



Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup

# **BWSC 50 Application for Special Project Designation 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](http://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.



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## Permit Fact Sheet

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### 1. What is a Special Project designation?

A Special Project designation provides flexibility for public projects that include response actions by extending the deadline for Tier Classification found in the Massachusetts Contingency Plan (MCP) from one year up to five years. Examples of public projects that could be eligible for Special Project designation include infrastructure improvement projects (e.g., construction or expansion of MBTA rail lines or roadways where contamination may be encountered), redevelopment of property suspected to be contaminated where time is needed to market the property to potential developers, and projects undertaken by a public entity aimed at cleaning up multiple disposal sites. These projects are often done in stages or have long lead times which make it difficult to meet the generic timelines in the MCP for conducting response actions.

A Special Project designation is a MassDEP permit which establishes a schedule for conducting response actions tailored to the specific project. This will allow project proponents (which must be a governmental entity) to better coordinate response actions with their projects, making them more cost-effective. Application for Special Project designation is voluntary, and project proponents can always choose to follow the generic MCP timelines.

### 2. Who may apply for a Special Project designation?

Any agency or political subdivision of the federal government or the Commonwealth, including municipalities, authorities, districts and commissions may apply to MassDEP for designation of a project as a Special Project.

### 3. What projects are eligible for Special Project designation?

To be eligible for Special Project designation, a project must be overseen and coordinated by the governmental entity submitting the application and must meet the following criteria:

- one or more disposal sites are, or are likely to be, located within the boundaries of the project;
- proposed response actions will be managed in a coordinated fashion;
- the applicant has demonstrated its support of the project by committing and/or securing public financing for the project (e.g., by providing direct financing, tax increment financing or special tax assessments pursuant to M.G.L. c. 23A, §§ 3A - 3F, etc.); and
- compliance with the response action deadlines described in 310 CMR 40.0500 would unreasonably decrease the cost-effectiveness of project implementation.

Disposal sites classified as Tier I or II are not eligible for Special Project designation; however, sites classified as **default** Tier 1B sites due to a failure of a potentially responsible party to meet their deadline for Tier Classification **are** eligible for Special Project designation.

### 4. What information must be submitted with all Special Project designation applications?

As described in 310 CMR 40.0062(1), all Special Project designation applications must include:

- a. a completed Transmittal Form for Permit Application and Payment using the form established by the Department for such purposes;
- b. the applicable completed Permit Application using the form established by the Department for such purposes;
- c. the applicable permit application fee payable pursuant to 310 CMR 4.00;
- d. a photocopy of the fee payment;



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- e. the following information:
  - a description of the project and its expected duration;
  - an explanation of why Special Project designation is necessary to successfully implement the project;
  - the requested duration of the Special Project designation;
  - a description of how the project meets the criteria in 310 CMR 40.0061(3);
- f. a map of the land area for which the Special Project designation is sought which identifies all properties that would be included and delineates parcel boundaries,
- g. the Release Tracking Numbers for any known releases of oil and/or hazardous material at or from the subject properties that have been reported to the Department, and a brief description of these releases and the status of response actions;
- h. to the extent known, a description of response actions planned in the Special Project, including a proposed schedule;
- i. the name, business address, and telephone number of the person who will be conducting response actions under the Special Project designation, i.e., the person hired to oversee response actions. This person does not include a contractor directly hired by the applicant to do the work.
- j. a certification by the applicant and the person who will be conducting response actions under the Special Project designation (if different from the applicant, i.e., the person hired to oversee response actions) that, except as fully disclosed in the application, he or she is not subject to any outstanding administrative or judicial environmental enforcement action under any federal, state or local law;
- k. a demonstration that the applicant has notified the persons who own or control the properties included in the Special Project designation and a description of how access to the properties will be obtained in order to perform response actions; and
- l. the certification of the submittal required by 310 CMR 40.0009 by the applicant and the person who will be conducting response actions under the Special Project designation (if different from the applicant).

### 5. How can I apply for Special Project designation?

The original Special Project designation application, along with one copy of the application and supporting documentation, a photocopy of the Transmittal Form for Permit Application and Payment, and a photocopy of the fee payment should be sent to the "Waste Site Cleanup Permit Program" in the appropriate MassDEP Regional Office. ([\\*Find your region](#)) Send the application fee to MassDEP in the manner described in Question 7.

### 6. What happens if I submit an incomplete application?

MassDEP will notify you that the application is incomplete and give you an opportunity to complete it. If you do not provide the required information, MassDEP will consider the Special Project designation application to be withdrawn, and 50% of your application fee will be refunded.

### 7. What is the application fee and how do I pay?

The application fee for Special Project designation is \$920.

Payment should be made in the form of a check or money order payable to the *Commonwealth of Massachusetts*. **Do not send cash.** The original of the Transmittal Form for Permit Application and Payment must accompany the check or money order and be forwarded to the following address:

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



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Do not send any application materials to this address.

## 8. What other fees will be required during a Special Project designation?

Compliance fees apply to certain submittals that may be part of a Special Project. These include fees for Release Abatement Measure (RAM) Plans and Response Action Outcome (RAO) Statements. These fees cover MassDEP's audit, compliance and enforcement costs for these response actions. MassDEP anticipates that for certain Special Projects these submittals may be prepared in batches (for instance, at one Special Project 140 RAOs were filed for properties that were cleaned up). Due to economies of scale in auditing batched submittals, the RAM and RAO compliance fees applicable to Special Projects are on a sliding scale based on the number submitted in each batch.

For each batch submittal of **Response Action Outcome Statements** the fee is the total based upon the number of individual RAO submittals in each batch:

Quantity	Cost	Maximum Cost
1 - 5	\$1470 each	Capped at \$4,420 for total batch
6 - 15	\$860 each	Capped at \$9,460 for total batch
16 - 49	\$735 each	Capped at \$23,590 for total batch
50 or more	\$490 each	Capped at \$29,490 for total batch

For each batch submittal of **Release Abatement Measure Plans** the fee is the total based upon the number of individual RAM submittals in each batch:

Quantity	Cost	Maximum Cost
1 - 5	\$980 each	Capped at \$2,945 for total batch
6 - 15	\$550 each	Capped at \$6,020 for total batch
16 - 49	\$490 each	Capped at \$15,725 for total batch
50 or more	\$365 each	Capped at \$22,120 for total batch

## 8. Where can I get a copy of the timelines?

The timelines are available on the [MassDEP Website](#)

## 9. Is the Special Project designation application subject to public review?

Upon issuance of a proposed decision to grant or deny a Special Project designation, the Department will conduct a public comment period.

Upon such issuance, the applicant must publish a legal notice of the proposed decision and its availability for public review and comment in a newspaper which circulates in the community in which the project is located. The legal notice should be in the form established by the Department and include information about how and where the public can review the application for Special Project designation and the deadline for submission of comments to the Department.

The public comment period will run for at least 20 calendar days. Upon request, or upon its own initiative, the Department may extend the public comment period.



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### **10. When does a Special Project designation become effective and for how long is the designation in effect?**

A Special Project Designation is effective upon issuance by the Department, unless a request for an adjudicatory hearing is made. Applicants have 21 days from the date MassDEP issues the Special Project designation to file an appeal.

The Special Project Designation is effective for five years from the date of issuance by MassDEP. The designation may be extended for one or more periods not to exceed five years each upon Departmental approval.

### **11. Under what conditions may I seek to modify a Special Project designation?**

The applicant may seek to modify a Special Project designation to:

- add or remove property subject to the Special Project designation;
- change the schedule of proposed response actions, excluding extending the duration of the Special Project designation; or
- change any other aspect of the Special Project designation.

The Special Project designation modification must be submitted on a transmittal form established by the Department. Within 60 days of receipt of a request to modify a Special Project designation, the Department will respond in writing with a proposed decision to either approve or deny the modification.

Upon issuance of a proposed decision, the public review requirements outlined in Question 9 above will apply.

### **12. Can a Special Project designation be extended?**

A Special Project designation may be extended for one or more periods not to exceed five years each. The request to extend a Special Project modification must be submitted on a transmittal form established by the Department.

Within 60 days of receipt of a request to modify a Special Project extension, the Department will respond in writing with a proposed decision to either approve or deny the extension.

Upon issuance of a proposed decision to either approve or deny the extension, the public review requirements outlined in Question 9 above will apply.

### **13. Can a Special Project designation be terminated?**

A Special Project designation can be surrendered voluntarily by the permittee provided that the permittee notifies the Department in writing of such surrender using the transmittal form established by the Department for such purpose.

### **14. Can a Special Project designation be suspended or revoked?**

The Department may suspend or revoke a Special Project designation for cause including, but not limited to, the following:

- any violation of M.G.L. c. 21E, 310 CMR 40.000 the Massachusetts Contingency Plan, or Special Project designation condition, or other applicable law or regulation;



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- the submittal of false or misleading information by the permittee; or
- for nonpayment of compliance assurance fees required for submittal of Release Abatement Measure (RAM) Plans and Response Action Outcome (RAO) Statements.

Upon suspension or revocation of a Special Project designation, the Department will establish new deadlines for Tier classification for any releases which require further response actions.

### **15. Where can I get more information?**

If you have additional questions, please call the Waste Site Cleanup Program Permitting Section in the appropriate MassDEP regional office listed on page 2 "Permitting Contacts" of the Transmittal Form Instructions.



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# BWSC 50 Application for Special Project Designation Application Completeness Checklist

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- The MassDEP Transmittal Form is completed

## Certifications/Signatures

- Certification of submittal has been signed by Applicant and Person Who Will be Conducting Response Actions (if different from Applicant).
- Certification of compliance has been signed by Applicant and Person Who Will be Conducting Response Actions (if different from Applicant).

## Attachments

- Additional pages if needed listing each release tracking number and briefly describing each release and the status of response actions.
- A description of response actions planned in the Special Project, including a proposed schedule.
- Map of the land area that is covered by the Special Project designation application identifying all properties that would be included and delineating parcel boundaries.
- Additional pages if needed describing current property owners and operators.
- Copies of correspondence/access arrangements with persons who own or control the properties included in the Special Project designation.
- Additional pages if needed describing Persons Who Will Be Conducting Response Actions.

## To Submit the Application Package

- Checklist items have been completed.
- Send two copies of the application along with one copy of the MassDEP Transmittal Form and a photocopy of the application fee payment to:

Department of Environmental Protection  
\_\_\_\_\_ \* Regional Office  
Waste Site Cleanup Permit Program  
[\\*Find your region](#)

- Send fee of \$920 in the form of check or money order made payable to *Commonwealth of Massachusetts*, along with one copy of the MassDEP Transmittal Form to:

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



# BWSC 50 Special Project Designation

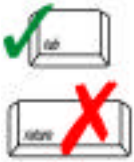
## Application for Special Project Designation

Transmittal Number \_\_\_\_\_

Facility ID# (if known) \_\_\_\_\_

### A. Special Project 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. Special Project:

Special Project Name \_\_\_\_\_

Designated Primary Street Address \_\_\_\_\_

Designated City or Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

2. Applicant:

Name of Governmental Entity \_\_\_\_\_

### B. Description and Eligibility

1. Describe the project, its expected duration, and the requested duration of the Special Project Designation [310 CMR 40.0062(1)(e)]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe why Special Project Designation is necessary to successfully implement the project [310 CMR 40.0062(1)(e)]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Describe how the project meets each of the eligibility criteria described below [310 CMR 40.0061(3)]:

a. Proposed response actions will be managed in a coordinated fashion.

How?

\_\_\_\_\_

b. Public financing for the project has been committed and/or secured.

What is the amount and type of public financing?

\_\_\_\_\_





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**B. Description and Eligibility (cont.)**

- c. Compliance with response action deadlines would unreasonably decrease the cost-effectiveness of project implementation.

How?

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- d. One or more identified or suspected disposal sites are located within the boundaries of the project.

See Questions 4 and 5.

- 4. List each release tracking number identified to date in the Special Project's boundaries, and briefly describe each release and the status of response actions (attach additional pages if needed) [310 CMR 40.0061(3)(a)] and [310 CMR 40.0062(1)(g)]:

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- 5. If no releases have been identified at properties subject to this permit application, describe why you believe one or more disposal sites are located within the boundaries of the project [310 CMR 40.0061(3)(a)]:

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- 6. Attach a description of response actions planned in the Special Project (to the extent known), including a proposed schedule [310 CMR 40.0062(1)(h)].



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Facility ID# (if known) \_\_\_\_\_

### C. Applicant Information and Certifications

1. Applicant Information:

\_\_\_\_\_  
Name of Government Entity

\_\_\_\_\_  
Name of Office/Department

\_\_\_\_\_  
Street

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
MA

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
E-mail (optional)

\_\_\_\_\_  
Contact Name

\_\_\_\_\_  
Contact Telephone

2. Type of applicant (check one):

- Municipality
- State Authority
- State Agency
- Federal Agency
- Other, please specify: \_\_\_\_\_

#### Certification of Submittal [310 CMR 40.0062(1)(l)]

"I \_\_\_\_\_ attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this submittal, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the person or entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information."

By: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Title

For: \_\_\_\_\_

\_\_\_\_\_  
Name of entity



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### C. Applicant Information and Certifications (cont.)

Certification of Compliance [310 CMR 40.0062(1)(j)]

"I \_\_\_\_\_ attest that, except as fully disclosed in Attachment A in this permit application, I am not subject to any outstanding administrative or judicial environmental enforcement action under any federal, state or local law."

By: \_\_\_\_\_  
Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Print Name

\_\_\_\_\_ Print Title

For: \_\_\_\_\_  
Name of entity

### D. Parcel Information

1. Attach a map of the land area covered by the Special Project designation application identifying all properties that would be included and delineating parcel boundaries. For example applicants may use a tax assessors map to identify properties or surveys or maps from project planning documents.
2. Property Information (Please provide the following information for each property for which Special Project designation is sought. Make additional copies of this form if necessary):

**Current Owner:**

\_\_\_\_\_  
Name Title

\_\_\_\_\_  
Company or Organization

\_\_\_\_\_  
Street

\_\_\_\_\_  
City/Town State Zip Code

\_\_\_\_\_  
Telephone E-mail (optional)

\_\_\_\_\_  
Contact Name (if different) Contact Telephone

**Current Operator (if different from owner):**

\_\_\_\_\_  
Name Title

\_\_\_\_\_  
Company or Organization

\_\_\_\_\_  
Street

\_\_\_\_\_  
City/Town State Zip Code

\_\_\_\_\_  
Telephone E-mail (optional)

\_\_\_\_\_  
Contact Name (if different) Contact Telephone



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### D. Parcel Information (cont.)

3. Attach documentation showing that the Applicant has notified the person who owns or controls the property(ies) included in the Special Project Designation and a description of how access to the property(ies) will be obtained for the purpose of performing response actions (e.g., copies of correspondence/agreements with property owners/operators) [310 CMR 40.0062(1)(k)].
4. List all RTN numbers, if known, associated with the property identified above:

\_\_\_\_\_

\_\_\_\_\_

### E. Person Who Will Be Conducting Response Actions Under Special Project Designation (if different from Applicant) Information and Certifications [310 CMR 40.0062(1)(i)]

(Make additional copies of this section if necessary.)

Name _____		Title _____	
Company or Organization _____			
Street _____			
City/Town _____	State _____	Zip Code _____	
Telephone _____	E-mail (optional) _____		
Contact Name (if different) _____	Contact Telephone _____		

### Certification of Submittal [310 CMR 40.0062(1)(l)]

"I \_\_\_\_\_ attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this submittal, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the person or entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information."

By: \_\_\_\_\_  
Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Print Name

\_\_\_\_\_ Print Title

For: \_\_\_\_\_  
Name of person or entity



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## E. Person Who Will Be Conducting Response Actions Under Special Project Designation (if different from Applicant) Information and Certifications [310 CMR 40.0062(1)(i)] (cont.)

Certification of Compliance [310 CMR 40.0062(1)(j)]

"I \_\_\_\_\_ attest that, except as fully disclosed in Attachment A in this permit application, I am not subject to any outstanding administrative or judicial environmental enforcement action under any federal, state or local law."

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Title

For: \_\_\_\_\_  
Name of person or entity