



Massachusetts Department of Environmental Protection
Bureau of Water Resources • Watershed Permitting

BRP WP 94, 95, 96, 97, 98

WP94 Notice of Intent for a Watershed Permit

WP95 Watershed Permit Application

WP96 Watershed Permit Major Modification

WP97 Watershed Permit Minor Modification

WP98 De Minimis Load Exemption Application

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™.

Instructions & Support Materials provide guidance on how to prepare a permit application.

These *Permit Applications*, supporting documents, and the fee payment (if applicable) must now be submitted through the [ePLACE Portal](https://eplace.mass.gov). See ePLACE step-by-step instructions on the mass.gov page for this application.



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1. What is the purpose of this approval?

The purpose of the Watershed Permit is to establish a watershed permitting strategy and process to restore and protect water quality in nutrient impacted watersheds. A Watershed Permit establishes performance standards, authorized activities, and the timeframes that will be utilized under an adaptive management framework to achieve nutrient load reductions that are necessary to meet the specific water quality and habitat quality restoration goals that have been identified in a watershed analysis as being necessary to meet the designated uses of the waterbody established by the Department under 314 CMR 4.00: *Massachusetts Surface Water Quality Standards*, for the nutrients identified in the watershed analysis.

Legal authority for this approval is stated in Massachusetts General Laws (“MGL”), Chapter 21A, s. 13; MGL Chapter 21, s. 27; Acts of 2014, Chapter 259, s. 2A; and 314 CMR 21.00.

2. Who may apply for this approval?

Any Local Government Unit (“LGU”), as defined in 314 CMR 21.02, may apply for the following:

WP94: Notice of Intent (“NOI”) for a Watershed Permit is a pre-Watershed Application form that allows an LGU to submit a proposed schedule for obtaining a Watershed Permit. It is not necessary to file an NOI in order to file a Watershed Permit Application

WP95: Watershed Permit Application is the application for a Watershed Permit to implement watershed-based strategies to reduce pollutants entering coastal embayments or estuaries pursuant to 314 CMR 21.00. Multiple Local Government Units (LGU) that share a watershed or sub-watershed may apply jointly for a Watershed Permit, provided they have entered into a mutually enforceable agreement among the parties. The Watershed Permit application also includes the availability of the **WP96: Major Modification/Amendment to the Watershed Permit**, and **WP97: Minor Modification/Amendment for the Watershed Permit**.

WP98: De Minimis Nitrogen Load Exemption Application is the application for an exemption from the permitting requirements of 314 CMR 21.00 issued by the Department pursuant to 314 CMR 21.12.

Filing of the WP94, WP95 or WP98 application pursuant to 310 CMR 15.215(2) will suspend any Title 5 New Construction requirements under 310 CMR 15.215(2)(b) or will suspend any applicable Title 5 system upgrade requirements under 310 CMR 15.215(2)(a) for the applicable watershed area.

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

a. What prerequisites should be considered before applying for these permits?

Permits of this type may require MEPA 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



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contact the MEPA Unit of the Executive Office of Environmental Affairs (100 Cambridge Street, Suite 900, Boston, MA 02114; (617-626-1020). MassDEP cannot complete technical review of the notice of intent until the MEPA process has been concluded. MEPA filings should be uploaded along with your application submission in the Documents section in ePLACE.

For watersheds that coincide with more than one LGU, applicants may apply for a joint permit provided they have entered into a mutually enforceable agreement among the parties, pursuant to 314 CMR 21.03(1) and (2)(c).

This approval builds on prior wastewater pollutant reduction efforts by enabling LGUs with Comprehensive Wastewater Management Plans and Targeted Watershed Management Plans to apply for a Watershed Permit if either of these plans includes or is supplemented with the information required for a Watershed Management Plan, which is a prerequisite to a Watershed Permit. 314 CMR 21.02 (definition of Watershed Management Plan); 314 CMR 21.03(2).

Applicant(s) are required to demonstrate, among other things, that they meet the Permit Review Standard in 314 CMR 21.04(1), which requires that:

- (1) necessary pollutant load reductions will be achieved within the 20-year life of the permit; or
- (2) reasonable progress towards achieving those reductions will occur during the permit term.

Reasonable progress criteria include financial costs and environmental impacts and either at least a 75% reduction of the necessary nitrogen load reductions within 20 years or an alternative schedule for nitrogen load reductions approved by the Department based on watershed specific issues. Other requirements to consider are specified in 314 CMR 21.00.

4. What is the application fee?

There is no application fee for the WP 94/95/96/97/98 for Local Government Units (LGU).

5. Where should the application be sent?

The application must be submitted through ePLACE, located here: <https://eplace.eea.mass.gov/citizenaccess>

Additional instructions to assist in submitting your application are available at: <https://www.mass.gov/how-to/wp-94-95-96-97-98-notice-of-intent-for-watershed-permit-application-wp-94-and-watershed-permit-application-wp-95-watershed-permit-major-mod-wp-96-watershed-permit-minor-mod-wp-97-and-de-minimis-load-exemption-application-wp-98>

For more detailed visual instructions, please refer to the document below that is applicable to you:



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- If you are looking to submit your *Notice of Intent for a Watershed Permit* (WP94), please review this document: <https://www.mass.gov/doc/wp94-notice-of-intent-to-a-watershed-permit-eplace-step-by-step-instructions/download>
 - If you are looking to submit a **new** *Watershed Permit Application* (WP95), please review this document: <https://www.mass.gov/doc/wp95-watershed-permit-application-eplace-step-by-step-instructions/download>
 - If you are looking to make a **major** modification/amendment to an existing *Watershed Permit Application* (WP96), please review this document: <https://www.mass.gov/doc/wp96-watershed-permit-major-modification-eplace-step-by-step-instructions/download>
 - If you are looking to make a **minor** modification/amendment to an existing *Watershed Permit Application* (WP97), please review this document: <https://www.mass.gov/doc/wp97-watershed-permit-minor-modification-eplace-step-by-step-instructions/download>
 - If you are looking to submit a *De Minimis Load Exemption Application* (WP98), please review this document: <https://www.mass.gov/doc/wp98-de-minimis-load-exemption-application-eplace-step-by-step-instructions/download>

Important Contacts

- For technical assistance regarding online filing, contact the ePLACE Help Desk Team at (844) 733-7522 or ePLACE_helpdesk@mass.gov.
- To see a copy of your application after submittal, also see: <https://eeaonline.eea.state.ma.us/EEA/PublicApp>.

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

The timelines are available on the MassDEP Website: <https://www.mass.gov/lists/massdep-fees-timelines>

7. What is the annual compliance fee?

There is no annual compliance fee for these approvals for Local Government Units (LGU).

8. How long is this approval in effect?

WP94 There is no expiration for the Notice of Intent for Watershed Permit Application. It is a one-time submission.

WP95 The approval for the Watershed Permit Application (WP95) remains valid for 20 years, except as otherwise provided in 314 CMR 21.00.

WP98 The De Minimis Load Exemption does not expire and shall continue until terminated by Local Government Units (LGU) or the Department.

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



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- a. Be sure all items on the Application Completeness Checklist are completed and included in submitted application in ePLACE.
 - b. Submit the documents required for this application and pay fee (if applicable) through ePLACE, <https://eplace.eea.mass.gov/citizenaccess>.

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

- a. The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of the On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, 310 CMR 15.000
- b. Watershed Permit Regulations, 314 CMR 21.00
- c. Administrative Penalty Regulations, 310 CMR 5.00.

Copies of the regulations may be obtained from:

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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Completeness Checklist

Please see the Watershed Permit Application Guidance for detailed descriptions of each application component.

To avoid delays in the application review process, please include the following items, as noted, with the application:

WP94 Notice of Intent for a Watershed Permit Application:

The following documents shall be submitted through ePLACE for WP94 Notice of Intent:

- ☐ Proposed Pre-Application Schedule per 310 CMR 15.215(2)(c)

WP95 Watershed Permit Application:

The following documents shall be submitted through ePLACE for WP95 Application per 314 CMR 21.03:

- ☐ Cover Letter
- ☐ Watershed Management Plan (per 314 CMR 21.02 and 21.03)
- ☐ Watershed Boundaries Map
- ☐ Preliminary Plans and Specifications
- ☐ Contingency Plan
- ☐ Quality Assurance Project Plans
- ☐ P.E. Certification Statement Form

The following documents (if applicable) may need to be submitted through ePLACE for the WP95 Application:

- ☐ Financial Planning and costs per 314 CMR 21.03 and 21.04
- ☐ IMA – Inter-Municipal Agreements
- ☐ Monitoring Data

Note: Any documents being submitted that do not fit in with one of the dropdown categories in the ePLACE system, should be submitted under “other”.



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WP98 Deminimis Load Exemption Application

The following documents shall be submitted through ePLACE for WP98 Application per 314 CMR 21.12:

- ☐ Baseline Nitrogen load supporting documents

Sufficient evidence (e.g., MEP, TMDL, or other Scientific Evaluation) to show that the Baseline Nitrogen Load attributed to the applicable watershed or sub- watershed area, as applicable, is less than or equal to 3% of the Controllable Attenuated Nitrogen Load for the entire watershed or sub-watershed, as applicable.

- ☐ Estimated updated nitrogen Load supporting documents

Sufficient evidence (e.g., records of water usage, building permits, zoning information, census data and, if necessary, modelling) demonstrating that the applicant's Updated Nitrogen Load does not exceed 3% of the Controllable Attenuated Nitrogen Load for the watershed or sub-watershed, as applicable.

The following documents (if applicable) may need to be submitted through ePLACE for the WP98 Application:

- ☐ Planning Documents

Any planning documents, such as a CWMP, TWMP, or equivalent wastewater planning document applicable to the area for which the exemption is sought, if available.

- ☐ Map of Area

To submit the application package:

- ☐ Submit the application and documents listed above through ePLACE,
<https://eplace.eea.mass.gov/citizenaccess>