



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands and Waterways
BRP WW 07 Major Project Certification
BRP WW 08 Minor Project Certification
BRP WW 09 Amendment of Certification for Dredging
401 Water Quality Certification for Dredging and Dredge Material Disposal
Instructions and Supporting Materials

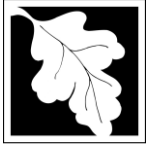
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Introduction

Instructions & Support Materials provide guidance on how to prepare a permit application.

These *Permit Applications*, supporting documents, and the fee payment (if applicable) must now be submitted through the [ePLACE Portal](#). See ePLACE step-by-step instructions on the [mass.gov](#) page for this application.



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1. What is the purpose of these certifications?

A 401 Water Quality Certification is required under the federal Clean Water Act for certain activities in wetlands and waters. This law gives states the authority to review projects that must obtain federal licenses or permits and that result in a discharge to state waters. The purpose of state 401 review is to ensure that a project will comply with state water quality standards and other appropriate requirements of state law.

Statutory authority for this certification is stated in the federal Clean Water Act, 33 USC 1341, and the Massachusetts Clean Water Act, MGL Chapter 21, sections 26-53. Regulatory authority for this certification is found in 314 CMR 9.00. Water quality standards referenced in the certification are found in 314 CMR 4.00.

2. Who must apply?

All persons who propose any activity that results in a discharge of dredged material, dredging, or dredged material disposal greater than 100 cubic yards to waters subject to regulation by the U.S. Army Corps of Engineers, Federal Energy Regulatory Commission or other federal agency, must obtain a 401 Water Quality Certification for Dredging Activities.

Examples of activities requiring certification include dredging of land under water. If no federal permit is needed for an activity, then no 401 certification is required from MassDEP. For information on the applicability of Section 404 of the Clean Water Act, or Section 9 or 10 of the Rivers and Harbors Act, the applicant is advised to consult the Corps of Engineers at 1-800-362-4367.

All persons who propose discharges or fill activities in wetlands or waters should complete the **401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands** application form, which is a separate form from this application.

There are three categories of water quality certification: major project (BRP WW 07), minor project (BRP WW 08) certifications and Amendment of Certification for Dredging (BRP WW 09). *BRP WW 07 was formerly BRP WP 39, BRP WW 08 was formerly BRP WP 40, and BRP WW 09 was formerly BRP WP 54.*

Major Dredge Project Certification (BRP WW 07):

Major project certification includes the dredging of 5,000 cubic yards (c.y.) or greater.

Minor Dredge Project Certification (BRP WW 08):

Minor project certification includes: projects not listed in the major project certification category; and those projects involving dredging less than 5,000 c.y. but more than 100 c.y., if the project area is not within Outstanding Resource Waters (ORW).

Amendment of Certification for Dredging (BRP WW 09):

If a water quality certification has been issued for a dredging project and the project is subsequently revised, the certification is not valid. An amended certification may be requested for project modifications, such as changes in the dredging area, dredged material volume, or construction methods for dredging or disposal. In addition, a change in one or more of the special conditions of certification may be allowed through an amended certification. See the BRP WW 09 application form at the end of this package.



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3. What other requirements should be considered when applying for these certifications?

Applicants proposing dredging activities in Outstanding Resource Waters (as designated in 314 CMR 4.00) are required to publish notice in the Environmental Monitor, pursuant to MEPA regulations, 301 CMR 11.00.

Projects requiring 401 Water Quality Certification generally also are subject to the WPA (MGL c. 131, sec. 40) and its regulations (310 CMR 10.00). In addition, some projects may require MEPA review. Please carefully examine 301 CMR 11.00, the MEPA Regulations, to determine if your project exceeds the MEPA review thresholds, or for more information contact: MEPA Unit, Executive Office of Energy and Environmental Affairs, 100 Cambridge Street, Boston, MA 02114, 617-727-5830). **MassDEP cannot complete technical review of the permit application until the MEPA process has been concluded.** Copies of MEPA filings and certificates (with reference to any applicable Transmittal numbers) should be sent to the 401 Dredging Program in Boston.

State Agencies may not issue state permits until 60 days after a Final Environmental Impact Report, if required, has been noticed in the *Environmental Monitor* (301 CMR 11.20(1)).

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

4. What are the application fees for these certifications?

Current fees are available on the MassDEP Website:
<https://www.mass.gov/guides/massdep-permitting-assistance>

5. How do I submit the application?

The application must be submitted through ePLACE, located here: <https://eplace.eea.mass.gov/citizenaccess>

Additional visual ePLACE step-by-step instructions to assist in submitting your application are available at: <https://www.mass.gov/how-to/ww-07-08-09-water-quality-certifications-dredging-projects>

For the WW 07 and WW 08 form,

- Log into the ePLACE Portal at: <https://eplace.eea.mass.gov/citizenaccess> and create an account.
- Once logged in, click on the large blue button on the right, "File an Online Application".
- Read and agree to the disclaimer. Click "Continue".
- To find this application, click on "Apply for DEP Authorization – 401 Water Quality Certification (WW)" and you'll see options which include "WW07 - 401 Major Dredging (5000 cubic yards or greater) Project Application" and "WW08 - 401 Minor Dredging (less than 5000 cubic yards) Project Application".
- Follow instructions on each screen and click "Continue Application" to move to the next step.
- Note that you can return to an application provided you select "Save and Return Later". Once you submit an application you can no longer upload documents without approval from MassDEP personnel.
- At the end of the application steps, the ePLACE system will take you directly to a screen where you can pay the fee, if applicable. Complete payment information in ePLACE.
- Once an application has been submitted, you will receive an email that will provide you the record number.



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- From the “My Records” button, you will be able to view the status of your application through the review and approval processes.

For the WW 09 form,

- Log into the ePLACE Portal at: <https://ePLACE.eea.mass.gov/citizenaccess> or create an account if you do not already have one.
- Once logged in, click on the large blue button on the right, “File an Online Application”.
- Read and agree to the disclaimer. Click “Continue”.
- Click on “Apply for an EEA General Request”. Note that in ePLACE all Permits are referred to as “Legacy Records”.
- Select “Claim Authorization Form”. Click “Continue”.
- Select Whether you are claiming this for yourself or someone else. Click “Continue Application”.
- Choose the following in order to “Claim Your Authorization”:
 - a. Under, “Which agency is the Legacy Record from?” select “DEP”.
 - b. Under, “Which program is the Legacy Record from?” select “401 Water Quality Certification”.
 - c. Under, “General Information” complete the information. Your **legacy ID will be your Transmittal #** from your prior approval.
 - d. You will **not** be required to attach anything in the Documents section. Click “Continue Application”.
 - e. Check the certification box at the bottom of the next screen and click “Continue Application”. Your authorization claim has now been submitted.
 - f. Note that you will not be able to submit the application until your authorization claim has been submitted to **and** approved by MassDEP.
 - g. Your authorization claim will need approval by MassDEP. After approval, you can log into ePLACE and proceed with submitting your application.
- Upon receiving approval of your authorization claim from MassDEP, log in to ePLACE and perform the steps below to submit the application. Note that the above steps only need to be performed the first time you submit information about your prior approval in ePLACE.
- Click on “My Records” where you will see the Permit for which you have an approved authorization claim. “Amendment” (this is the same as a *modification*) will show up under Action. Select this, and then follow prompts to proceed with filling out the WW 09.
- Note that you can save an application and return to it later provided you select “Save and Return Later”. Once you submit your application you can no longer upload documents without approval from MassDEP personnel.
- Once the application has been submitted, you will receive an email that will provide you the record number.
- From the “My Records” button, you will be able to view the status of your application through the review and approval processes.

Important Contacts

- For technical assistance regarding online filing, contact the ePLACE Help Desk Team at (844) 733-7522 or ePLACE_helpdesk@mass.gov.
- To see a copy of your application after submittal, also see: <https://eeaonline.eea.state.ma.us/EEA/PublicApp>



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

The timelines are available on the MassDEP Website:

<https://www.mass.gov/guides/massdep-permitting-assistance>

7. What is the annual compliance fee?

There is no annual compliance assurance fee for water quality certifications.

8. How long are these certifications in effect?

Water quality certifications for dredging are in effect for the completion of the proposed project, unless there is a term for maintenance dredging or time limitation stated in the certification.

9. How can I avoid the most common mistakes made in applying for these certifications?

- a. For dredging projects, indicate the depth and show the location of all sediment samples, indicate if samples were composited before analysis, and provide a copy of the analytical report from the laboratory.
- b. Be sure any vegetated wetland boundaries are clearly indicated on plans for projects in vegetated wetlands.
- c. Be sure construction methods and sequence of activities in wetlands and waters are clearly described.
- d. Fill out the application and pay the fee through ePLACE, <https://eplace.eea.mass.gov/citizenaccess>
- e. Be sure all applicable supplemental documents are provided with your online application, including project plans and MEPA certificates in the Documents section.

10. What are the regulations that apply to these certifications and where can I get copies?

These regulations include, but are not limited to:

- a. 401 Water Quality Certification Regulations, 314 CMR 9.00
- b. Surface Water Quality Standards, 314 CMR 4.00
- c. Wetlands Protection Act Regulations, 310 CMR 10.00.
- d. Timely Action Schedule and Fee Provisions, 310 CMR 4.00
- e. Rules for Adjudicatory Hearings, 310 CMR 1.00
- f. Massachusetts Environmental Policy Act Regulations, 301 CMR 11.00.

These may be purchased at:

State Bookstore (in State House)
Room 116
Boston, MA 02133
617-727-2834

State Bookstore
436 Dwight Street, Room 102
Springfield, MA 01102
413-784-1376



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Guidance

Application Instructions for BRP WW 07 and BRP WW 08 only.

There are three categories of water quality certification: major project (BRP WW 07), minor project (BRP WW 08) certifications, and Amendment of Certification for Dredging (BRP WW 09).

Major Project Certification (BRP WW 07)

Major project certification includes the dredging of 5,000 cubic yards (c.y.) or greater.

Minor Project Certification (BRP WW 08)

Minor project certification includes: projects not listed in the major project certification category; and those projects involving dredging less than 5,000 c.y. but more than 100 c.y., if the project area is not within Outstanding Resource Waters (ORW).

For an Application to be complete, proof must be provided that the requirements for public notice have been met, including public notice in the Environmental Monitor for projects in Outstanding Resource Waters (as designated in 314 CMR 4.00).

- a. The boundary of land under water for coastal waters is defined at 310 CMR 10.25 (2) and at 310 CMR 10.56 (2) for inland waters, unless the U.S. Army Corps of Engineers has field-verified a federal determination as to the boundary.
- b. Other Resources.

Bordering vegetated wetland boundary delineation should be conducted in accordance with 310 CMR 10.55 (2), unless the U.S. Army Corps of Engineers has already field-verified a federal delineation of these wetlands.

Isolated vegetated wetland boundary delineation should be conducted in accordance with federal methods. (See MassDEP Delineation Handbook for Delineating BVWs under the Mass. WPA for guidance.)

Salt marsh boundary delineation should be conducted in accordance with 310 CMR 10.32, unless the U.S. Army Corps of Engineers has already field-verified a federal delineation of these wetlands.

The scope of alternatives to be considered shall be commensurate with the scale and purpose of the proposed activity, the impacts of the proposed activity, and the classification, designation and existing uses of the affected wetlands and waters in the Surface Water Quality Standards at 314 CMR 4.00.

Applicants must submit information with this application demonstrating that (a) no less damaging practicable alternative for the activity is reasonably available or feasible and (b) to the maximum extent feasible the discharge and the activity are designed and can be conducted to minimize adverse impacts on water and wetlands and to mitigate adverse impacts. Examples of minimization of impacts include: minimizing siltation, turbidity, and dispersal of contaminants by use of silt curtains and/or other appropriate equipment such as "environmental" clamshell or hydraulic dredge; timing of dredging to avoid seasonal impacts to fish and shellfish during spawning or migration periods; and avoidance of dredging in intertidal habitat, shellfish or eel grass beds.

Physical and Chemical Analysis of Sediment Samples:

Sample Collection and Handling



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Samples should be collected to adequately represent the sediment to be dredged. In an area with no known particular local sources of contaminants and no known history of release of oil and hazardous materials, the sampling plan may be based on a grid system. In no case should fewer than two samples be collected. Generally, core samples to the depth of dredging are required to be obtained and analyzed. The full core should be composited for analysis of physical and chemical constituents.

Where local sources of contamination exist, such as combined sewer overflows, storm drain outlets, boat repair docks, fuel docks, etc., or where information exists regarding historic release or spill of oil and hazardous materials, project areas which may have been affected by these sources of contaminants must be specifically targeted in the sampling plan.

In general, the sediment should be analyzed for grain size and all of the chemical constituents listed in the online form. However, in situations where representative samples contain 10% or less material passing the No. 200 sieve (by weight) AND the applicant can provide information to MassDEP demonstrating that there are no local industrial, sewage or other discharges present which could contaminate the sediments, then the applicant does not need to analyze sediment for these chemical constituents. MassDEP reserves the right to require chemical testing after an initial review of the application.

A plan showing the sampling locations and a description of any compositing or sub sampling conducted must be submitted along with the analytical results.

Sediment Analysis:

Sediment slated for upland placement should be analyzed for Extractable Petroleum Hydrocarbons using the method developed by MassDEP, rather than Total Petroleum Hydrocarbons by EPA Method 418.1. Acceptable methods of analysis for other sediment constituents and expected detection limits are indicated in the "Guidance for Performing Tests on Dredged Material to be Disposed of in Open Waters" by U.S. Environmental Protection Agency - Region I and the U.S. Army Corps of Engineers New England Division (1989).

A copy of the report of sample analysis from the performing laboratory should be provided including quality assurance/quality control information and methods of analysis used.

It is recommended that a proposed sampling plan be submitted in the Documents section in ePLACE.

Disposal and Dewatering Site:

Applicants proposing to beneficially use sediment at a lined landfill as daily cover or grading material are advised that, MassDEP policy exempts qualifying sediments from the need to obtain specific approval from MassDEP's Division of Solid Waste Management. Qualifying sediments must not exceed specified chemical concentrations as listed in Table 1 in Interim Policy # COMM-94-007 (<https://www.mass.gov/guides/interim-policy-comm-94-007-dredged-sediment-reuse-or-disposal>). Such sediments must be characterized by at least 1 core sample for each 1,000 cubic yards proposed to be dredged.



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Plan view.

The plan view of the proposed activity should show the following:

- | | |
|--|--|
| <input type="checkbox"/> Existing shorelines. | <input type="checkbox"/> Ebb and flood in tidal waters and direction of flow in rivers. |
| <input type="checkbox"/> North arrow. | <input type="checkbox"/> Graphic and numerical scale. |
| <input type="checkbox"/> Mean high and low water lines if the proposed activity is located in tidal areas. | <input type="checkbox"/> High Water Mark for inland waters. |
| <input type="checkbox"/> Water depths around the project that are measured with respect to MHTL for activities located in tidal waters and represented on the plans as elevations below MHW. | <input type="checkbox"/> Principal dimensions of the structure or work and extent of encroachment beyond the applicable high-water line. |
| <input type="checkbox"/> Seaward distance from an existing permanent fixed structure or object. | <input type="checkbox"/> Harbor lines, if established and known. |
| <input type="checkbox"/> Distance between proposed activity and navigation channel, where applicable. | <input type="checkbox"/> Location of any vegetated wetlands or wetland resource areas. |
| <input type="checkbox"/> Location of structures, if any, in navigable waters immediately adjacent to the proposed activity. | <input type="checkbox"/> Proximity to any designated Areas of Critical Environmental Concern. |

Elevation and/or Section View.

The elevation and/or section view of the proposed project should show the following:

- | | |
|--|---|
| <input type="checkbox"/> Same water elevations as the plan view. | <input type="checkbox"/> Depth at waterward face of proposed work. Show dredging grade. |
| <input type="checkbox"/> Graph and numerical scale. | <input type="checkbox"/> Cross-section of excavation including approximate side slopes. |
| <input type="checkbox"/> High Water Mark for inland waters. | <input type="checkbox"/> Mean High Tide Line for coastal waters. |



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Attachment A

ATTACHMENT A

Instructions for Public Notice

For an application to be considered complete, proof must be provided that the requirements for public notice have been met, including public notice in the *Environmental Monitor* for dredging projects in Outstanding Resource Waters. The *Environmental Monitor* is published twice per month by the Executive Office of Environmental Affairs, MEPA Unit. Filing deadlines are the 15th and last day of the month, unless the day falls on a Saturday, Sunday or Holiday in which case the next business day is used. (See Item 3 in the *How to Apply* guide for the MEPA Unit address and telephone number.)

The Public Notice must contain the information required at 314 CMR 9.05 (3)(a) through (g).

Public notice must be published within 10 days of submitting a 401 application. In addition, a copy of the public notice should be sent to the conservation commission and MassDEP at the time of publication. Proof (e.g., a dated copy of the newspaper notice) that public notice has been published is a requirement of certification.

If the conservation commission is amenable to joint notice, applicants can append the following language to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, section 40, conservation commission hearing notice, such as:

"An application for 401 water quality certification is pending before the Department of Environmental Protection for [project name, brief description of activity]. Additional information may be obtained from [applicant/ contact person name], [address] and [telephone]. Written comments should be addressed to: [MassDEP, Boston Office] within twenty-one days of this notice. Any group of ten persons, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment who submits written comments may appeal the Department's Certification. Failure to submit written comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing."

The following language is suggested for projects not regulated under the Massachusetts Wetlands Protection Act, or when either the applicant or the conservation commission prefers separate public notice, or for a notice in the *Environmental Monitor* for dredging projects in Outstanding Resource Waters:

*Massachusetts Department of Environmental Protection
401 Dredging Program
100 Cambridge Street
Suite 900
Boston, MA 02114
617-874-7155*



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Attachment A

Public Notice

Pursuant to 33 U.S.C. 1341 and M.G.L. c. 21 §43, notice is given of a 401 water quality certification application for [project name, brief description of activity] by [applicant's name and address] on [location] in [city/town] for a [project purpose]. The property owner's name is [] and address is []. Additional information may be obtained from [applicant/ contact person name], [address] and [telephone]. Written comments should be sent to: [MassDEP - DWW, Boston office] within twenty-one days of this notice. Any group of ten persons, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment who submits written comments may appeal the Department's Certification. Failure to submit written comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.

Joint notice may be provided when an application is submitted for projects regulated by the Waterways Regulations under M.G.L. c.91 and 310 CMR 9.00. Contact Regional Waterways staff for a comprehensive list of individuals/entities that are required to be notified under Chapter 91.

*Department of Environmental Protection
Wetlands and Waterways Program
100 Cambridge Street
Suite 900
Boston, MA 02114*

Joint 401 WQC for dredging and Chapter 91 Public Notice:

As to the Joint Public Notice, MassDEP will assist you to draft it. Please contact MassDEP if you have any questions about it.

*Written comments on the 401 WQC must be sent within twenty-one (21) days of this notice to:
[MassDEP – DWW, Boston office]*

*Written comments on the Chapter 91 Dredge Permit must be sent within fifteen (15) days of this notice to:
[MassDEP – WWP, Boston office].*

Any group of ten persons, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment who submits written comments may appeal the Department's Certification and Dredge Permit. Failure to submit written comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.



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Application Completeness Checklist

- The Application Form for 401 Water Quality Certification for Dredging and Dredged Material Disposal has been completed through ePLACE.
- A copy of the Wetlands Notice of Intent has been completed, unless the project is exempt.
- A copy of the report of analysis of dredged material from the performing laboratory has been submitted in Documents section, for dredging projects.
- If applying for an Amendment of Certification of Dredging (BRP WW 09), the Application for an Amended Water Quality Certification for Dredging Projects has been completed in ePLACE.
- Proof has been submitted that the requirement at 310 CMR 9.05(3) to publish notice in the Environmental Monitor for dredging projects in Outstanding Resource Waters has been met (copy of the Environmental Monitor notice).
- Proof has been submitted that the public notice requirement at 314 CMR 9.05 (3)(a) through (g) identified in Attachment A has been met (copy of the dated newspaper notice).

To submit the application package:

- Submit the application and documents listed above through ePLACE, <https://eplace.eea.mass.gov/citizenaccess>.

- Pay fee of:

\$490 for BRP WW 07;

\$95 for BRP WW 08;

One of the following for BRP WW 09 –

WW09A - Increase in volume up to 50%, no change in area - \$90

WW09B - Change in dredge or disposal construction methods or plans - \$190

WW09C - Change in one or more certification condition(s) - \$280

You can pay online in ePLACE or pay by mail in the form of a check or money order made payable to *Commonwealth of Massachusetts* (please follow email instructions provided to you once your application is submitted).