



Massachusetts Department of Environmental Protection
Bureau of Resource Protection –Title 5 Permitting

BRP WP 58a Approval of a Nitrogen Aggregation Loading Plan Instructions and Supporting Materials

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Introduction

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



BRP WP 58a Approval of a Nitrogen Aggregation Loading Plan Permit Fact Sheet

Note: When completing the Transmittal Form, write the "a" immediately after the space provided for the seven digit character code at the top of the Form.

1. What is the purpose of this approval?

This approval is necessary to ensure that the aggregation of nitrogen loading for on-site subsurface sewage disposal system(s) is performed in an environmentally acceptable manner and in accordance with the provisions of Title 5 of the Environmental Code, 310 CMR 15.000.

You must obtain approval from MassDEP for the following plans:

- Community plans to aggregate for nitrogen loading over a region wide area, such as Zone IIs or Interim Wellhead Protection Areas (310 CMR 15.216(4)) or in environmentally sensitive areas such as systems serving new residential construction where the use of both on-site wastewater disposal systems and drinking water supply wells are proposed, i.e., private well areas.

2. Who must apply?

Any municipality proposing to implement a community nitrogen aggregation plan for a community is required to obtain MassDEP approval in accordance with 310 CMR 15.216.

If this category does not apply to you, please be advised this is not the only permit category for Title 5 on-site sewage disposal systems or related plans. Please consult the Timely Action Schedule and Fee Provisions, 310 CMR 4.00 and Title 5 of the Environmental Code, 310 CMR 15.000, to determine whether another category may apply to you. Note: Any and all land identified as "restricted" or "credit land" for the purposes of one application for aggregate nitrogen loading cannot be used for another application pursuant to 310 CMR 15.216.

Note: MassDEP anticipates the preparation of a Community Plan proposing to aggregate for nitrogen loading may require both technical (including hydrogeologic) and legal expertise.

3. What other requirements should be considered when applying?

- Plans proposing nitrogen restrictions on facility and credit land(s) require prior written approval by the property owner(s) (310 CMR 15.216(5)).

Note: These additional requirements are intended to serve as a guide to the applicant. They do not necessarily include all additional requirements.

4. What is the application fee?

No fees charged for municipalities.

5. What is the Primary Permit Location? What is the Reserve Copy Location?

Primary Permit Location:
Department of Environmental Protection (2 copies)
_____ * Regional Office

Title 5 Permitting Program

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

There are no Reserve Copy Locations for these permits.



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

The timelines are available on the MassDEP Website:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html>

7. What is the annual compliance fee?

There is no annual compliance fee.

8. How long is the approval in effect?

This approval remains valid until MassDEP revokes or modifies the approval. A Community Plan approval is in effect until there is a local land use regulation change or other action that would impact the MassDEP approved nitrogen loading plan.

9. How can I avoid the most common mistakes made in applying for this approval?

- a. Review application for completeness to be sure all questions are answered correctly.
- b. Refer to the Department's, "Guidelines For Title 5 Aggregation of Flows and Nitrogen Loading (310 CMR 15.216)" for further guidance.
- c. For a Community Plan, attach the following:
 - completed application with supporting materials;
 - a map for the area covered by the plan;
 - buildout analysis under current zoning for the area covered by the plan;
 - 440 gpd per acre equivalency calculations;
 - in the case of a Zone II, results of the MassDEP Nitrogen Loading Computer Model;
 - approval from the local approving authority;
 - comments from the Planning Board, if any;
 - a nitrogen loading management plan.
- d. Submit a copy of the MassDEP Transmittal Form to:
Department of Environmental Protection
P. O. Box 4062
Boston, MA 02211.

10. What are the regulations that apply to this approval? Where can I get copies?

These regulations include, but are not limited to:

- a. Title 5 Regulations, 310 CMR 15.000.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

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

State Bookstore
436 Dwight Street, Room 102
Springfield, MA 01103
413-784-1376

MassDEP Title 5 Regulations and permit application packages also may be obtained from MassDEP's web site at <http://mass.gov/dep>



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- The MassDEP Transmittal Form is completed:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>
When completing the Transmittal Form, write the "a" immediately after the space provided for the seven digit character code at the top of the Form.
- A MassDEP application form for the permit category BRP WP 58a has been completed. The following information has been provided:
 - Completed application clearly indicating the name, address and telephone number of municipal official and the project consultant. All supportive materials must be attached.

For the BRP WP 58a, supportive materials include:

For a Community Plan:

- A suitably scaled map for the area covered by the plan;
- A buildout analysis under current zoning;
- 440 gpd per acre equivalency calculations;
- In the case of a Zone II, analysis from the MassDEP Nitrogen Loading Model;
- Comments from the Planning Board, if any;
- A nitrogen loading management plan.



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To submit the application package:

- Checklist items have been completed.
- Send two (2) copies of the application, along with the original of the MassDEP Transmittal Form to:

Department of Environmental Protection
Title 5 Permitting Program
Regional Office *

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

- If applicable, send a copy of the MassDEP Transmittal Form to:

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

MassDEP Regulations may also be obtained from MassDEP's website at <http://www.mass.gov/dep>.



Transmittal Number _____

BRP WP 58a

Approval of a Nitrogen Aggregation Loading Plan

Facility ID (if known) _____

Please read the Instructions and Supporting Materials before filling out this form.

Note: Any and all areas identified as “restricted” or “credit land” for the purposes of one application for aggregate nitrogen loading cannot be used for another application pursuant to 310 CMR 15.216.

DEP anticipates that preparation of nitrogen loading plans may require both technical (including hydrogeologic) and legal expertise.

A. General 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. Applicant:

Name

Doing Business as (dba)

Street Address

City/Town

State

Zip Code

Telephone

2. Facility Address / Location (if different from Applicant):

Address

City/Town

State

Zip Code

3. Contact Person (if different from Applicant):

Contact Person

Consultant Firm

Address

City/Town

State

Zip Code

Telephone

4. Does this project require a filing under 310 CMR 11.00, The Massachusetts Environmental Policy Act?

Yes

No

If yes, has a filing been made? Yes No

If yes, EOE File #



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Approval of a Nitrogen Aggregation Loading Plan

A. General Information (cont.)

5. A nitrogen aggregation application for MassDEP approval is for a region-wide Community Plan.

The Community Plan may be for either a Nitrogen Sensitive Area or for a new residential construction where the use of both on-site systems and on-site-drinking water supply wells are proposed (private well areas). This application is for:

- A Zone II
- An Interim Wellhead Protection Area
- Private well area for new residential construction

6. A map for the area covered by the plan is required. Is the map attached?

- Yes No

7. A buildout analysis under current zoning for the area of the community subject to the plan is required. Is the buildout analysis enclosed?

- Yes No

8. The nitrogen loading limitation of 440 gpd per acre equivalency demonstration is required. Are the calculations enclosed?

- Yes No

9. If the Community Plan is for a Zone II, the DEP Nitrogen Loading Computer Model analysis is required.

Is the Zone II analysis enclosed? Yes No

Are Planning Board comments attached? Yes No

10. A nitrogen loading management plan including land use regulations (e.g., zoning or health regulations) is required. Is the management plan enclosed?

- Yes No

B. Certification

"I certify under penalty of law that this document and all attachments, to the best of my knowledge and belief, are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Applicant's signature

Print Name

Name of Preparer

Date