

# MASSACHUSETTS AQUACULTURE

## PERMITS GUIDANCE DOCUMENT

Compiled by:

Massachusetts Department of  
Food and Agriculture

Aquaculture Coordinators Office

Massachusetts Aquaculture  
Advisory Group

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Preface and Document Use Recommendations:

A confusing and often cumbersome permitting and regulatory environment has been cited as a primary constraint to the continued development of new and existing aquaculture businesses in Massachusetts as well as the Northeastern United States. In fact, the *Massachusetts Aquaculture White Paper and Strategic Plan* identified regulatory streamlining as a priority and "central to the development of aquaculture" in Massachusetts. With that in mind, the following document was developed in an effort to provide assistance for the establishment of aquaculture operations in the Commonwealth of Massachusetts.

Although some forms of aquaculture have existed in Massachusetts for decades, the commercial cultivation of aquatic plants and animals is a relatively new industry to the Commonwealth. As such, regulations specific to the establishment and conduct of the broad range of aquaculture operations that are possible for Massachusetts have not been promulgated. Nonetheless, regulations do exist for the myriad of activities that may be a part of any aquaculture operation. Considering the jurisdiction and charge of local, state and federal regulatory authorities, the broad range of activities that are associated with different types of aquaculture can be broken down into four categories according to the species that will be cultivated, the source of the water (including the facilities location), the water/waste discharged from the operation and the structures that will be required for support of the facilities operation. With those four categories in mind, permit descriptions, agency contacts and other relevant permit information are listed in the following guidance document according to the activity that triggers a regulatory response from any number of agencies.

This document was prepared to answer the question "What permits will my aquaculture operation require ?", and should be a useful tool for individuals that are interested in developing any type of aquaculture operation in the Commonwealth of Massachusetts. For optimal use of the document, it is recommended that the potential applicant first develop a descriptive plan for the intended operation (see the "Plan Overview" attached). Following the development of a plan of operations that details the who, what, where and why, the applicant should respond to the questions that have been formulated for each of the four categories referenced above; Discharge, Species, Structure and Water Source. For "Yes" answers to any of the questions, the proposed operation may require the permit identified to the right of the question. Each permit is further described in the text following the question section. A "check sheet" has also been included as the last section to the permit guidance document to provide the potential applicant with a single sheet tally of the permits that may be required of the proposed operation. It is further recommended that the guidance document be used as a first step toward the permitting of the operation. Upon receipt of the guidance document, the Aquaculture Coordinator's Office at the MA Department of Food and Agriculture (DFA) will forward the document to the resources agencies identified on check sheet, as well as the Board of Underwater Archaeological Resources for comment. The DFA will then arrange a Pre-Application Meeting with the applicant to discuss the proposed project with the identified resource agencies. After the meeting, the applicant will be provided with a written summary of operational needs with respect to permitting and regulatory compliance issues which may require further coordination with the respective agencies. Any questions regarding the information within this document can be directed to the identified jurisdictional agency(s) or through the Aquaculture Coordinators Office.

-Scott J. Soares

## Discharge

If question is applicable to your facility please refer to the corresponding permit.

<u>Questions</u>	<u>Permit Reference</u>
1. Will your facility discharge water into the ground?	Permit DA
2. Will your facility discharge water to surface waters?	Permit DB and DC
3. Will your facility involve the discharge of dredge or fill material into the Waters of the U.S., including wetlands ?	Permit DD
4. Do you plan to remove, fill, dredge or alter any coastal or wetland area or any area subject to tidal action, flooding, or coastal storm damage?	Permit DE

	<b><u>DA. Groundwater Discharge Permit</u></b>	<b><u>DB. National Pollutant Discharge Elimination System (NPDES)</u></b>
<b><u>Issuing Agency:</u></b>	DEP-Division of Watershed Mgmt. Groundwater Permitting Section One Winter Street Boston, MA 02108  (617) 292-5749	Dept. of Environmental Protection Surface Water Discharge Permitting  627 Main Street Worcester, MA 01608  (508) 792-7470
<b><u>Statutory Reference:</u></b>	Clean Water Act	Clean Water Act
<b><u>Activities Covered:</u></b>	Discharge of water into the ground	All point-source discharges into surface waters.
<b><u>Process:</u></b>	File application with DEP- Division of Watershed Mgmt (DWM)	EPA forms require prior approval from Massachusetts CZM, DEP- Division of Watershed Management (DWM) requires analogous permit, also requires EPA review.
<b><u>Fees:</u></b>	\$3,000	
<b><u>Other Information</u></b>	Division of Water Pollution Control(DWPC) treats aquaculture facility effluent as industrial waste regardless of water quality	Discharge triggers multilevel review from numerous state agencies.

	<b>DC. <u>Surface Water Discharge Permit</u></b>	<b>D. <u>Army Corps Permit; Individual Permit or Programmatic General Permit(PGP) for shellfish aquaculture activities only</u></b>
<u>Issuing Agency:</u>	Dept. of Environmental Protection Division of Watershed Management 627 Main Street Worcester, MA 01608 (508) 792-7470	U.S. Army Corps of Engineers 696 Virginia Road Concord, MA 01742 (978) 318-8491
<u>Statutory Reference:</u>	Clean Water Act	401-CWA; Water Quality 404 CWA; Dredge and Fill
<u>Activities Covered:</u>	Surface water discharge. Surface waters include rivers, streams, seaward lakes, ponds, springs, wetlands, downward impoundments, estuaries and coastal waters.	Discharge of dredge or fill materials in Waters of the U.S.; including waters of the High Tide Line (HTL), streams from ordinary high water, and all wetland impacts. Wetland impacts under 5,000 sq. ft. are permitted under the MA PGP, but must still meet the conditions under the MA PGP, but must still meet the conditions Water Quality Certificate or Order of Conditions may also be required. Impacts between 5,000-1 acre require a Letter of Authorization and consultation with NMFS, EPA and USFWS.
<u>Process:</u>	Application kit for water lution and surface water discharge. Applicant must apply to DEP as well as file the appropriate Federal NPDES permit application forms to the United States EPA.	Applicants must inform the Historic Preservation control pol Officer of their intent by submitting a copy of the application materials to the Massachusetts Historical Commission (phone: 617-727-8470). An application and a 8.5" x 11" plan view of the entire property and project limits with existing and proposed conditions (i.e. a navigational chart) should be forwarded to the ACOE. The proposal should include the amount, type and source of fill material to be discharged. Determination of eligibility checklist required--category 2 permit.
<u>Fees:</u>	\$500-\$1,600	\$0-\$100
<u>Other Information:</u>	Conjunction with USEPA, Ted Lento (617) 565-3508	Contact Grant Kelly- 978-318-8491

	<b>DE. <u>Request for Determination</u></b>
<u>Issuing Agency:</u>	Town Conservation Commission or Dept. of Environmental Protection
<u>Statutory Reference:</u>	MGL Ch. 131, Sec. 40
<u>Regulatory Reference:</u>	310 CMR 10.00
<u>Activities Covered:</u>	To determine the project is subject to the jurisdiction of the WPA or if the project alters wetland resource areas, which will require a Notice of Intent (NOI).
<u>Process:</u>	Letter describing project and <u>Request for Determination of Applicability</u>
<u>Fees:</u>	To be determined case by case, no fee for RDA.
<u>Other information:</u>	Contact the Conservation Commission of the municipality where the facility will operate. Often receipts of Federal and State permitting is contingent upon receipt of any required local permits.

## Species

If question is applicable to your facility please refer to the corresponding permit.

<u>Questions</u>	<u>Permit Reference</u>
1. Will your operation require the use of tidal or subtidal land for shellfish culture?	Permit SA
2. Will your facility require the possession and propagation of freshwater fish?	Permit SB
3. Will your operation require the possession and propagation of saltwater fish and/or the possession of regulated marine fish species or non-indigenous species in tanks ?	Permit SC
4. Will you sell your freshwater aquaculture product to retail outlets?	Permit SD
5. Do you plan to sell marine shellfish or finfish?	Permit SE

6. Will you culture shellfish at your facility?

Permit SF

7. Will your facility propagate, cultivate or maintain reptilian or amphibian species that are wild by nature?

Permit SG

	<b><u>SA. Shellfish Grant Application</u></b>	<b><u>SB. Class I and III Fish Propagation Possession Permit</u></b>
<u>Issuing Agency:</u>	Local Board of Selectmen Each municipality	Division of Fisheries and Wildlife 100 Cambridge Street, 19th Floor Boston, MA 02202(617) 727-3151
<u>Statutory Reference:</u>	MGL Ch. 130, Sec. 57	MGL Ch. 131, Sec. 23
<u>Regulatory Reference:</u>	Local municipality	321 CMR 4.09
<u>Activities Covered:</u>	Licensing for shellfish culture Activity on commonwealth tidal and subtidal lands.	Possession and propagation of (and sale of ) aquacultured finfish: freshwater only
<u>Process:</u>	Letter and/or application form provided by municipality. Public hearing required.	Application form.
<u>Fees:</u>	\$5 up to \$25 per year per acre as set by municipality	\$100 \$100 renewal
<u>Other Information:</u>	A chapter 91 may be obtained through the Ma Dept. of Environmental Protection The DEP license will afford the applicant a long term (e.g., 30 year) license; whereby, the municipal license is good for one year. A special permit is available for public school aquaculture programs. There is no fee for this permit however the application form for a must be completed	

	<b><u>SC. Special Permit Application For Cultivation of Marine Finfish Species</u></b>	<b><u>SD. Class VI Fish Propagation Possession Permit</u></b>
<b><u>Issuing Agency:</u></b>	Division of Marine Fisheries 100 Cambridge Street Boston, MA 02202(617) 727-3193	Division of Fisheries and Wildlife 100 Cambridge Street, 19th Floor Boston, MA 02202(617) 727-3151
<b><u>Statutory Reference:</u></b>	MGL Ch. 130	MGL Ch. 131, Sec. 23
<b><u>Regulatory Reference:</u></b>		321 CMR 4.09
<b><u>Activities Covered:</u></b>	Possession of regulated species, undersize species, non-indigenous species in tanks. Convention on International Trade in Endangered Species of Wild Fauna and Flora(CITES) protocol must be followed	Retail permit for the sale of aquacultured products in food stores and supermarkets.
<b><u>Process:</u></b>	Proper application to the municipality successful permitting of structure and discharge	Application form
<b><u>Fees:</u></b>	\$10	\$25 / \$25 renewal / \$25 per establishment
<b><u>Other Information:</u></b>		

	<b><u>SE. Dealer Permit</u></b>	<b><u>SF. Aquaculture Permit</u></b>
<b><u>Issuing Agency:</u></b>	Division of Marine Fisheries 100 Cambridge Street Boston, MA 02202(617) 727-3193	Division of Marine Fisheries 100 Cambridge Street Boston, MA 02202(617) 727-3193
<b><u>Statutory Reference:</u></b>	MGL Ch. 130, Sec 80	MGL Ch. 130, Sec. 17b
<b><u>Regulatory Reference:</u></b>	322 CMR 7.01, 7.02	
<b><u>Activities Covered:</u></b>	The wholesale or retail sale of marine shellfish, live, frozen or unfrozen	Possession of fish for purposes of propagation, sale, etc

<u>Process:</u>	Application form	Typically issued concurrent with the shellfish grant application, however, can be issued as possession only permit (e.g., shellfish.hatchery)
<u>Fees:</u>	\$65-\$260	\$10
<u>Other Information</u>	Must also possess a town/city shellfish permit, a state commercial shellfish permit endorsed for shellfish, and a shellfish ID card issued by the DMF. Must check with the food and drug regs. For tagging and records.	

	<b><u>SG. Class IV Fish Propagation Possession Permit</u></b>	
<u>Issuing Agency:</u>	Division of Fisheries and Wildlife 100 Cambridge Street, 19th Floor Boston, MA 02202 (617) 727-3151	
<u>Statutory Reference:</u>	MGL Ch. 131, Sec 23	
<u>Regulatory Reference:</u>	321 CMR 2.12	
<u>Activities Covered:</u>	The cultivation, propagation or maintenance of reptilian or amphibian species that are wild by nature.	
<u>Process:</u>	Application form	
<u>Fees:</u>	\$15/\$10 renewal	
<u>Other Information:</u>		

## Structure

If question is applicable to your facility please refer to the corresponding permit.

Questions	Permit
1. Will your project operate within the Massachusetts coastal zone and/or require federal action (e.g. permits, licensing, grants, etc.)?	Permit TA
2. Will your activity alter any inland (including riverfront protection area) or coastal wetland resource areas ?	Permit TB
3. Will your facility have structures within 100 feet of water or filled tide lands	Permit TC
4. Will your facility have any structures seaward of the MHW ?	Permit TD

	<b><u>TA. Federal Consistency Determination- CZM Consistency</u></b>	<b><u>TB. Wetlands Permit Wetlands Protection Act</u></b>
<u>Issuing Agency:</u>	Executive Office of Environmental Affairs Coastal Zone Management Office 100 Cambridge Street(617) 727-9530	Local Conservation Commission or DEP- Office of Watershed Management Wetlands Program One Winter Street Boston, MA 02018(617) 292-5695
<u>Statutory Reference</u>	G.L. C. 21 A, ss.4A	MGL Ch. 131 Sec. 40
<u>Regulatory Reference</u>	301 CMR 21.00	310 CMR 10.00

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<p><u>Activities Covered:</u></p>	<p>1. Any activity that may affect the land and water resources of the Massachusetts; including riverfront areas i.e., within 200 ft of riverfront). and, 2) requires a Federal license or permit, or is Federally funded or a direct activity of a Federal agency; and 3) is generally above the thresholds established by the MEPA.</p>	<p>All activity in or near any resource areas</p>
<p><u>Process:</u></p>	<p>There are no specific application forms</p>	<p>Local Conservation Commission review, approval or rejection, appeals heard by Department of Environmental Protection documents to MCZM; this is triggered through a determination by a Federal agency or through a MEPA review process. The application requirements and review timetables vary somewhat depending on project type, but always require a Federal Consistency Certification Letter describing project impact on the MCZM's enforceable policies and copies of relevant permits and approvals. Upon request, the MCZM office will make a determination of the MCZM's jurisdiction over specific activities. Once application materials are complete, MCZM publishes a public notice of the project in the <u>Environmental Monitor</u> to initiate a 21 day public comment period, MCZM has varying amounts of time</p>
<p><u>Fees:</u></p>	<p>None</p>	<p>Filing fee dependent on project</p>
<p><u>Other Information:</u></p>	<p>Project Review/Consistency contact - Jane Mead; (617) 727-9830, ext. 418 Aquaculture contact- Susan Snow-Cotter; 617-727-9830, ext. 210</p>	<p>a MCZM Consistency folder should be requested if an applicant is interested in learning more about this requirement. Examples of aquaculture projects that require a Consistency Determination include: ACOE or EPA NPDES permits and/or are supported (in whole or part) by Federal grants or loans i.e., Saltonstall-Kennedy Grants or Economic Agency Fisheries Assistance Grants.</p>

	<p><b><u>TC. Waterways License BRPWW02</u></b></p>	<p><b><u>TD. ACOE Permit; PGP or Individual Permits</u></b></p>
<p><u>Issuing Agency:</u></p>	<p>DEP- Division of Watershed Mgmt Waterways Program One Winter Street Boston, MA 02108(617) 292-5695</p>	<p>U.S. Army Corps of Engineers Concord, MA 01742(978) 318-8491 696 Virginia Road</p>

<u>Statutory Reference:</u>	MGL Ch. 91	Section 10 of the Rivers and Harbors Act 1899
<u>Regulatory Reference:</u>		33 CFR
<u>Activities Covered:</u>	Structures within 200 feet of water; filled tide lands	Structures placed seaward of MHW or work in navigable waters including dredging.
<u>Process:</u>	Order of Conditions as determined by local Conservation Commission of public interest factors, including a 30 day public comment period announced in a newspaper. Approval by local Planning Board, MEPA if applicable.	The ACOE will review project from the standpoint while also considering obstructions to navigation and local interactions with endangered species
<u>Fees:</u>	Dependent on project type	\$0-\$100
<u>Other Information:</u>	Copy of NOI needed, copy of application form to Conservation Commission and accompanying transmittal fees to be determined at time of application. Copy of public notice of Order of Conditions. May require review under MEPA (301 CMR 11.04 (9))	Conditions and restrictions on the permit may result from consultation with resource agencies; NMFS, EPA and USFWS.

## Water Source

If question is applicable to your facility please refer to the corresponding permit.

Questions	Permit
1. Will your facility withdraw non saline groundwater in quantities greater than 100,000 gallons per day?	Permit WA
2. Will your facility be located in an Area of Critical Environmental Concern (ACEC) or Rare Species Habitat ?	Permit WB

	<b><u>WA. Water Withdrawal Permit</u></b>	<b><u>WB. MEPA Environmental Notification Form</u></b>
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<u>Issuing Agency:</u>	Department of Env. Protection Watershed Planning and Permitting One Winter Street Boston, MA 02108(617) 574-6882	MA Environ. Policy Act Office 100 Cambridge Street Boston, MA 02202(617) 727-5830
<u>Statutory Reference:</u>	Water Management Act MGL 21G	MEPA MGL Ch. 30, Secs. 61 and 62
<u>Regulatory Reference:</u>	310 CMR 36.00	301 CMR 11.00
<u>Activities Covered:</u>	Water usage; quantities regulated if over 100,000 gal/day.	1) Any activity in an ACEC requiring a state permit or funding, 2) Activities requiring state permits or funding that exceed the review thresholds at 301 CMR 11.03 and 11.04. 3) Activities that exceed the thresholds are covered under MCZM Consistency review (see 301 CMR 11.03 and 11.04 below).
<u>Process:</u>	Requires permit if greater than 100,000 gal/day. Apply anytime Takes nine months	An Environmental Notification Form is filed with the MEPA office following a 30 day public comment and review process, the Secretary of Public notice of all abutters Environmental Impact Report must be prepared .See following section
<u>Fees:</u>	\$1,900 permit fee, \$100 per year if accepted.	None
<u>Other Information:</u>	May require review under MEPA(301 CMR 11.04 (10))	Not a permit; however, it is a review process which must be completed successfully before state agencies can issue any permits.

**301 CMR 11.25 Review Thresholds: Categorical Inclusions**

<b>EIR Review Thresholds (11.03)</b>	<b>ENF Review Thresholds (11.04)</b>
<b>Regulations</b>	<b>Regulations</b>

	<p>(1) Promulgation of new or revised regulations, of which a primary purpose is protecting against damage to environment, that significantly reduce;</p> <p>a) standards for environmental protections;</p> <p>b) opportunities for public participation in permitting or other review processes; or</p> <p>c) public access to information generated or provided in accordance with the regulations.</p>
<b>Areas of Critical Environmental Concern</b>	<b>Areas of Critical Environmental Concern</b>
	(2) Any project within a designated ACEC, unless the Project consists solely of one single family dwelling.
<b>Land</b>	<b>Land</b>
<p>(1) a. Direct alteration of 50 or more acres of land, unless the Project is consistent with an approved conservation farm plan or forest cutting plan or other similar generally accepted as agricultural or forestry practices; or</p> <p>b. Creation of 10 or more acres of impervious area.</p>	<p>(3) a. Direct alteration of 25 or more acres of land, unless the Project is consistent with an approved conservation farm plan or forest cutting plan or other similar generally accepted agricultural or forestry practices; or</p> <p>b. Creation of five or more acres of impervious area.</p>
	<p>(4) a. Disposition or conversion of Article 97 land;</p> <p>b. Conversion of land in active agricultural use to nonagricultural use provided the land includes soils classified as prime, state-important or unique by the United States Department of Agriculture, unless the Project is accessory to active agricultural use or consists solely of one single family dwelling; or</p> <p>c. Release of an interest in land held for conservation or agricultural or watershed preservation purposes.</p>
	<p>(5) a. Approval of a new urban redevelopment project or a new urban renewal plan; or</p> <p>b. Approval of a fundamental change in an approved urban redevelopment project or a major modification of an existing urban renewal plan.</p>

<b>EIR Review Thresholds (11.03)</b>	<b>ENF Review Thresholds (11.04)</b>
Rare Species	Rare Species

	<p>(6) a. Alteration of designated significant habitat; or</p> <p>b. Taking of an endangered or threatened species or species of special concern, provided that the Project is located in an area mapped as Estimated Habitat of Rare Wetlands Wildlife and Certified Vernal Pools or a Priority Site of Rare Species Habitats and Exemplary Natural Communities.</p>
Wetlands and Tidelands	Wetlands and Tidelands
<p>(2) a. Unless the Project constitutes a limited project under the Wetlands Protection Act and provided that a permit is required: 1. alteration of one or more acres of wetlands, except coastal bank, bank along a Fish Run, inland bank, and riverfront area, and excluding the buffer zone; 2. alteration of 5,000 or more linear feet of coastal bank or inland bank; 3. Alteration of 2,000 or more linear feet of bank along a Fish Run; or 4. alteration of five or more acres or riverfront area; or</p> <p>b. Alteration requiring a variance under the Wetlands Protection Act.</p>	<p>(7) a. Provided that a Permit is required: 1. Alteration of one-half or more acres of wetlands, except coastal dune, barrier beach, coastal bank, salt marsh, bank along or land underlying Fish Run, inland bank, and bordering or isolated vegetated wetlands, unless Project is located in a velocity zone or regulatory floodway; 2. alteration of coastal dune or barrier beach; 3. new or expanded coastal engineering structure of 100 or more linear feet on an eroding coastal bank; 4. Alteration of 500 or more linear feet of bank along a Fish Run or inland bank; 5. alteration of 1,000 or more sf of salt marsh or outstanding resource waters; 6. alteration of 5,000 or more sf of bordering or isolated vegetated wetland; or 7. new or expanded fill or structure, except a pile-supported structure, in a velocity zone or regulatory floodway; or</p> <p>b. Construction of a new roadway or bridge providing access to a barrier beach or of a new utility line providing service to a structure on a barrier beach.</p>
<p>(3) a. Construction of a new dam; or</p> <p>b. Structural alteration of a dam that causes an increase of 20 or more percent or any decrease in impoundment capacity.</p>	<p>(8) a. Dredging of 10,000 or more cy of material ;</p> <p>b. Disposal of 10,000 or more cy of dredged material; unless at a designated in-water disposal site.</p>
<p>(4) Provided that a Chapter 91 License is required, new non-water dependent use or expansion of an existing structure occupying one or more acres of tidelands, unless the Project is located in an area for which the Secretary has approved a municipal harbor plan.</p>	<p>(9) a. Provided that a Chapter 91 License is required, new or existing unlicensed non-water dependent use of tidelands, unless the Project is an overhead utility line, a structure accessory to a single family dwelling, a temporary use in a designated port area, or an existing unlicensed structure in use prior to January 1, 1984; or</p> <p>b. Construction, reconstruction or expansion of a solid fill structure of 1,000 or more sf base area, or a pile-supported or bottom -anchored structure of 2,000 or more sf base are, except a seasonal, pile-held or bottom-anchored float, provided such structure occupies flowed tidelands.</p>

EIR Review Thresholds (11.03)	ENF Review Thresholds (11.04)
Water	Water

<p>(5) New withdrawal or increase in withdrawal of:</p> <p>a. 2,500,000 or more gpd from a surface water sources; or</p> <p>b. 1,000,000 or more gpd from a groundwater source</p>	<p>(10) a. New withdrawal or increase in withdrawal of 100,000 or more gpd from a water source that requires new construction for such new or increased withdrawal;</p> <p>b. New withdrawal or increase in withdrawal of 500,000 or more gpd from a water supply system above the lesser of current system-wide authorized withdrawal volume or three-years' average system-wide actual withdrawal volume; or</p> <p>c. New interbasin transfer of water.</p>
	<p>(11) a. Construction of a drinking water treatment plant with a capacity of 1,000,000 or more gpd; or</p> <p>b. Expansion of a drinking water treatment plant by the greater of 1,000,000 gpd or 10 percent of existing capacity.</p> <p>(12) a. Alteration requiring a variance under the Watershed Protection Act, unless the Project consists solely of one single family dwelling; or</p> <p>b. Non-bridged stream crossing 1,000 or less feet upstream of a public surface drinking water supply for purpose of forest harvesting activities.</p>

EIR Review Thresholds (11.03)	ENF Review Thresholds (11.04)
Wastewater	Wastewater
<p>(6) Construction of a new wastewater treatment and/or disposal facility with a capacity of 2,500,000 or more gpd.</p>	<p>(13) a. Construction of a wastewater treatment and/or disposal facility with a capacity of 100,000 or more gpd; or</p> <p>b. Expansion of an existing wastewater treatment and/or disposal facility by the greater of 100,000 gpd or 10 percent of existing capacity.</p>

	<p>(14) a. Construction of a sewer: 1.that will increase the flow to a wastewater treatment and/or disposal facility by 10 percent of existing capacity; or 2. 2500 or more feet in length , provided such sewer is not located in the right of way of existing roadways; or</p> <p>b. New interbasin transfer of water.</p>
<p>(7) New discharge or increase in discharge of any amount of sewage, industrial waste water or untreated storm water directly to an outstanding resource water.</p>	<p>(15) New discharge or increase in discharge:</p> <p>a. To a sewer system of 1,00,000 or more gpd of sewage, industrial waste water or untreated storm water;</p> <p>b. To a surface water of 1. 100,000 or more gpd of sewage; 2. 20,000 or more gpd of industrial waste water; or 3. any amount of sewage, industrial waste water or untreated storm water requiring a variance from applicable water quality regulations; or</p> <p>c. to groundwater of 1. 10,000 or more gpd of sewage within an area, zone or district established or delineated to protect a public drinking water supply, an area established to protect a nitrogen sensitive embayment, 200 feet of a tributary to a public service drinking supply; 2. 50,000 or more gpd of sewage within any other area; 3. 20,000 or more gpd of industrial waster water or untreated storm water requiring approval by the Department of Environmental Protection of a variance from Title 5 of the State Environmental Code for new construction.</p>
<p>(8) New capacity or increase in capacity for storage, treatment, processing, combustion or disposal of 150 or more wet tdp of sewage sludge, sludge ash, grit , screenings, or other sewage sludge residual materials, unless the Project is an expansion of an existing facility within an area that has already bee sited for the proposed use in accordance with M.G.L. c. 21 or M.G.L. c. 83, s.6.</p>	<p>(16) New capacity or increase in capacity for:</p> <p>a. combustion or disposal of any amount of sewage sludge, sludge ash, grit, screenings, or other sewage sludge residuals materials; or</p> <p>b. storage, treatment, or processing of 50 or more wet tpd of sewage sludge or sewage sludge residual materials.</p>

EIR Review Thresholds (11.03)	ENF Review Thresholds (11.04)
<p>Transportation</p>	<p>Transportation</p>
<p>(9) a. Construction of a new roadway four or more miles in length, unless the roadway is located entirely on the site of a non-roadway Project;</p> <p>b. Widening of an existing roadway by one or more paved travel lanes for four or more miles, unless the roadway is located entirely on the site of a non-roadway Project; or</p> <p>c. New interchange on a completed limited access highway.</p>	<p>(17) a. Construction of a new roadway one-quarter or more miles in length, unless the roadway is located entirely on the site of a non-roadway Project;</p> <p>b. Widening of an existing roadway by four or more feet for one-half or more miles, unless the roadway is located entirely on the site of a non-roadway Project; or</p> <p>c. Construction, widening or maintenance of a roadway or its right-of-way that will: 1. Alter the bank or terrain located 10 or more feet from the existing roadway for one-half or more miles, unless necessary to install a structure or equipment; 2. Cut five or more living street trees of 14 or more inches in diameter at breast height; or 3. Estimate 300 or more feet of stone wall.</p>

<p>(10) a. Construction of a new airport; or b. Construction of a new runway or terminal at an existing airport.</p>	<p>(18) a. Expansion of an existing runway at an airport; b. Construction of a new taxiway at an airport; c. Expansion of a taxiway at Logan Airport; d. Expansion of an existing terminal at Logan Airport by 100,000 or more sf; e. Expansion of an existing terminal at any other airport by 25,000 or more sf; f. Construction of a new or Expansion of existing air cargo buildings at an airport by 100,000 or more sf; or g. Conversion of a military airport to a non-military airport.</p>
<p>(11) Construction of a new rail or rapid transit line along a new, unused or abandoned right-of-way for transportation of passengers or freight (not including sidings, spurs or other lines not leading to an ultimate destination.)</p>	<p>(19) a. Construction of a new rail or rapid transit line for transportation of passengers or freight; b. Discontinuation of passenger or freight service along a rail or rapid transit line; or.</p>
<p>(12) a. Generation of 3,000 or more new vtd on roadways providing access to a single location; or b. Creation of 1,000 or more new parking spaces at a single location</p>	<p>(20) a. Generation of 2,000 or more new vtd on roadways providing access to a single location; b. Generation of 1,00 or more new vtd on roadways providing access to a single location and creation of 150 or more new parking spaces at a single location; or c. Creation of 300 or more new parking spaces at a single location.</p>

EIR Review Thresholds (11.03)	ENF Review Thresholds (11.04)
Air	Air
<p>(13) Construction of major stationary source with federal potential emissions, after construction and the imposition of required controls, of: 250 tpy of any criteria air pollutant; 40 tpy of any HAP; or 100 tpy of any combination of HAPs.</p>	<p>(21) a. Construction of a major stationary sources with federal potential emissions, after construction and the imposition of required controls, of: 100 tpy of PM as PM10, CO, lead or SO<sub>2</sub>; 50 tpy of VOC or Nox ; 10 tpy of any HAP; or 25 tpy of any combination of HAPs; or b. Modification of a major stationary source resulting in a "significant net increase" in actual emissions, provided that the stationary source or facility is major for the pollutant, emission of which is increased: 15 tpy of PM as PM10; 100 tpy of CO; 40 tpy of SO<sub>2</sub> ; 25 TPY of VOC or Nox ; 0.6 tpy of lead.</p>
<p>(14) New capacity or increase in capacity of 150 or more tpd for storage, treatment, processing combustion or disposal of solid waste, unless the Project is a transfer station , is an expansion of an existing facility within validly site assigned area for the proposed use, or is exempt from the site assignment requirements.</p>	<p>(22) New capacity or increase in capacity for combustion or disposal of any quantity of solid waste, or storage, treatment or processing of 50 or more tpd of solid waster, unless the Project is exempt from the site assignment requirements.</p>
	<p>(23) New capacity or any increase in capacity for the storage, recycling, treatment or disposal of hazardous waste.</p>
<p><b>Historical or Archaeological Resources</b></p>	<p><b>Historical or Archaeological Resources</b></p>

(24) Unless the Project is consistent with a Memorandum of Agreement with the Massachusetts Historical Commission that has been the subject of public notice and comment:

a. Demolition of all or any exterior part of any structure listed in or located in any district listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth; or

b. Destruction of all or any part of any archaeological site listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth.

**NOTE TO POTENTIAL AQUACULTURE PERMIT APPLICANT:** Use the following table to record permits or action that is or may be required for your proposed operation. The agencies associated with each permit that is or may be required for your operation should be included in a pre-permit application meeting that will clarify permit needs, agency jurisdiction and applicant responsibilities prior to initiating the permit process.

## **PERMIT DESCRIPTION required may be required**

### **Discharge**

#### **DA. Groundwater Discharge Permit**

Issuing Agency:

Dept. of Environmental Protection

Division of Watershed Management

Groundwater Permitting Section

One Winter Street

Boston, MA 02108

(617) 292-5749

#### **DB. National Pollutant Discharge**

#### **Elimination System (NPDES)**

Issuing Agency:

Dept. Environmental Protection

Surface Water Discharge Permitting

627 Main Street

Worcester, MA 01608

(508) 792-7470

#### **DC. Surface Water Discharge Permit**

Issuing Agency:

Dept. of Environmental Protection

Division of Watershed Management

627 Main Street

Worcester, MA 01608

(508) 792-7470

**DD. Army Corps Permit**

Issuing Agency:

U.S. Army Corps of Engineers

696 Virginia Road

Concord, MA 01742

(978) 318-8491

**DE. Request for Determination**

-

**of Applicability**

Issuing Agency

Town Conservation Commission or

Dept. of Environmental Protection

## **Species**

**SA. Shellfish Grant Application**

Issuing Agency:

Local Board of Selectmen

Each municipality

**SB. Class I and III Fish Propagation**

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**Possession Permit**

Issuing Agency

Division of Fisheries and Wildlife

100 Cambridge Street, 19th Floor

Boston, MA 02202

(617) 727-3151

**SC. Special Permit Application**

**For Cultivation of Marine Finfish Species**

Issuing Agency:

Division of Marine Fisheries

100 Cambridge Street

Boston, MA 02202

(617) 727-3193

**SD. Class VI Fish Propagation**

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**Possession Permit**

Issuing Agency:

Division of Fisheries and Wildlife

100 Cambridge Street, 19th Floor

Boston, MA 02202

(617) 727-3151

**SE. Dealer Permit**

Issuing Agency:

Division of Marine Fisheries

100 Cambridge Street

Boston, MA 02202

(617) 727-3193

**SF. Aquaculture Permit**

Issuing Agency:

MASSACHUSETTS AQUACULTURE

Division of Marine Fisheries

100 Cambridge Street

Boston, MA 02202

(617) 727-3193

**SG. Class IV Fish Propagation**

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**Possession Permit**

Issuing Agency:

Division of Fisheries and Wildlife

100 Cambridge Street, 19th Floor

Boston, MA 02202

(617) 727-3151

**Structure**

**TA. Federal Consistency Determination**

Issuing Agency:

Executive Office of Environmental Affairs

Coastal Zone Management Office

100 Cambridge Street

Boston, MA 02108

(617) 727-9530

**TB. Wetlands Permit Wetlands Protection Act**

Issuing Agency:

Local Conservation Commission **or**

DEP- Division of Watershed Management

Wetlands Program

One Winter Street

Boston, MA 02018

(617) 292-5695

**TC. Waterways License BRPWW02**

Issuing Agency:

Department of Env. Protection

Division of Watershed Management-Waterways Program

One Winter Street

Boston, MA 02108

(508) 292-5695

**TD. ACOE Permits; PGP or**

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**Individual Permits**

Issuing Agency:

U.S. Army Corps of Engineers

696 Virginia Road

Concord, MA 01742

(978) 318-8491

**Water Source**

**WA. Water Withdrawal Permit**

Issuing Agency:

Department of Env. Protection

Division of Watershed Management

Watershed Planning and Permitting

One Winter Street

Boston, MA 02108

(617) 574-6882

**WB. MEPA Environmental**

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**Notification Form**

Issuing Agency:

MA Environmental Policy Act Office

Executive Office of Environmental Affairs

Environmental Review Office

100 Cambridge Street

Boston, MA 02202

(617) 727-5830