



Massachusetts Department of Environmental Protection

Bureau of Resource Protection – Drinking Water Program (Water Supply) – Water Quality Assurance/Water Treatment

BRP WS 23 A, B, & C Approval to Construct a Facility to Treat less than One Million Gallons per Day

BRP WS 24 Approval to Construct a Facility to Treat One Million Gallons per Day or Greater

Instructions and Supporting Materials

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Introduction

Massachusetts Department of Environmental Protection (MassDEP) *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at www.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

1. What is the purpose of this approval?

These approvals serve to protect the public health by ensuring that the application meets minimum drinking water requirements and conforms to current Division of Water Supply guidelines and policies contained in *Guidelines and Policies for Public Water Supply Systems*. This publication is available at the State House Bookstore.

Apply in category **BRP WS 23 A, B, or C** if your facility will treat less than one million gallons per day. The specific subcategory is determined by the design capacity of the system:

BRP WS23A: less than 40,000 gallons per day (gpd);

BRP WS23B: 40,000 gpd or more and less than 200,000 gpd; and,

BRP WS23C: 200,000 gpd or more and less than 1 million gpd.

Apply in category **BRP WS 24** if your facility will treat more than one million gallons per day. Legislative authority for both approvals is stated in MGL Chapter 111, section 160A. Regulatory authority for these approvals is stated in 310 CMR 22.04.

2. Who must apply?

Public water systems (PWS) or their designated representatives seeking approval to construct a treatment facility.

3. What other requirements should be considered when applying for this approval?

If the PWS or their representative applies for either of these permits it may be necessary to apply for other water treatment permits, e.g. BRP WS 21, 22, or 25.

Approvals of this type may require Massachusetts Environmental Policy Act (MEPA) Office 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 the MEPA Office of the Executive Office of Environmental Affairs (100 Cambridge Street, Suite 900, Boston, MA 02114; (617-626-1020). ***If MEPA review is required by regulation, MassDEP cannot begin technical review of the application until the MEPA process has been completed, unless otherwise agreed to in writing.*** Copies of MEPA filings (with reference to any applicable Transmittal numbers) should be sent to the MEPA Coordinator in the appropriate Regional Office.

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

4. What is the application fee?

The fee structures associated with these approvals are stated in 310 CMR 4.10(5) (dd).

BRP WS23A (less than 40,000 gallons per day (gpd)) \$1,125

BRP WS23B (40,000 gpd or more and less than 200,000 gpd) \$1,780

BRP WS23C (200,000 gpd or more and less than 1 million gpd) \$5,005

BRP WS 24 (1 million gpd or greater). The application fee is negotiated in accordance with 310 CMR 4.05.



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5. Where should this application be submitted?

Submit: a) the completed **BRP WS Application** form; b) the completed **original copy** of the **MassDEP Transmittal Form for Permit Application and Payment**; and, c) any required supporting documentation to your MassDEP Regional Office. Find your region: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>

At the bottom of the address label please type: **Attn: Drinking Water Program.**

6. Where should I send the fee payment for this application?

Submit the applicable fee payment and a **copy** of the **MassDEP Transmittal Form for Permit Application and Payment** to:

**MassDEP
P.O. Box 4062
Boston, MA 02211**

7. What are the timelines?

As of December 25, 1998, if MassDEP fails to complete its review of an adequately prepared **BRP WS Application** that has been submitted with the transmittal form and applicable fee within the specified timelines, the fee will be refunded. The timelines as specified in 310 CMR 4.00 are:

BRP WS 23:

- a) Administrative Completeness Review: 30 days;
- b) Technical Review: 90 days;
- c) Applicant Response to Deficiencies: 180 days (only if required); and,
- d) Second Technical Review: 90 days (only if required).

BRP WS 24: Individual Rule Project subject to 310 CMR 4.05.

Notes: There is no public comment period for these permits. The timeline for the Supplemental Technical Review is calculated from the date that any deficiencies identified in the initial Technical Review are received by MassDEP.

8. What is the annual compliance fee?

Currently, there is no annual compliance fee for this permit.

9. How long is this approval in effect?

These approvals shall remain in effect for 2 years from the approval date or as otherwise determined by MassDEP, as long as the applicant continues to meet drinking water standards and conforms to current guidelines and policies, described in *Guidelines and Policies for Public Water Supply Systems*.

10. How can I avoid the most common mistakes made in applying for these approvals?

- a. Fill in all information on the **BRP WS Application** form.



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- b. Attach all requested material (with the exception of the permit fee) on the Application Completeness Checklist to the **BRP WS Application**.
- c. Make sure that the **BRP WS Application** submittal package, including the application completeness checklist, and the original copy of the **MassDEP Transmittal Form** is submitted to the appropriate office of MassDEP.
- d. Submit fee and one copy of the **MassDEP Transmittal Form** to: MassDEP, P.O. Box 4062, Boston, MA 02211. DO NOT submit your **BRP WS Application** package with your payment.

11. What are the regulations that apply to these approvals? Where can I get copies?

These regulations include, but are not limited to:

- a. Drinking Water Regulations, 310 CMR 22.00.
- b. Timely Action and Fee Provisions, 310 CMR 4.00.
- c. Administrative Penalty Regulations, 310 CMR 5.00.

These 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**



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Application Completeness Checklist

Application Completeness Checklist

- Please complete this Application Completeness Checklist and attach to the BRP WS Application submittal package.
- The MassDEP Transmittal Form is completed: <https://www.mass.gov/service-details/transmittal-form-number-for-massdep-permit-application-payment>
For BRP WS 24, check "Alternative Schedule Project Request" in Section F of the Transmittal Form. See "Instructions for Completing Transmittal Form" in application kit folder.
- Form BRP WS Application is completed.
- A cover letter is attached explaining the request.
- A Massachusetts Professional Engineer's Certification and dated stamp is included.

To submit the application package:

- Checklist items have been completed.
- Send one copy of the application submittal package along with the original copy of the MassDEP Transmittal form to:

MassDEP

* Regional Office

Attn: Drinking Water Program

*Find your region: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>

- Send fee of:

\$1,125 for BRP WS23A;
\$1,780 for BRP WS23B;
\$5,005 for BRP WS23C; or,
the negotiated amount for BRP WS 24;

in the form of check or money order made payable to *Commonwealth of Massachusetts*, along with one copy of the MassDEP Transmittal Form to:

MassDEP

P.O. Box 4062

Boston, MA 02211