment Cleaning Wastewater	This is wastewater generated from equipment cleaning processes, including vehicle wash water in non-commercial vehicle washing facilities.
1-c.	Spent Concentrate Solution	This is a solution that contains high concentrations of non-hazardous chemicals, such as certain aqueous cleaners, or non-petroleum based oil and grease.



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No.	Term	Explanation and Instruction
B. Industrial Wastewater and Holding Tank Information (continued)		
2.	Major Pollutants	These are regulated pollutants contained in wastewater streams, such as heavy metals or oil and grease. Check all pollutants that may apply. If there is any pollutant that is not listed under (a) through (k), check "Other(s)" [box (l)] and specify that pollutant in the line provided.
3.	Holding Tank ID	If you have only one tank in your facility, the Tank ID may not be necessary. However, if you have more than one tank in your facility, you need to assign a Tank ID for each one for proper identification (e.g., <u>T-1</u> or <u>T-203</u>). Since you are required to submit a Compliance Certification and keep records for each IWHT in your facility, consistent use of Tank IDs is important.
4.	Holding Tank Installation Date	This is the date when installation was completed. If the actual installation date is unknown, you may estimate it to the best of your knowledge.
5.	Tank Type	Tank type refers to either above ground or in-ground. Above ground tanks are constructed and positioned completely on or above the plane of the adjacent surrounding surface. In-ground tanks are constructed and positioned partially or completely below the plane of the adjacent surrounding surface. You need to indicate which type of tank you own/operate.
6.	Tank Construction Material	Check the appropriate box to indicate the material used to make your IWHT. If the IWHT is made of fiberglass, for example, check box (c). If your tank material is not listed under (a) through (d), check "Other(s)" [box (e)] and specify that material in the line provided.
B-I. Compliance Information		
Section 1: General		
101	Septic system, leaching field, or cesspool	This refers to the sanitary waste disposal system regulated under 310 CMR 15.00. Under DEP regulations, any discharge of industrial wastewater to a septic system, leaching field, or cesspool is prohibited. If you are currently discharging into one of these systems, you must cease the discharge and complete a Return to Compliance Plan.



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No.	Term	Explanation and Instruction
B-I. Compliance Information (continued)		
102	Surface water or groundwater discharge permit	For any discharge of wastewater to surface water or ground, including storm drains, you are required to obtain a discharge permit under DEP regulations 314 CMR 3.00 or 5.00. If you are currently discharging without a permit, you must cease the discharge and complete a Return to Compliance Plan. In the Return to Compliance Plan you may choose to apply for a discharge permit from DEP or to use an IWHT.
103	Feasibility of discharging industrial wastewater to a municipal sewer system	<p>Under 314 CMR 18.05(1), facilities may not be allowed to use an IWHT prior to shipping their industrial wastewater off-site for treatment or disposal (excluding recycling), if the discharge of the industrial wastewater to a municipal sewer system is, or becomes, feasible (except under certain conditions). Discharging industrial wastewater to a municipal sewer system is feasible when your facility:</p> <p>(a) Has an existing connection to the sewer collection system and the industrial wastewater discharge can be hydraulically accepted by both the sewer collection system and local wastewater treatment plant; <u>or</u></p> <p>(b) Meets <u>all</u> of the following conditions:</p> <ol style="list-style-type: none"> 1. An existing sewer line abuts the facility boundaries; 2. The discharge of the industrial wastewater can be hydraulically accepted by both the sewer collection system and local wastewater treatment plant; and 3. The distance from any building generating industrial wastewater to the closest sewer connection manhole is 250 feet or less. <p>Note that tanks used for discharging to sewer systems are not regulated as IWHTs under 314 CMR 18.00. Rather, they are regulated through the Industrial Wastewater Discharge Permit and Plan Approval under 314 CMR 7.00 and 12.00. Please contact DEP for assistance.</p>
104	<u>Zone I</u> or <u>Zone A</u> drinking water supply area	Contact your local water supply board or DEP to determine whether your facility is located within the <u>Zone I</u> or <u>Zone A</u> of a drinking water supply area. If it is, you may be required to comply with more stringent standards. You may not be allowed to use an IWHT under the Drinking Water Regulation 310 CMR 22.00. You may also need to comply with additional requirements from your local water supply board. To find out these additional restrictions or requirements that may apply to you, please contact DEP and your local water supply board for assistance.



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No.	Term	Explanation and Instruction
B-I. Compliance Information (continued)		
Section 2: Above-Ground Holding Tank		
201	Tanks constructed or lined with material compatible with industrial wastewater.	Compatible in this context means that the tank or tank liner is suitable for mixing or contacting the wastewater stored in the IWHT without causing containment corrosion, degradation, or an undesirable chemical reaction. If you have questions about compatibility, check with your tank supplier or contractor.
202	Remotely filled or automatically filled	These are IWHT filling operations that happen either out of the operator's sight (e.g., the IWHT is in the basement or a room away from the main business operation) or out of the operator's control (e.g., an automatic discharge into a IWHT from production processes). In these cases, an alarm system is necessary to prevent overflows and spills.
202a	Appropriate audio and light alarm system	This is an alarm system that activates both a sound signal (such as a ring or a horn) <u>and</u> a visual indicator (such as a red light) in a staffed location to inform the operator that the IWHT is filled to 75% of its tank capacity. When a computerized continuous monitoring system is in use, beeper and flash icon signals from a computer are adequate for this requirement.
203	Appropriate spill containment for above-ground holding tanks	This refers to a containment structure located in a secured area over an impervious surface with access for visual inspection. The spill containment structure must have a capacity of 110% of the largest single tank or 10% of the total possible volume of all holding tanks, whichever is greater.
205	Fabricated on site	This means that the tank was constructed or built at the facility (e.g., a large concrete tank). Pre-fabricated tanks, such as plastic tanks, are not fabricated on site.
205a	Engineering plans	These are the holding tank design and construction documents, including design and construction specifications and engineering drawings.
Section 3: In-Ground Holding Tank		
301	Tanks constructed or lined with material compatible with industrial wastewater.	Compatible in this context means the tank or tank liner is suitable for mixing or contacting the wastewater stored in the IWHT without causing containment corrosion, degradation, or an undesirable chemical reaction. If you have questions about compatibility, check with your tank supplier or contractor.



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No.	Term	Explanation and Instruction
B-I. Compliance Information (continued)		
302	Average daily flow	This is equal to the maximum weekly flow divided by the number of working days per week, or the monthly flow divided by the number of working days per month.
303	Appropriate audio and light alarm system	This is an alarm system that activates both a sound signal (such as a ring or a horn) <u>and</u> a visual indicator (such as a red light) in a staffed location to inform the operator that the IWHT is filled to 75% of its tank capacity. When a computerized continuous monitoring system is in use, beeper and flash icon signals from a computer are adequate for this requirement.
305a	Engineering plans	These are the holding tank design and construction documents, including design and construction specifications and engineering drawings.
305b	Integrity assessment	This refers to an engineering evaluation prepared by a Massachusetts Registered Professional Engineer through specific inspection processes. The in-ground IWHT integrity assessment needs to indicate the condition of the tank and how actual or potential problems, if any (such as leaks, cracks, corrosion, erosion, or uplift), should be properly managed. If the integrity assessment indicates any actual or potential deficiencies, then you must either take all necessary steps to correct them or decommission the tank.
307	An appropriate secondary containment	This refers to techniques used to contain spills from a holding tank and prevent a release to the environment. The secondary containment may include one of the following: <ol style="list-style-type: none">1. An impervious liner;2. A vault; or3. A double-walled tank. The appropriate secondary containment structure also needs to provide space and access (including access through mechanical or electrical detection devices) to detect leakage from the holding tank and remove it from the secondary containment.



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No.	Term	Explanation and Instruction
B-I. Compliance Information (continued)		
Section 4: Record Keeping		
401	Construction and installation records	At a minimum, these records need to include: <ol style="list-style-type: none"> 1. Engineering plans, if applicable; 2. Specifications for pre-fabricated holding tanks (if any); and 3. All applicable permits from approving authorities.
402	Operating records	At a minimum, these records need to include: <ol style="list-style-type: none"> 1. Name of the holding tank operator; 2. Date of wastewater shipment; 3. Volume and description of industrial wastewater from each source, both on-site and off-site (if any); 4. Name and address of the receiving facility and a document from that facility verifying the shipment; and 5. Name and vehicle registration number of the hauler.
C. Certification Statement		
	What is the certification statement?	This statement attests that the person signing the form has reviewed the submittal, believes the submitted information is true, and will make sure that management systems are in place to keep the facility in compliance with environmental protection requirements. The person signing the form must be authorized to do so on behalf of the facility and understands that there may be serious consequences for submitting false information to DEP.
	Who can sign the certification statement?	Only a responsible official. Persons eligible to sign the statement are listed below the space for the signature. The person who signs the form must also print or type his/her name and title on the appropriate lines, date the form, and check the applicable title. You must hold one of the listed titles to legally sign the form.

IV. How do I Complete the Return to Compliance Plan?

If you identify compliance problems that cannot be corrected before your submittal deadline, you must file a Return to Compliance Plan (RTC) for each of the problems (please make extra copies of RTC if necessary). The RTC requires you to specify the compliance question number associated with the problem, explain the problem, list the correction actions to be taken, and provide an anticipated return to compliance date. DEP may follow up with additional questions or an on-site inspection.



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V. How do I Complete the Transmittal Form?

The Transmittal Form for Permit Application and Payment

(<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>)

is a standard form used by all DEP programs to track submittals of application materials and fee payments. The following table provides specific instructions for completing this form:

Section	Instruction
Your Transmittal Number	You need to hand-enter your unique Transmittal Number at the top of the Transmittal Form. Your unique Transmittal Number can be accessed through the DEP Web site at http://www.state.ma.us/scripts/dep/trasmfrm.stm or by calling the DEP.
A. Application Information	DEP Permit Code: DEP01 Name of Permit Category: DEP Holding Tank Type of Project or Activity: DEP Holding Tank
B. Applicant Information	This section is similar to the IWHT Compliance Certification Section A. However, the address in this section should be the <u>Facility Mailing Address</u> identified in the IWHT Compliance Certification Section A (i) through (m).
C. Facility, Site or Individual Requiring Approval	This section is similar to the IWHT Compliance Certification Section A. However, the address in this section should be the <u>Facility Site Address</u> identified in the IWHT Compliance Certification Section A (d) through (h).
D. Application Prepared by	This section needs to be completed if a consultant or agent prepared the Compliance Certification for you.
E. Permit - Project Coordination	Complete this section if the IWHT is part of a project that is subject to Massachusetts Environmental Policy Act (MEPA) review.
F. Amount Due	Make a check of \$140 payable to the Commonwealth of Massachusetts and then fill in the Check Number, Dollar Amount (\$140), and the date of your submittal.

Make three copies of the completed Transmittal Form: one to send with your payment, one to attach to the Compliance Certification submittal, and one to retain for your own records.



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VI. Completeness Checklist

Complete the checklist below to ensure that you take all of the required steps in submitting your IWHT Compliance Certification Form to DEP.

- Have you read, understood, and completed the Compliance Certification form, providing answers to all (except for those you were directed to skip) *compliance questions*?
- Have you completed the Return to Compliance Plan form(s) and attached to the Compliance Certification (if applicable)?
- Did you consult the instructions and contact DEP for assistance when you needed clarification or additional information?
- Has a person with appropriate signatory authority signed the Certification Statement?
- Have you attached a copy of the DEP Transmittal Form to the Compliance Certification?
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>
- Have you mailed the Transmittal Form and \$140 fee payment separately to DEP at the address as listed in the Transmittal Form?
- Have you retained complete copies of all submissions for your records?

VII. DEP Mailing Address

Your complete IWHT Compliance Certification package should be mailed to DEP at:

**MA DEP
Wastewater Management Program
5th Floor
One Winter Street
Boston, MA 02108-4746**