



BRP WW 05 Waterways License: Certificate of Compliance

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 <http://www.mass.gov/eea/agencies/massdep/> 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 WW 05 Waterways License: Certificate of Compliance

Permit Fact Sheet

1. What is the purpose of this certificate?

This is a Certificate of Compliance confirming that a project *licensed* under MGL Chapter 91, the Public Waterfront Act, has been completed according to the plans, specifications and conditions of that license. It is necessary to ensure that projects covered by Chapter 91 are built as licensed and such licenses may be revoked pursuant to 310 CMR 9.26 (1) if a certificate is not obtained.

2. Who must apply?

Anyone who obtains a Waterways license under 310 CMR 9.00, as amended October 4, 1990, must file an application for a Certificate of Compliance within 60 days of completing the project and no later than five years from license issuance or any extension. This includes anyone who applied for a Waterways license on or after October 4, 1990, except as provided in 310 CMR 9.09 (2)(b).

This application is not required for Amnesty licenses, issued pursuant to 310 CMR 9.28, since there is no new construction or uses authorized. Nor is a certificate required for any Waterways "permit" or "amnesty interim approval" since these are not considered "licenses" under 310 CMR 9.00.

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

a. What prerequisites should be considered before applying for this certificate?

The project must have either been fully completed according to the plans, specifications and conditions of a Chapter 91 Waterways license; or partially completed according to such plans, specifications and conditions if the public benefits associated with such portion have been provided.

b. What concurrent applications are related to this certificate?

If the project previously received an Order of Conditions under the Wetlands Protection Act, a Certificate of Compliance should be obtained from the local Conservation Commission. If the project previously received a Superseding Order of Conditions, a Certificate of Compliance should be obtained from the regional MassDEP office that issued the Superseding Order of Conditions.

4. What is the application fee?

There is an application fee of \$100 for water-dependent use projects, except facilities described in 310 CMR 9.16 (3)(b)(2).

There is an application fee of \$215 for non-water-dependent projects.

There is an application fee of \$430 for projects receiving licenses with extended terms and facilities described in 310 CMR 9.16 (3)(b)(2).



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Permit Fact Sheet

5. What is the Primary Permit Location?

PRIMARY PERMIT LOCATION
Department of Environmental Protection
Waterways Program
1 Winter Street
Boston, MA 02108

What is the Reserve Copy Location?

RESERVE COPY LOCATION
None.

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

The timelines are available on the MassDEP Website:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html>

7. What is the annual compliance fee?

There is no annual compliance fee.

8. How long is this certificate in effect?

There is no time limit on the validity of a Certificate of Compliance.

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

- a. Submit fee and one 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 certificate? Where can I get copies?

These regulations include, but are not limited to:

- a. Waterways Regulations, 310 CMR 9.00.
- 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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways

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Application Completeness Checklist

- The MassDEP Transmittal Form is completed:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>
- Included is a signed copy of a completed application for certificate of compliance.
- A registered professional engineer licensed in Massachusetts has certified that the project was completed according to the plans, specifications and conditions of the license.
- If the project was previously issued an Order of Conditions or Superseding Order of Conditions under the Wetlands Protection Act, a certificate of compliance for that order is included.
- If the application is for a partial certificate of compliance, you must specify for what portion of the project the certificate is requested, and describe the public benefits this portion provides.

To submit the application package:

- Checklist items have been completed.
- Send one copy of the application form and all other required materials along with one copy of the MassDEP Transmittal Form to:

Department of Environmental Protection
Waterways Program
1 Winter Street
Boston, MA 02108

- Send fee of:

\$100 for water-dependent use projects, except facilities described in 310 CMR 9.16 (3)(b)(2);

\$215 for non-water-dependent use projects;

\$430 for projects receiving licenses with extended terms or facilities described in 310 CMR 9.16 (3)(b)(2);

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways

BRP WW 05

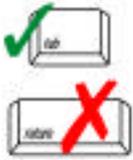
Waterways License: Certificate of Compliance

Transmittal Number

Application for Certificate of Compliance
M.G.L. Chapter 91, The Public Waterfront Act and 310 CMR 9.00

Facility ID# (if known)

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



Waterways License No. _____

This is to request that the Department of Environmental Protection issue a Certificate of Compliance (or Partial Certificate of Compliance*) regarding the applicant's Waterways License No. listed above.

Accompanying this request is the certification of a registered professional engineer licensed to do business in the Commonwealth of Massachusetts that the project was complete according to the plans, specifications and conditions of the license. I have also enclosed a Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act.)

* The Department may issue a partial Certificate of Compliance for a portion of a project if all public benefits associated with such portion have also been provided. Please indicate by checking the box below if you wish to apply for such a partial Certificate. If a partial Certificate is requested, please attach material delineating the portion of the project for which the Partial Certificate is requested and describing the public benefits associated with such portion which have been provided.

Check if applying for Partial Certificate of Compliance

For DEP Use Only

Date Stamp

Name

Application No.

Address

Wetlands No.

City

State

Zip Code

EOEA No.

Day Telephone No.

Work Telephone No.

ACOE No.

Signature

Date