



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands and Waterways
401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands
BRP WW 10 Major Project Certification
BRP WW 11 Minor Project Certification
Guidance

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Introduction

Instructions & Support Materials provide guidance on how to prepare an online 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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There are two categories of water quality certification: major project (BRP WW 10) and minor project (BRP WW 11) certifications.

Major Fill/Excavation Project Certification (BRP WW 10):

Major Fill/Excavation Project Certification includes projects with:

- a cumulative loss of more than 5,000 square feet of bordering and isolated vegetated wetland and land under water, except for routine maintenance projects meeting the criteria of 314 CMR 9.04(5) and agricultural limited projects meeting the criteria of 314 CMR 9.04(1); or
- a loss of any amount of vegetated wetland or land under water involving outstanding resource waters, rare species in an isolated vegetated wetland, salt marsh, an individual 404 permit, or activities where MassDEP invokes discretionary authority pursuant to 314 CMR 9.04(11) to require an application for an individual water quality certification.

Minor Fill/Excavation Project Certification (BRP WW 11):

Minor project certification includes projects with:

- a cumulative loss of up to 5,000 square feet of bordering and isolated vegetated wetland and land under water involving real estate subdivisions required to file applications for individual water quality certifications under the provisions of 314 CMR 9.04(3), activities exempt under MGL Chapter 131, section 40, under the provisions of 314 CMR 9.04(4), or any activity subject to the provisions of 314 CMR 9.04(13); or
- a cumulative loss of more than 5,000 square feet of vegetated wetland or land under water involving routine maintenance meeting the criteria of 314 CMR 9.04(5); or
- any cumulative loss of vegetated wetland or land under water involving an agricultural limited product meeting the criteria of 314 CMR 9.04(10). Fill/Excavation Project Certification (BRP WP 10)

Projects Excluded from 401 Review:

The following project categories will be certified by MassDEP provided the specified conditions of 314 CMR 9.03 are met. No Water Quality Certification application need be filed for such projects unless the impacts to resource areas, or the project size increases from the description filed with the Notice of Intent, or there are any inaccuracies therein, in which case the applicant must notify MassDEP and request a determination that the criteria of 314 CMR 9.03 have been met before the activity begins.

- Projects not listed above as requiring a major or minor project certification, provided that such projects: have obtained a Final Order of Conditions permitting work which results in the loss of no more than 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water; meet the other conditions contained in 314 CMR 9.03(1).
- Beach nourishment activities with a Final Order of Conditions under the Wetlands Protection Act.
- Dredging and dredged material disposal projects not listed above as requiring a major or minor project certification, provided that a Final Order of Conditions has been issued.
- Agriculture or aquaculture exempt under the Wetlands Protection Act, in accordance with the provisions 314 CMR 9.03 (4).



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- Projects in isolated vegetated wetlands not subject to the Wetlands Protection Act which will result in the loss of up to 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water, provided that there is no discharge of dredged or fill material in any habitat for rare and endangered species or to any Outstanding Resource Water.
- Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes such as the installation of monitoring wells, exploratory borings, sediment sampling, and surveying, provided that the requirements of 314 CMR 9.04 (6) are met.

The following items are sections of the online application, and available to provide some regulatory guidance (please see additional instructions here: <https://www.mass.gov/how-to/ww-10-11-major-minor-fill-and-excavation-projects>)..

Primary Project Location

Self explanatory.

Other Primary Location Info

Parcel ID (e.g., Assessors Map# and Lot#; Transmission Line ID if linear utility project.)

Project Type

For any real estate subdivision is checked, the following information must be submitted with the application in the Documents section:

- a. location of roads, driveways, sidewalks, drainage, utilities, lot lines for all lots as defined in the Subdivision definition at 314 CMR 9.02, and locations of all bordering and isolated vegetated wetlands and land under water on the entire subdivision;
- b. ownership of parcels adjacent to the project site;
- c. delineation of the limit of work ("building envelope") for all lots, roads, driveways, sidewalks, drainage, utilities, buildings, septic systems, wells, and accessory structures;
- d. calculation of the total cumulative square feet of bordering and isolated vegetated wetlands and land under water proposed to be altered for the entire subdivision;
- e. description of the impacts to wetlands and waters of the entire single and complete project; and
- f. description of the alternatives considered to avoid, minimize or mitigate impacts.

Subdivisions with recorded deed restrictions which provide notice to subsequent purchasers limiting the amount of fill for the entire subdivision to 5,000 square feet cumulatively, provided the discharge is not to an Outstanding Resource Water, do not require an individual 401 certification. A copy of the deed should be sent to the Regional office along with the Order of Conditions.

Proposed Areal Extent Info

Proposed Areal Extent of "Discharges of Dredged or Fill Material", including "redeposit of dredged or excavated material" to "Waters of the United States within the Commonwealth".

Report the areal extent, as expressed in square feet, of all proposed "discharges of dredged or fill material", including "redeposit of dredged or excavated material", both temporary and permanent, to each category of "Waters of the United States within the Commonwealth".

Calculate the loss in square feet of each resource area type. Include bordering vegetated wetlands,



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isolated vegetated wetlands, land under water (including coastal waters) and salt marsh to be filled, flooded, drained, excavated, backfilled, or graded. For clarification concerning these jurisdictional boundaries, please consult the U.S. Army Corps of Engineers at 1-800-362- 4367.

Wetland Delineation

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, unless the U.S. Army Corps of Engineers has already field-verified a federal delineation of these wetlands. (See MassDEP Delineation Handbook for Delineating BVWs Under the Mass. WPA for guidance.)

The non-tidal 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 already field-verified a federal determination as to the boundary.

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

Compliance With 314 CMR 9.00

See instructions for Public Notice further below.

Alternatives Analysis

All 401 activities are subject to an alternatives analysis as part of MassDEP's certification review process. No discharge will be permitted if there is a practicable alternative which would have less adverse impact on the aquatic ecosystem. For non water-dependent projects, practicable alternatives which do not involve a discharge of fill material are presumed to be available, unless clearly demonstrated otherwise. Practicable alternatives are presumed to have less adverse impact on the aquatic ecosystem.

Applicants must submit information with this application demonstrating that (a) no practicable alternative for the activity which does not involve the loss of wetlands is available and (b) appropriate and practicable steps have been taken to minimize potential adverse impacts including a minimum of 1:1 restoration or replication of wetlands. (See 310 CMR 10.55 (b) for minimum performance standards for replication). Minimizing impacts may mean, for example, limiting the base width of a driveway to 12 feet for access to a single-family home, or installing a bridge or other spanning structure for access to an industrial park or subdivision. For projects proposing the loss of more than one acre of wetlands, MassDEP may consider an offsite alternatives analysis prepared through an Environmental Impact Report or a 404 permit by the Corps.

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.

As a guide in preparing the response to this question, please consider the following: Is the project an expansion of existing work or is it new construction? Explain why the project must be located in or adjacent to wetlands. How could the project be redesigned to fit the site without affecting wetlands? How could the project be reduced and meet the project purpose? Have other sites been considered through MEPA or an individual Army Corps permit review? In recent years, have you sold or leased any lands located adjacent



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to the project site? Are there logistical (location, access, transportation, etc.) reasons that limit the alternatives considered? Are there technical limitations for the alternatives considered? Are there other reasons certain alternatives are not practicable? How do the costs compare for the alternatives considered?

Outstanding Resource Waters

In certain waters and wetlands that are designated in the Massachusetts Surface Water Quality Standards (314 CMR 4.00) as Outstanding Resource Waters (ORWs), no discharge of fill material is permitted except for certain eligible activities. These activities are listed at 314 CMR 9.06 (3)(a) through (i).

For access to dwelling units in ORWs, alternatives analysis shall include: a span or other bridging technique for any number of dwelling units which will result in the loss of more than 5,000 sq. ft. or for ten or more units which will result in the loss of less than 5,000 sq. ft. For 4 to 9 units, which will result in the loss of less than 5,000 sq. ft., a span may be required to be considered in the alternatives analysis. For 3 or fewer units, which will result in the loss of less than 5,000 sq. ft., a span is presumed to not be practicable. These presumptions may be overcome, based on site conditions, the impact on the resource, and cost considerations. Applicants should reference relevant materials submitted with this application or the Notice of Intent to justify the scope of alternatives presented.

Under 314 CMR 9.06 (4), no discharge is permitted to certain waters and wetlands specifically identified in the Massachusetts Surface Water Quality Standards at 314 CMR 4.06(1)(d) as Outstanding Resource Waters (ORWs, e.g. vernal pools and wetlands/waters within 400 feet of a water supply reservoir) unless a variance is obtained pursuant to 314 CMR 9.08.

Notice must be published in the Environmental Monitor for projects proposed in ORWs. Proof of publication must be submitted as part of a complete Application (copy of the Environmental Monitor notice).

Additional Information

Include the MassDEP Notice of Intent file number, if available.

Please enclose a copy of the complete Notice of Intent submitted to the local Conservation Commission, including plans, if the project is subject to the Massachusetts Wetland Protection Act (WPA), Chapter 131, section 40, and its regulations, 310 CMR 10.00. To avoid processing delays, if plans are revised during the local review process, an additional copy of the revised plans should be submitted concurrently to MassDEP in support of this application for water quality certification. Please provide the following information if it is not already shown on the Notice of Intent or supporting documents and plans:

- plans showing boundary and location of all bordering and isolated vegetated wetlands, land under water and coastal wetlands;
- information that describes the existing site conditions;
- information that describes the post-construction conditions of the site;
- information that describes the proposed activity;
- names of all waterbodies;
- direction and flow of rivers and streams;
- name of river basin or embayment;
- mitigation measures proposed to protect waters and wetlands;
- location and area of any wetland replication areas proposed;
- location of certified vernal pools;



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- location of any isolated vegetated wetland identified as habitat for rare and endangered species by the Division of Fisheries and Wildlife Natural Heritage Program; and
 - storm water management plan and drainage calculations.

If any component of the project is subject to 401 certification but not subject to the WPA and its regulations (310 CMR 10.00), please describe why and provide the following information in the Documents section:

- plans showing boundary and location of all bordering and isolated vegetated wetlands, land under water and coastal wetlands;
- information that describes the existing site conditions;
- information that describes the post construction conditions of the site;
- information that describes the proposed activity;
- names of all waterbodies;
- direction and flow of rivers and streams;
- name of river basin or embayment;
- mitigation measures proposed to protect waters and wetlands;
- location and area of any wetland replication areas proposed;
- location of certified vernal pools;
- location of any isolated vegetated wetland identified as habitat for rare and endangered species by the Division of Fisheries and Wildlife Natural Heritage Program; and
- storm water management plan and drainage calculations.

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 fill or excavation projects in ORWs. 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. Publication is 7 to 10 days following the filing deadline. (See Question 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] by [applicant's name and address, property owner name and address if different from applicant] on [location] in [city/town] for a [project purpose, e.g., subdivision]. Additional information may be obtained from [applicant/ contact person name], [address], [telephone]. Written comments should be addressed to: [MassDEP Regional Office], [Division of Wetlands and Waterways], [address] 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."



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Joint notice may also 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.

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

*Massachusetts Department of Environmental Protection Division of
Wetlands and Waterways
[regional office] [address]
[telephone]*

Public Notice

Pursuant to 33 U.S.C. 1341 and M.G.L. c. 21 §§ 26 - 53, notice is given of a 401 Water Quality Certification application for [project name, brief description of activity] by [applicant's name and address, property owner name and address if different from applicant] on [location] in [city/town] for a [project purpose, e.g., subdivision]. Additional information may be obtained from [applicant/ contact person name], [address], [telephone]. Written comments should be sent to [MassDEP Regional Office], [Division of Wetlands and Waterways], [address] 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.



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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, including excavating and fill in wetlands. 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, M.G.L. 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 from fill or excavating in 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.

Examples of activities requiring certification include filling and excavating in bordering and isolated vegetated wetlands or waters. 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 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 dredging greater than 100 cubic yards should complete the **401 Water Quality Certification for Dredging and Dredged Material Disposal** application form which is enclosed in a separate application kit.

There are two categories of water quality certification which concern discharge, fill, and excavation projects: major project (BRP WW 10) and minor project (BRP WW 11) certifications. *BRP WW 10 was formerly BRP WP 39, and BRP WW 11 was formerly BRP WP 40.*

Major Fill/Excavation Project Certification (BRP WW 10):

Major Fill/Excavation Project Certification includes projects with:

- a cumulative loss of more than 5,000 square feet of bordering and isolated vegetated wetland and land under water, except for routine maintenance projects meeting the criteria of 314 CMR 9.04(5) and agricultural limited projects meeting the criteria of 314 CMR 9.04(1);
- a loss of any amount of vegetated wetland or land under water involving outstanding resource waters, rare species in an isolated vegetated wetland, salt marsh, an individual 404 permit, or activities where MassDEP invokes discretionary authority pursuant to 314 CMR 9.04(11) to require an application for an individual water quality certification.

Minor Fill/Excavation Project Certification (BRP WW 11):

Minor project certification includes projects with:

- a cumulative loss of up to 5,000 square feet of bordering and isolated vegetated wetland and land under water involving real estate subdivisions required to file applications for individual water quality certifications under the provisions of 314 CMR 9.04(3), activities exempt under M.G.L. Chapter 131, section 40, under the provisions of 314 CMR 9.04(4), or any activity subject to the provisions of 314 CMR 9.04(13);



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- a cumulative loss of more than 5,000 square feet of vegetated wetland or land under water involving routine maintenance meeting the criteria of 314 CMR 9.04(5);
- any cumulative loss of vegetated wetland or land under water involving an agricultural limited product meeting the criteria of 314 CMR 9.04(10).

Projects Excluded from 401 Review:

The following project categories will be certified by MassDEP provided the specified conditions of 314 CMR 9.03 are met. No Water Quality Certification application need be filed for such projects unless the impacts to resource areas, or the project size increases from the description filed with the Notice of Intent, or there are any inaccuracies therein, in which case the applicant must notify MassDEP and request a determination that the criteria of 314 CMR 9.03 have been met before the activity begins.

- Projects not listed above as requiring a major or minor project certification, provided that such projects: have obtained a Final Order of Conditions permitting work which results in the loss of no more than 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water; meet the other conditions contained in 314 CMR 9.03(1).
- Beach nourishment activities with a Final Order of Conditions under the Wetlands Protection Act.
- Dredging and dredged material disposal projects not listed above as requiring a major or minor project certification, provided that a Final Order of Conditions has been issued.
- Agriculture or aquaculture exempt under the Wetlands Protection Act, in accordance with the provisions 314 CMR 9.03 (4).
- Projects in isolated vegetated wetlands not subject to the Wetlands Protection Act which will result in the loss of up to 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water, provided that there is no discharge of dredged or fill material in any habitat for rare and endangered species or to any Outstanding Resource Water.
- Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes such as the installation of monitoring wells, exploratory borings, sediment sampling, and surveying, provided that the requirements of 314 CMR 9.04 (6) are met.

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

A copy of the Application Form must be sent to the conservation commission in the city or town where the work will occur.

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, 617-626-1020). **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 appropriate Regional Office.

Applicants proposing projects in Outstanding Resource Waters are required to publish notice in the *Environmental Monitor*, pursuant to the MEPA regulations, 301 CMR 11.00. State agencies may not issue



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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?

BRP WW 10 Major Project.....\$490
BRP WW 11 Minor Project \$95

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-10-11-major-minor-fill-and-excavation-projects>

- 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)".
- 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.
- 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://eeasonline.eea.state.ma.us/EEA/PublicApp>.

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

The timelines are available on the MassDEP Website: <https://www.mass.gov/lists/massdep-fees-timelines>

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?

The water quality certification is in effect as long as the federal permit which required it, unless there is a term stated in the certification.

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



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- a. Be sure all bordering and isolated vegetated wetlands and land under water boundaries are clearly delineated on project plans submitted with the Notice of Intent, or separately if the project is not subject to 310 CMR 10.00.
- b. Provide separate calculations for the amount of square feet of each resource type (bordering vegetated wetland, isolated vegetated wetland and land under water) proposed to be lost. Provide the cumulative total square feet of the resource areas to be lost. The area proposed to be lost from the impacts of the activity, which may include filling, draining, excavating or flooding, should be calculated separately from the area proposed to be restored or replicated.
- 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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Application Completeness Check List

- Documentation of request for pre-filing meeting at least 30 days prior to application submittal
- Proof that application for WW10/11 or WW07/08/26 401 WQC application has been submitted through ePLACE
- If the project is subject to the Wetlands Protection Act and if the Final Order of Conditions has been issued, a copy of the Final Order of Conditions.

Alternatives analysis [314 CMR 9.06(1)(b), 314 CMR 9.07(1)(a), 314 CMR 9.07(1)(b)]

- Final MEPA certificate, or justification that project is not subject to MEPA review
- Proof public notice has been published in the Environmental Monitor for projects in an Outstanding Resource Water or projects exempt from MGL 131 s. 40 but subject to 314 CMR 9.00
- Proof has been submitted that the public notice requirement at 314 CMR 9.05(3)(a) through (g) has been met (copy of the dated newspaper notice).
- For projects involving the creation of a real estate subdivision with deed restrictions limiting the amount of fill for the single and complete project to 5,000 square feet cumulatively, proof that the deed restriction has been recorded as specified at 314 CMR 9.04(3) and a copy of the deed is submitted with the Order of Conditions.
- A copy of the 401 application is sent to the conservation commission in the town/city where the work will occur.
- Project narrative
- Project plan set

USGS quadrangle map with project location identified
Wetlands and/or Land Under Water replication and/or restoration plan

The following documentations may be required, as applicable:

- Consultation letter or email from Division of Marine Fisheries and/or Division of Fisheries and Wildlife [314 CMR 9.07(3)(b)]
- Consultation letter or Email from Natural Heritage and Endangered Species Program
- A copy of the Wetlands Notice of Intent, unless the project is exempt from the Wetlands Protection Act
- Proof that application for an amendment of a WQC has been submitted through ePLACE
- Plans for effluent control at the dewatering and disposal sites
- USACE authorization
- List of all other required permits or authorizations



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- Documentation of meeting Stream Crossing Standards
- Documentation of meeting Stormwater Standards
- Details of Compensatory mitigation proposals
- Table of impacts to WOTUS using 401 terminologies
- Construction Sequencing Plan
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan (Stormwater Pollution Prevention Plan as appropriate)
- USACE Field Data Forms documenting vegetated wetland delineation and corresponding uplands
- USACE Field Data Sheet documenting Ordinary High Water (OHW) delineation or Plan showing OHW line
- For projects within the Quabbin, Ware, and Wachusett watersheds not regulated by the Watershed Protection Act regulations, pursuant to 350 CMR 11.06(4), a copy of the Request for Advisory Ruling under 350 CMR 11.06 (1)(a)1., or Request for Watershed Determination of Applicability pursuant to 350 CMR 11.06(2)(a)1., with the Metropolitan District Commission's [now Department of Conservation & Recreation] Ruling or Determination
- Other project-specific documents

To submit the application package:

- ☐ Submit the application and documents listed above through ePLACE, <https://eplace.eea.mass.gov/citizenaccess>. Any documents attached that don't fit a specific category in ePLACE, should be designated as "Other".
- ☐ Pay fee of:
\$490 for BRP WW 10; \$95 for BRP WW 11

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).