



# Department of Environmental Protection

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## Site Release Tracking Numbers (RTNs) & Site Status

BWSC receives a large number of inquiries on administrative issues. The following pages are to provide some explanation and guidance on these matters, identify common problems (and solutions), and explain how MassDEP assigns, tracks, and consolidates Release Tracking Numbers (RTNs).

### Everything You Always Wanted to Know About RTNs

Each release reported to DEP is given a unique identifying number that is tracked in agency databases. These are called Release Tracking Numbers or RTNs. Each RTN consists of a numeric regional identifier, followed by either a 4 or 5 digit number, given out in sequential order based upon when the release was first reported to DEP. The four numeric regional identifiers are:

1. DEP Region 1, the Western Region (Springfield Office)
2. DEP Region 2, the Central Region (Worcester Office)
3. DEP Region 3, the Northeast Region (Wilmington Office)
4. DEP Region 4, the Southeast Region (Lakeville Office)

Following the regional identifier, a 4 digit number would indicate that the release in question was reported to DEP prior to October 1, 1993, which was the effective date of the revised Massachusetts Contingency Plan. These historic releases occurred at sites that are known as *Transition Sites*, since they were already undergoing regulatory review prior to October 1, 1993, and had to be "fitted" into the new program. Conversely, a 5 digit number following the regional identifier would indicate that the release in question was reported to DEP after October 1, 1993. The first 5 digit number was 10,000; in the Northeastern Regional Office, RTN 3-10000 was reported to the agency on October 1, 1993.

In 2006, in order to provide improved services to the regulated community and to improve the efficiency of MassDEP's field operations, the Massachusetts Department of Environmental Protection (MassDEP) reassigned a small number of communities to different MassDEP Regional Offices. See [MassDEP Regional Boundary Change: Effect on BWSC Release Tracking Numbers](#) for more information.

There are a few subtleties and considerations about RTNs that should be recognized:

**This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.**

**TTY# MassRelay Service 1-800-439-2370**

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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- RTNs are first and foremost an accounting tool. Under the MCP, a series of actions are timed to the date a release was first reported to DEP, and the RTN is the accounting mechanism used to track and document compliance with these rules. Simply put, RTNs turn on and turn off regulatory (and fee) clocks.
- Under the MCP, releases are reported, but disposal sites are remediated. Thus, a disposal site is composed of one or more releases, and therefore has one or more RTNs. In most cases, a disposal site has only one RTN. However, there may be cases where new releases or release conditions were discovered at a site after the first notification (e.g., cyanide waste found at a site reported to DEP because of a petroleum release). At those sites where there is more than one reported release, the reference RTN is always the first reported release (which by definition is always the lowest number, since these are assigned chronologically).
- It is permissible to combine or consolidate RTNs at a site. In fact, BWSC encourages such actions, to foster a more holistic approach to the assessment and remediation of a disposal site. The most common vehicle to consolidate RTNs occurs when a new "2 or 72 hour" reporting condition is discovered at an existing site, triggering the assignment of an additional RTN, and initiation of an Immediate Response Action (IRA): once the site has been stabilized, an IRA Completion Statement is filed, and in Section G of the IRA Completion Statement Transmittal Form, a notation is made to consolidate the new RTN into the reference RTN.

When filing a milestone or status report with DEP, especially a Response Action Outcome, it is important to carefully consider whether the submittal covers the *entire* disposal site, or only a portion of the disposal site, and, for sites with multiple RTNs, to carefully consider *which* RTNs apply to the submittal in question. The MCP provides considerable flexibility to parties cleaning up sites to decide when and if they want to address all or only part of a disposal site. Flexibility, however, is a double-edged sword, and mandates a level of care when making submittals covering only portions of a site.

Too much emphasis is often placed on RTNs by parties outside of the agency. Requests are made to use these regulatory accounting tools in a manner for which they were not designed. For example, people often ask if DEP can give them additional RTNs to help manage their site better, facilitate real-estate actions, or divide up responsibilities among several parties. In such cases, DEP has declined to do so; if there is no reportable condition that warrants a new RTN, then we cannot create one just for the convenience of managing the site. Note also that DEP does not delete RTNs; even duplicate and error RTNs are retained for historical/explanatory purposes - though their status is clearly indicated as duplicate/error.

If you have a question about a specific RTN matter, or wish to report an error or duplicate RTN, please contact the appropriate DEP Regional Office.

## **Discerning the Status of a Site**

In order to figure out the status of a given site/release, you need to look it up on available site lists. Information is available in a database that may be searched on-line.

Using these databases, you will be able to discern:

- the name, address, and Release Tracking Number for the site;
- when the release/site was first reported to DEP;
- what was released;
- if Immediate Response Actions or Release Abatement Measures are being or have been conducted;

- additional information on where the site is in the MCP regulatory process.
- much additional information.

Most site files are now available online at: <https://www.mass.gov/find-out-about-a-contaminated-property>

The link above includes definitions of terms found in the databases.

If you need to get more information than is available in the databases, you will need to make an appointment to review the files in a DEP regional office.

## **Understanding The "Deadline" in "Submittal Deadline"**

There is some confusion among LSPs and the regulated community over when submittals must be received by DEP - especially the so-called *7 day grace period* allowed in some instances.

The official due date for a submittal made or required under the Massachusetts Contingency Plan is the due date specified in the MCP for the applicable submittal. For example, the due date for a Tier Classification Submittal is one year from the official notification date of a release reported after 10/1/93 [unless the site was "closed out" by filing a Permanent Solution Statement, or Downgradient Property Status (DPS) Submittal]. If the submittal due date falls on a weekend or holiday, the required due date is the next business day.

Most submittals are allowed an additional seven day "grace" period from the actual due date. In other words, the submittal is considered received on time if the document is received within 7 calendar days of the actual submittal due date. If the actual submittal due date falls on a weekend, holiday or any other day DEP offices are closed, the 7 day grace period starts the next business day. If the seventh day of the grace period falls on a weekend, holiday or any other day DEP offices are closed, the "calculated" 7 day grace period is the next business day.

**Note: certain submittals do NOT have this 7 day grace period, including:**

- release notifications
- presumptive approval of Immediate Response Actions (IRAs) and Release Abatement Measures (RAMs)
- Interim Deadlines
- Notices of Noncompliance
- any deadline in any DEP enforcement order, penalty assessment or other enforcement document

### *Risky Business*

Some people automatically tack on a 7 day grace period when making eligible submittals. However, note that this practice is not without its risk and downsides.

Specifically, DEP requires certain minimal information on all transmittal forms in order for the submittal to be considered acceptable or "administratively" complete. Submittals which are not administratively complete are not considered received until the problem is resolved. Persons may miss deadlines and incur fees if they submit an administratively incomplete submittal. If you miss a deadline because of this, the site is considered to be in noncompliance.

There are no regulatory provisions to extend these missed deadlines or to waive fees. Submittals are NOT considered to be received by DEP unless and until they are administratively complete. If a submittal is late or not complete, you will be considered in noncompliance and may be subject to penalties and other enforcement actions.

So..... If you are a procrastinator or a risk-taker, make sure you triple-check forms, to avoid problems.

## **Tier ID (Default) Sites**

Under the Massachusetts Contingency Plan (MCP), all releases reported to DEP after October 1, 1993 are given one year to either be cleaned up (and file a Permanent Solution Statement) or be classified as a Tier I or Tier II site. Those sites that were already being worked on when the regulations went into effect (known as *Transition Sites*) were given deadlines to be classified as a Tier I or Tier II site, or file a site closure statement.

The whole idea behind this requirement is to (1) encourage persons to quickly clean up small problems (within 1 year), and (2) where it is not possible to clean up in one year, evaluate and rank the site to see how serious it is, and determine what level of DEP oversight is needed.

When a responsible party misses their deadline to classify a site as Tier I or Tier II they are violating the MCP. DEP classifies these sites as Tier ID and parties responsible for assessing and cleaning up these sites can be charged a fee by DEP for each year they continue to remain in this status. So, not only do parties responsible for these sites face possible fines and penalties for missing their deadline, but they may also receive annual Tier ID bills from DEP.

Many people responsible for sites with a Tier ID status want to know what they should do next. To come back into compliance, you must file a Tier Classification submittal, and Permanent Solution (if there is sufficient site cleanup/information), or Downgradient Property Status (if the site meets appropriate criteria). You may also wish to contact DEP to discuss your site with a staff person.

DEP publishes and frequently updates a list of sites online and Tier ID sites are specifically noted. In order to avoid being continuously listed as a Default site, you must bring your site into compliance.