



BWP AQ06 Notification Prior to Construction or Demolition Instructions and Supporting Materials

Table of Contents

- Introduction
- Permit fact sheet

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. (Note: the USEPA requires notification of demolition of any building except for residential structures with less than four (4) units.) This form must be submitted at least 10 working days before the start of construction or demolition work.

PERMIT FACT SHEET

1. What are the 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.

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 any building except a residential structure with less than four (4) units. Notification to MassDEP of your demolition project using the BWP AQ06 form satisfies both the federal and state requirements; you do not need to file a separate notification with EPA.

2. Who must notify?

MassDEP requires any person responsible for construction or demolition of a building, excluding residential buildings with less than 20 units, to submit notification 10 working days prior to the start of work. USEPA requires the owner/operator to submit notification 10 working days prior to the demolition any building except a residential structure with less than four (4) units.

3. Is there a specific notification form?

Yes. Notification must be made on a current version of the MassDEP's “BWP AQ06 Notification Prior to Construction or Demolition”. Access to the eDEP 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?

Notification must be made on a current version of MassDEP's Notification of Construction/Demolition (BWP AQ06).

Step 1

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.



BWP AQ06 Notification Prior to Construction or Demolition Instructions and Supporting Materials

Step 2

The eDEP Asbestos Notification Form and Instructions are available on MassDEP's website at <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html>.

Step 3

When filing via eDEP, you will pay the fee online using a credit card. Please note that "fee decals" will no longer be sold and cannot be used with online filing through eDEP.

Step 4

When filing electronically through eDEP, your 10-working day waiting period will start when you submit your form, and you will receive an automatic notification that the submittal was recorded.

Troubleshooting

If you get an error message after you click "Error Check & Next" at the end of the form, please carefully check your data entries in any fields outlined in red. For example, if you get an error message concerning the Asbestos Inspector's certification number in Section C.9. that says "License # is not recognized", please check to make sure you typed the certification number correctly.

If you still get an error message pop-up box, please contact the MassDEP BAW data systems group via email at BAW.eDEP@state.ma.us.

eDEP Features

Use of the eDEP online notification system ensures that you are using the most current form, and that you have provided all required information. Filing your BWP AQ06 Notification online via eDEP helps avoid common mistakes. Furthermore, electronic filers can see all of the Construction/Demolition Notification Forms they have submitted on-line by clicking on the "My eDEP" tab in the upper left corner of your log-in screen. In the event that either the project start date or end date changes, triggering the requirement to file a notification revision, the simplest way to do this is by filing a notification revision online via eDEP. (See Question 9 for more information on filing notification revisions.)

If you are unable to use the eDEP online notification system to file your BWP AQ06, you may file an alternate format (e.g. a paper version) by emailing a request to BAW.eDEP@state.ma.us. Please include a phone number where you can be reached so that MassDEP can help you in your request. If you have any questions or desire further information about filing electronically through eDEP, please email your inquiry to BAW.eDEP@state.ma.us.

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, federally recognized Indian tribe housing authorities or any municipal housing authorities, and other state agencies are not subject to construction or demolition notification fees.

6. Is the notification fee refundable?

No. If you withdraw a construction/demolition notification, the notification fee will not be refunded.

7. What is the timeline for notification review?

After the BWP AQ06 is recorded it may 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



BWP AQ06 Notification Prior to Construction or Demolition **Instructions and Supporting Materials**

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 and complete notification and fee have been submitted.

8. When can I start work?

Work cannot begin until the 10 working days waiting period specified by MassDEP's regulation has elapsed. **Starting construction/demolition project before the end of the 10 working day waiting period is a violation of the Dust, Odor, Construction, and Demolition regulation (310 CMR 7.09) and may result in enforcement action, including a civil administrative penalty.** If you cannot wait 10 working days before starting the project, you must obtain an emergency waiver of the 10 day notification requirement from MassDEP (see Question #10 below).

MassDEP's eDEP system uploads each electronic notification to the "EEA Data Portal" at <https://eeaonline.eea.state.ma.us/portal#!/search/asbestos>, which is refreshed every 15 minutes. When you use the EEA Data Portal to check the status of your notification, please search for it based on the project's municipality and street address.

When completing the BWP AQ06 it is important to identify the date on which you plan to start the construction/demolition operation. **Please note that you must start work on the "start date" you indicate on the BWP AQ06. If you are not going to start on that date, you must revise your notification prior to the original start date indicated.**

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 file a new notification for the project you intend to perform.

Revisions to the original notification form may be made by filing a notification revision online via eDEP. There is a \$35 fee for a notification revision.

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 pay a new fee electronically.

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's #4 and #5) 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.



BWP AQ06 Notification Prior to Construction or Demolition Instructions and Supporting Materials

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 5 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. Does MassDEP require a Survey to Identify Material Containing Asbestos?

MassDEP's Asbestos regulation (310 CMR 7.15) requires owners or operators to conduct a **thorough** pre-demolition/renovation survey of structures where a demolition or renovation will occur 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.9a and C.9b. These pre-demolition/renovation surveys must 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. (Note: the only exception to the survey requirement is for the owner of an owner-occupied, single family residences where the owner alone is performing the asbestos abatement activities involving solely non-friable asbestos-containing material),

MassDEP's Asbestos Regulation (310 CMR 7.15) also 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 be handled properly as a "Special Waste" (310 CMR 19.061).

Please note that abatement of asbestos containing material requires submittal of a separate notification form (ANF-001) to MassDEP at least 10 working days before the start of the asbestos abatement activity (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 for filing a Construction/Demolition Notification to MassDEP is not required to be a Registered Professional Engineer.

14. What can I do to avoid 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.
- b. 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.
- c. If you have any questions or desire further information about filing electronically through eDEP, please send your inquiry to the MassDEP BAW data systems group via email at BAW.eDEP@state.ma.us.



BWP AQ06 Notification Prior to Construction or Demolition Instructions and Supporting Materials

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

MassDEP's regulations are available at the Agency's website:

<http://www.mass.gov/eea/agencies/massdep/service/regulations/>. 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) for general questions about MassDEP policy and regulation, please contact the asbestos program coordinator in Boston:

MassDEP Boston Office (general questions).....(617) 292-5500

If you need to apply for a waiver of the 10 working day wait period 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.

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

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