

# INSTRUCTIONS FOR MCP-RELATED PUBLIC NOTICES (NEWSPAPER NOTICES)

## Introduction

The Massachusetts Contingency Plan (310 CMR 40.0000, the "MCP") requires that the public be informed about specific response action milestones at disposal sites and the opportunities to comment on such response actions through the publication of notices (referred to as "public notices") in a newspaper in general circulation in the vicinity of the disposal site. The MCP states that these public notices "shall be in a form established by the Department for such purpose." This document contains the forms MassDEP has established for the newspaper public notices required under the MCP.

These notices must be used to announce:

1. Tier Classification of a site (as specified at 310 CMR 40.1403(6)(a))
2. Initial Public Involvement Plan Site Meeting (as specified at 40.1405(5))
3. Recording/Registering of an Activity and Use Limitation (AUL) (as specified at 310 CMR 40.1403(7))
4. Recording/Registering an AUL Amendment, Release or Termination (as specified at 310 CMR 40.1403(7))

## General Instructions for Newspaper Public Notices

- For each notice, site-specific information must be inserted into the form at specific locations. These locations are noted in prescribed forms in **bold type**.
- Additional site-specific information must be entered into or selected from the bolded brackets ([ ]), as appropriate. This information includes the site classification, dates of submittals, deadlines for public comments, names and addresses of the applicant, person conducting the response action and Licensed Site Professional(s), and the location and contact information for the appropriate MassDEP Regional Office (See [www.mass.gov/dep/about/regional.htm](http://www.mass.gov/dep/about/regional.htm) for MassDEP regional office listings)
- All public notices must be published in a newspaper that circulates in the community(ies) in which the disposal site is located. Public notices must also be published in newspapers that circulate in any other communities that are (or are likely to be) affected by the disposal site. Either daily or weekly newspapers may be selected.

## **INSTRUCTIONS FOR MCP-RELATED PUBLIC NOTICES (NEWSPAPER NOTICES)**

- Pursuant to 310 CMR 40.1403(2)(b), the public notice must be published **as an advertisement in the local news section of the newspaper**, unless 1) the cost of the advertisement exceeds the cost of a legal notice of comparable size by 20% or more OR 2) the newspaper refuses to publish the notice as an advertisement.
  
- As specified in 310 CMR 40.1403(2)(c), copies of all public notices must be sent to the appropriate MassDEP Regional Office (the Office that covers the community in which the disposal site is located).

It is important that you consult the MCP at 310 CMR 40.1403 and 310 CMR 40.1405 for detailed information about the public notices covered in this package.

# INSTRUCTIONS FOR MCP-RELATED PUBLIC NOTICES (NEWSPAPER NOTICES)

(FORM 1)

## NOTICE OF TIER CLASSIFICATION

[SITE NAME]  
[SITE ADDRESS]  
[RELEASE TRACKING NUMBER]

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. To evaluate the release, a Phase I Initial Site Investigation was performed pursuant to 310 CMR 40.0480. The site has been classified as **[TIER I or TIER II]** pursuant to 310 CMR 40.0500. On **[DATE]**, **[NAME OF PERSON CONDUCTING RESPONSE ACTIONS]** filed a **[TIER I or TIER II]** Classification Submittal with the Department of Environmental Protection (MassDEP). To obtain more information on this disposal site, please contact **[NAME OF PERSON CONDUCTING RESPONSE ACTIONS or SUCH PERSON'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER]**. The Tier Classification Submittal and the disposal site file can be viewed at MassDEP website using Release Tracking Number (RTN) **[RTN]** at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx> or at **[MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER]**. Additional public involvement opportunities are available under 310 CMR 40.1403(9) and 310 CMR 40.1404.

**INSTRUCTIONS FOR MCP-RELATED PUBLIC NOTICES (NEWSPAPER NOTICES)**

**(FORM 2)**

**NOTICE OF INITIAL PUBLIC INVOLVEMENT PLAN SITE MEETING**

**[SITE NAME]  
[SITE ADDRESS]  
[RELEASE TRACKING NUMBER]**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On **[DATE]**, **[NAME OF PERSON CONDUCTING RESPONSE ACTIONS]** received a petition from residents in **[NAME OF COMMUNITY(IES)]** requesting that this disposal site be designated a Public Involvement Plan site, in accordance with M.G.L. c. 21E §14(a) and 310 CMR 40.1404. As a result, a public meeting will be held at **[NAME OF LOCATION, ADDRESS]** on **[DATE/TIME]** to present the draft Public Involvement Plan, to solicit public comment on the draft Public Involvement Plan, and to provide information about disposal site conditions. Copies of the draft Public Involvement Plan will be made available at the meeting.

Any questions regarding this meeting or the draft Public Involvement Plan should be directed to **[NAME OF PERSON CONDUCTING RESPONSE ACTIONS OR SUCH PERSON'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER]**.

The disposal site file can be viewed at MassDEP website using Release Tracking Number (RTN) **[RTN]** at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx> or at **[MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER]**.

**INSTRUCTIONS FOR MCP-RELATED PUBLIC NOTICES (NEWSPAPER NOTICES)**

**(FORM #3)**

**[NOTICE OF ACTIVITY AND USE LIMITATION]  
or [GRANT OF ENVIRONMENTAL RESTRICTION]**

**[SITE NAME]  
[SITE ADDRESS]  
[RELEASE TRACKING NUMBER]**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On **[DATE]**, **[NAME OF PERSON RECORDING AND/OR REGISTERING THE NOTICE or GRANT]** [recorded with the \_\_\_\_\_ County Registry of Deeds *and/or* registered with the Land Registration Office of the \_\_\_\_\_ Registry District] a **[NOTICE OF ACTIVITY AND USE LIMITATION]** **[GRANT OF ENVIRONMENTAL RESTRICTION]** on the disposal site, pursuant to 310 CMR 40.1070 through 40.1080.

The **[GRANT OF ENVIRONMENTAL RESTRICTION]** **[NOTICE OF ACTIVITY AND USE LIMITATION]** will limit the following site activities and uses on the above property:

**[ List inconsistent/restricted activities and uses ]**

Any person interested in obtaining additional information about the **NOTICE OF ACTIVITY AND USE LIMITATION]** **[GRANT OF ENVIRONMENTAL RESTRICTION]** may contact **[NAME OF PERSON RECORDING AND/OR REGISTERING THE GRANT OR NOTICE OR SUCH PERSON'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER]**.

The **[NOTICE OF ACTIVITY AND USE LIMITATION]** **[GRANT OF ENVIRONMENTAL RESTRICTION]** and the disposal site file can be viewed at MassDEP website using Release Tracking Number (RTN) **[RTN]** at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx> or at **[MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER]**.

**INSTRUCTIONS FOR MCP-RELATED PUBLIC NOTICES (NEWSPAPER NOTICES)**

**(FORM 4)**

**NOTICE OF [AMENDMENT, RELEASE OR TERMINATION] OF ACTIVITY AND USE  
LIMITATION**

**[SITE NAME]  
[SITE ADDRESS]  
[RELEASE TRACKING NUMBER]**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On **[DATE]**, **[NAME OF PERSON RECORDING AND/OR REGISTERING THE AMENDMENT, RELEASE OR TERMINATION]** [recorded with the \_\_\_\_\_ County Registry of Deeds *and/or* registered with the Land Registration Office of the \_\_\_\_\_ Registry District] an **[AMENDMENT, RELEASE OR TERMINATION]** of a **[NOTICE OF ACTIVITY AND USE LIMITATION] [GRANT OF ENVIRONMENTAL RESTRICTION]** on the disposal site, pursuant to 310 CMR 40.1080 through 40.1084. The **[NOTICE OF ACTIVITY AND USE LIMITATION] [GRANT OF ENVIRONMENTAL RESTRICTION]** was originally recorded and/or registered on **[DATE]**.

The **AMENDMENT [this paragraph is only applicable if an amendment is involved]** to the **[NOTICE OF ACTIVITY AND USE LIMITATION] [GRANT OF ENVIRONMENTAL RESTRICTION]** is as follows:

**[Listed the amended information]**

Any person interested in obtaining additional information about the **[NOTICE OF ACTIVITY AND USE LIMITATION] [GRANT OF ENVIRONMENTAL RESTRICTION]** may contact **[NAME OF PERSON RECORDING AND/OR REGISTERING THE GRANT OR NOTICE OR SUCH PERSON'S REPRESENTATIVE, NAME OF ORGANIZATION, ADDRESS, TELEPHONE NUMBER]**.

The **[AMENDED, RELEASED OR TERMINATED] [GRANT OF ENVIRONMENTAL RESTRICTION OR NOTICE OF ACTIVITY AND USE LIMITATION]** and the disposal site file can be viewed at MassDEP website using Release Tracking Number (RTN) **[RTN]** at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx> or at **[MassDEP, REGIONAL OFFICE ADDRESS, TELEPHONE NUMBER]**.