



Massachusetts Department of Environmental Protection
Bureau of Resource Protection –Title 5 Permitting

BRP WP 58a Approval of a Nitrogen Aggregation Loading Plan Instructions and Supporting Materials

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Introduction

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at 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.



BRP WP 58a Approval of a Nitrogen Aggregation Loading Plan Permit Fact Sheet

Note: When completing the Transmittal Form, write the "a" immediately after the space provided for the seven digit character code at the top of the Form.

1. What is the purpose of this approval?

This approval is necessary to ensure that the aggregation of nitrogen loading for on-site subsurface sewage disposal system(s) is performed in an environmentally acceptable manner and in accordance with the provisions of Title 5 of the Environmental Code, 310 CMR 15.000.

You must obtain approval from MassDEP for the following plans:

- Community plans to aggregate for nitrogen loading over a region wide area, such as Zone IIs or Interim Wellhead Protection Areas (310 CMR 15.216(4)) or in environmentally sensitive areas such as systems serving new residential construction where the use of both on-site wastewater disposal systems and drinking water supply wells are proposed, i.e., private well areas.
- Facility plans to aggregate nitrogen loading for a facility, where the facility land and credit land are proposed to be used for nitrogen aggregation (310 CMR 15.216(5)). Facility plans may apply to Zone IIs, Interim Wellhead Protection Areas or areas of new residential construction where the use of both on-site wastewater disposal systems and drinking water supply wells are proposed, i.e., private well areas.

2. Who must apply?

Any individual, business, organization or municipality proposing to implement a nitrogen aggregation plan for either a community or any part thereof or a specific facility is required to obtain MassDEP approval in accordance with 310 CMR 15.216.

If this category does not apply to you, please be advised this is not the only permit category for Title 5 on-site sewage disposal systems or related plans. Please consult the Timely Action Schedule and Fee Provisions, 310 CMR 4.00 and Title 5 of the Environmental Code, 310 CMR 15.000, to determine whether another category may apply to you. Note: Any and all land identified as "restricted" or "credit land" for the purposes of one application for aggregate nitrogen loading cannot be used for another application pursuant to 310 CMR 15.216.

Note: MassDEP anticipates the preparation of either a Community Plan or a Facility Plan proposing to aggregate for nitrogen loading may require both technical (including hydrogeologic) and legal expertise.

3. What other requirements should be considered when applying?

- Plans proposing nitrogen aggregation require prior written approval by the local approving authority (310 CMR 15.216).
- Plans proposing nitrogen restrictions on facility and credit land(s) require prior written approval by the property owner(s) (310 CMR 15.216(5)).

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

4. What is the application fee?

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\$1,580



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5. What is the Primary Permit Location? What is the Reserve Copy Location?

Primary Permit Location:

Department of Environmental Protection (2 copies)

_____ * Regional Office

Title 5 Permitting Program

*Find your region <http://www.mass.gov/dep/about/region/findyour.htm>

There are no Reserve Copy Locations for these permits.

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

The timelines are available on the MassDEP Website: www.mass.gov/dep/service/online/fees.htm

7. What is the annual compliance fee?

There is no annual compliance fee.

8. How long is the approval in effect?

This approval remains valid until MassDEP revokes or modifies the approval. In the case of a Community Plan, the approval is in effect until there is a local land use regulation change or other action that would impact the MassDEP approved nitrogen loading plan.

9. How can I avoid the most common mistakes made in applying for this approval?

- a. Review application for completeness to be sure all questions are answered correctly.
- b. Refer to the Department's, "Guidelines For Title 5 Aggregation of Flows and Nitrogen Loading (310 CMR 15.216)" for further guidance.
- c. For a Community Plan, attach the following:
 - completed application with supporting materials;
 - a map for the area covered by the plan;
 - buildout analysis under current zoning for the area covered by the plan;
 - 440 gpd per acre equivalency calculations;
 - in the case of a Zone II, results of the MassDEP Nitrogen Loading Computer Model;
 - approval from the local approving authority;
 - comments from the Planning Board, if any;
 - a nitrogen loading management plan.
- d. For a Facility Plan, attach the following:
 - completed application with supporting materials;
 - approval from the local approving authority;
 - locus and site maps with relevant features;
 - a narrative description of the proposal and presenting facts;
 - 440 gpd per acre equivalency calculations;
 - copies of current deeds for the facility and credit land(s);
 - copies of all unexecuted nitrogen deed restrictions on facility and credit land(s);

For facilities with design flow of 2000 gpd or greater, if either the local approving authority or MassDEP requires a site-specific mass balance analysis, applicants must also attach:

- a hydrogeologic assessment;
- site-specific mass balance analysis;



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- a groundwater monitoring plan;
- results from the MassDEP Nitrogen Loading Model, if applicable;
- Planning Board comments, if any.

- d. Submit fee and a copy of the MassDEP Transmittal Form to:
Department of Environmental Protection
P. O. Box 4062
Boston, MA 02211.

10. What are the regulations that apply to this approval? Where can I get copies?

These regulations include, but are not limited to:

- a. Title 5 Regulations, 310 CMR 15.000.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

State Bookstore
Room 116
Boston, MA 02133
617-727-2834

State Bookstore
436 Dwight Street, Room 102
Springfield, MA 01103
413-784-1376

MassDEP Title 5 Regulations and permit application packages also may be obtained from MassDEP's web site at <http://mass.gov/dep>



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- The MassDEP Transmittal Form is completed: <http://mass.gov/dep/service/online/trasmfrm.shtml> When completing the Transmittal Form, write the "a" immediately after the space provided for the seven digit character code at the top of the Form.
- A MassDEP application form for the permit category BRP WP 58a has been completed. The following information has been provided:
 - Completed application clearly indicating the name, address and telephone number of applicant/owner and the project consultant. All supportive materials must be attached.
 - Signed approval letter from the local approving authority.

For the BRP WP 58a, supportive materials include:

For a Community Plan:

- A suitably scaled map for the area covered by the plan;
- A buildout analysis under current zoning;
- 440 gpd per acre equivalency calculations;
- In the case of a Zone II, analysis from the MassDEP Nitrogen Loading Model;
- Comments from the Planning Board, if any;
- A nitrogen loading management plan.

For a Facility Plan:

- A locus map (USGS 1:25,000 topographic);
- A suitably scaled site map;
- A detail description for the facility aggregation proposal;
- 440 gpd per acre equivalency calculations;
- Copies of current deeds for the facility and credit land;
- Copies of unexecuted nitrogen deed restrictions on facility and credit land.

For facilities with design flow of 2000 gpd or greater when either the local approving authority or MassDEP requires a site-specific mass balance analysis, additionally:

- A hydrogeologic assessment;
- A site-specific mass balance analysis;
- A groundwater monitoring plan;
- Results from the MassDEP Nitrogen Loading Computer Model, if applicable;
- Planning Board comments, if any.



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To submit the application package:

- Checklist items have been completed.
- Send two (2) copies of the application, along with the original of the MassDEP Transmittal Form to:

Department of Environmental Protection
Title 5 Permitting Program
Regional Office *

*Find your region <http://www.mass.gov/dep/about/region/findyour.htm>

- Send fee of \$1,580 in the form of a check or money order made payable to Commonwealth of Massachusetts, along with a copy of the MassDEP Transmittal Form to:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

MassDEP Regulations may also be obtained from MassDEP's website at <http://www.mass.gov/dep>.



Transmittal Number _____

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Approval of a Nitrogen Aggregation Loading Plan

Facility ID (if known) _____

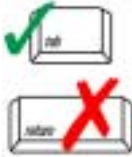
Please read the Instructions and Supporting Materials before filling out this form.

Note: Any and all areas identified as “restricted” or “credit land” for the purposes of one application for aggregate nitrogen loading cannot be used for another application pursuant to 310 CMR 15.216.

DEP anticipates that preparation of nitrogen loading plans may require both technical (including hydrogeologic) and legal expertise.

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Name

Doing Business as (dba)

Street Address

City/Town

State

Zip Code

Telephone

2. Facility Address / Location (if different from Applicant):

Address

City/Town

State

Zip Code

3. Contact Person (if different from Applicant):

Contact Person

Consultant Firm

Address

City/Town

State

Zip Code

Telephone

4. Does this project require a filing under 310 CMR 11.00, The Massachusetts Environmental Policy Act?

Yes

No

If yes, has a filing been made? Yes No

If yes, EOE File #

5. The approval letter issued by the local approving authority having jurisdiction over the aggregate nitrogen loading plan must accompany this application.

Is the approval letter attached?

Yes

No



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A. General Information (cont.)

6. A nitrogen aggregation application is either for a region-wide Community Plan, or for a site-specific Facility Plan. This application is for:

- Community Plan (respond to Items 7 through 12)
- Facility Plan (respond to Items 13 through 26)

For a Community Plan:

7. The Community Plan may be for either a Nitrogen Sensitive Area or for a new residential construction where the use of both on-site systems and on-site-drinking water supply wells are proposed (private well areas). This application is for:

- A Zone II
- An Interim Wellhead Protection Area
- Private well area for new residential construction

8. A map for the area covered by the plan is required. Is the map attached?

- Yes No

9. A buildout analysis under current zoning for the area of the community subject to the plan is required. Is the buildout analysis enclosed?

- Yes No

10. The nitrogen loading limitation of 440 gpd per acre equivalency demonstration is required. Are the calculations enclosed?

- Yes No

11. If the Community Plan is for a Zone II, the DEP Nitrogen Loading Computer Model analysis is required.

Is the Zone II analysis enclosed? Yes No

Are Planning Board comments attached? Yes No

12. A nitrogen loading management plan including land use regulations (e.g., zoning or health regulations) is required. Is the management plan enclosed?

- Yes No

For a Facility Plan:

13. The Facility Plan may be for a site in either a Nitrogen Sensitive Area or for a new residential construction where the use of both on-site systems and on-site drinking water supply wells are proposed (private well areas). The facility is sited in:

- A Zone II
- An Interim Wellhead Protection Area
- Private well area for new residential construction



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A. General Information (cont.)

14. The legal entity which owns or will own this facility is:

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Federal |
| <input type="checkbox"/> Municipality | <input type="checkbox"/> State / County |
| <input type="checkbox"/> Private Partnership | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Other (specify): _____ | |

15. Owner names and addresses of land subject to the proposed facility plan:

16. A locus map (USGS topographic at 1:25,000) with all relevant locations (e.g. the proposed facility, credit land, water supplies and nitrogen sensitive areas) is required.

Is the locus map attached? Yes No

17. A site map, at a suitable scale, with all relevant topographic features (e.g. the proposed facility with discharge, area of impact, credit land, bedrock, test pits, sensitive receptors within one half mile, etc.) is required.

Is the site map attached? Yes No

18. The detailed description of the proposed facility including the credit land, site characteristics, the proposed subsurface disposal system, the nitrogen sensitive area, sensitive receptors within one half mile, etc., is required.

Is the narrative description enclosed? Yes No

19. The nitrogen loading limitation of 440 gpd per acre equivalency is required. Are the 440 gpd per acre equivalency calculations enclosed?

Yes No

20. Are copies of the current deeds (and plans cited) for the facility and credit land enclosed?

Yes No

21. Are copies of the unexecuted nitrogen loading restrictions on facility and credit land enclosed?

Yes No



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Facility ID (if known)

A. General Information (cont.)

For facilities with sewage design flow of 2000 gpd or greater and, when the local approving authority or DEP requires a site-specific mass balance analysis, the following documents are required. Are they attached?

- 22. A hydrogeologic assessment Yes No
- 23. A site-specific mass balance analysis Yes No
- 24. A groundwater monitoring plan Yes No
- 25. Zone II nitrogen modeling, if applicable Yes No
- 26. Planning Board comments, if any Yes No

B. Certification

"I certify under penalty of law that this document and all attachments, to the best of my knowledge and belief, are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Applicant's signature

Print Name

Name of Preparer

Date