

ORIGINAL AUL DATE _____

RTN _____
 AUL ADDRESS _____
 TOWN _____

AUL AMENDMENT SCREENING CHECKLIST

Checklist for Amendment to Notice of Activity and Use Limitation -- MCP as amended through June 20, 2014 -- Form 1082B

- NOTE: This checklist is intended to assist DEP Personnel in screening Amendments to Notices of Activity and Use Limitation on Form 1082B. This checklist is intended solely as guidance, and is not a substitute for the regulations; 310 CMR 40.0000 (the MCP).

REQUIREMENTS FOR COMPLETING FORM 1082B		Y	N	Reference(s) to MCP	Notes
1.	Did the Department receive a Registry-copy of the Amendment of AUL, bearing Registry of Deeds Book & Page #s and/or Land Court Registration information?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(e)	C
2.	Is the current version of Form 1082 (Must be current as of the date of recording/registration)	<input type="checkbox"/>	<input type="checkbox"/>		
3.	Is the Form's boilerplate unaltered, except where alterations are allowed through bracketed language? Significant?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	A significant changes D not sign. changes
4.	Is the Disposal Site name identified in the Header of Form 1082B	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	E
	Is the DEP Release Tracking Number(s) identified in the Header of Form 1082B?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	B
5.	In Paragraph 1, Does the Form correctly identify the original AUL by Registry and Book/Page or Document number?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	B
	Does the Form identify the date of the original AUL?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	B
6.	In Paragraph 2; Is the address of the Property subject to the AUL (City/Town & County) identified?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	B
	Does the Form indicate, through use of bracketed language whether land is vacant or improved?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	E
7.	In Paragraph 3; Does the Form identify the name of the LSP who signed the original AUL?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	D
	Does the Form correctly indicate whether the original AUL was filed to maintain NSR or eliminate a substantial hazard? NSR NSH	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	D
8.		<input type="checkbox"/>	<input type="checkbox"/>		
9.	In Paragraph 4, does the Form correctly identify the owner?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	
10.	In Paragraph 4, does the Form correctly identify the owner's source of title (i.e. deed, certificate of title, probate docket number)?	<input type="checkbox"/>	<input type="checkbox"/>	40.1081(4)(a)	B
	Has the property been conveyed since the Original AUL? _____	<input type="checkbox"/>	<input type="checkbox"/>		

AMENDMENTS TO THE AUL					
11.	Do the changes to the permitted and restricted activities, and the obligations and conditions described in Paragraph 3 meet the requirements for filing an AUL Amendment?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(2) A
12.	In Paragraph 3; Does the Form include a clear, understandable description of permitted activities/uses?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(2) A/B
	Does the Form include a clear, understandable description of inconsistent activities/uses?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(2) A/B
	Does the Form include a clear, understandable description of obligations/conditions?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(2) A/B
13.	In Paragraph 4; Does the Form include a complete list of amended and unchanged permitted activities/uses?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(2) A/B
	Does the Form include a complete list of amended and unchanged inconsistent activities/uses?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(2) A/B
	Does the Form include a complete list of amended and unchanged obligations/conditions?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(2) A/B
14.	Is the Form signed by the property owner(s)? As stated in BWSC 113	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(4)(a) A
15.	Is(are) the property owner(s)'s signature dated?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(4)(a) D
16.	Is(are) the property owner(s)'s signature(s) properly notarized?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(4)(a) E
17.	Is(are) the property owner(s)'s signature(s) authorized and binding? (Check one option) ___ Sole ownership: signed by sole owner ___ Joint ownership: signed by all owners ___ Trust: Signed in accordance with requirements established by the trust document ___ Corporation: Certificate of incumbency AND (Check one) ___ Signed by President and Treasurer ___ Signed by President and Assistant Treasurer ___ Signed by Vice President and Treasurer ___ Signed by Vice President and Assistant Treasurer ___ Signed by other officer(s) authorized by vote of the Board of Directors, with vote authorizing said officer(s) attached to Form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Not applicable (owned/signed by individual(s))	40.1081(4)(b) A/B
18.	Is the Form signed by an LSP?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(4)(a) A
	Is the LSP's signature sealed with an LSP stamp?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(4)(a) A/B
	Is the LSP's signature dated?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(4)(a) D
	Is the LSP's signature properly notarized?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(4)(a) D
	Is the LSP's signature dated on or after (not before) the date of owner's signature?	<input type="checkbox"/>	<input type="checkbox"/>		40.1081(4)(a) D
REQUIRED ATTACHMENTS TO FORM 1082B					

EXHIBITS			Reference(s)	Notes
19.	Is a legal description of the Property subject to the AUL (either a running description or a bounding description) attached as Exhibit A? (Check one): ___ Running (metes & bounds) description (if Property is unregistered land) ___ Bounding description (if Property is registered land)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		A/B
20.	If the person signing the AUL Amendment is not an individual signing on his/her own behalf, is there documentation of the person's signatory authority attached as an exhibit to the AUL?	<input type="checkbox"/> <input type="checkbox"/> N/A	40.1081(4)(b)	B
TRANSMITTAL FORM 113			Reference(s)	Notes
21.	Is Transmittal Form BWSC 113 submitted to DEP with the Amendment? Was the statement signed certifying that the person(s) or entity(ies) identified as the owner(s) on the AUL Amendment owned the Property at the time the AUL Amendment was recorded and/or registered? Was a statement signed certifying that all record interest holders were notified of the Amendment to the AUL?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	40.1081(4)(f)1 40.1081(4)(f)2	
CONSISTENCY OF FORMS & ATTACHMENTS			Reference(s)	Notes
22.	Are the Form's descriptions of consistent (permitted) activities and uses, inconsistent activities and uses, and obligations and conditions consistent with each other?	<input type="checkbox"/> <input type="checkbox"/>	40.1081(2)	A/B
PUBLIC NOTICE REQUIREMENTS			Reference(s)	Notes
23.	Forward a copy of the recorded/registered Form to each of the local officials listed below within 30 days of being recorded or registered: <input type="checkbox"/> Chief Municipal Officer <input type="checkbox"/> Board of Health <input type="checkbox"/> Zoning Official <input type="checkbox"/> Building Code Enforcement Official	<input type="checkbox"/> <input type="checkbox"/>	40.1403(7)(a)	C
24.	Publish a notice of the AUL Amendment in a local newspaper within 30 days of the AUL Amendment being recorded or registered, identifying the following: <input type="checkbox"/> The name, complete address, and RTN of the Disposal Site <input type="checkbox"/> The type of Activity and Use Limitation (i.e., AUL Amendment) <input type="checkbox"/> Information about where the AUL and site file can be reviewed <input type="checkbox"/> The name, address and phone number of the person(s) recording the AUL Amendment	<input type="checkbox"/> <input type="checkbox"/>	40.1403(7)(b)	C
REQUIREMENTS FOR CONFIRMATORY AUL AMENDMENT			Reference(s)	Notes
25.	Is the word "Confirmatory" appropriately included to indicate whether the AUL is a Confirmatory Amendment to Notice of Activity and Use Limitation?	<input type="checkbox"/> <input type="checkbox"/> N/A	40.1081(4)(a)	D
26.	Is the optional Paragraph following the Owner's authorization included to indicate that the AUL Amendment is a Confirmatory Amendment?	<input type="checkbox"/> <input type="checkbox"/> N/A	40.1081(4)(a)	D
27.	Does the optional Paragraph identify the date, Registry, book and page number of the original AUL Amendment?	<input type="checkbox"/> <input type="checkbox"/> N/A	40.1081(4)(a)	A/B
28.	Are the errors in the original AUL Amendment listed?	<input type="checkbox"/> <input type="checkbox"/> N/A	40.1081(4)(a)	A/B