



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection – Wetlands and Waterways Program
BRP WW 26 Combined Licenses/Permits for Waterways
& Water Quality Certification
 Water-Dependent Chapter 91 Waterways License/Permit (310 CMR 9.00)
 401 Dredging, Fill/Excavation Water Quality Certification (314 CMR 9.00)

Transmittal # _____

A. Combined Application Information (check appropriate boxes)

Note: Use this form only if you are applying for more than one component below.

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



Components	Fee	Corresponding Application
Chapter 91 Water-Dependent		
<input type="checkbox"/> Residential with ≤ 4 units	\$215.00	BRP WW01a
<input checked="" type="checkbox"/> Other	\$330.00	BRP WW01b
401 Water Quality Certification Dredging		
<input type="checkbox"/> Major ≥ 5000 yd ³	\$495.00	BRP WW07
<input checked="" type="checkbox"/> Minor < 5000 yd ³ & ≥ 100 yd ³	\$ 95.00	BRP WW08
401 Water Quality Certification Fill/Excavation		
<input checked="" type="checkbox"/> Major ≥ 5000 ft ²	\$495.00	BRP WW10
<input type="checkbox"/> Minor < 5000 ft ²	\$ 95.00	BRP WW11
Total combined application fee:	<u>\$920.00</u>	

B. Applicant Information

1. Applicant:

The Nature Conservancy, Attn: Karen Lombard klombard@tnc.org
 Name E-mail Address
 136 West Street, Suite 202
 Mailing Address
 Northampton MA 01060
 City/Town State Zip Code
 413-923-3174
 Telephone Number Fax Number

2. Authorized Agent (if any):

BSC Group, Inc. Attn: Sarah Barnum sbarnum@bscgroup.com
 Name E-mail Address
 150 Dow Street, Ste. 450
 Mailing Address
 Manchester NH 03101
 City/Town State Zip Code
 860-881-6151
 Telephone Number Fax Number



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C. Property Information

1. Property Information (all information must be provided):

The Nature Conservancy

Owner Name (if different from applicant)

7_05A

Tax Assessor's Map and Parcel Numbers

East Street

Street Address and City/Town

MA

State

42.058353

Latitude

-73.459276

Longitude

01258

Zip Code

2. Registered Land Yes No If Yes:

Berkshire South

County

1167

Book

165

Page

D. Description of Water Body in Which Project Site is Located

1. Name of the water body where the project site is located or nearest/adjacent waterbody:

unnamed perennial stream which flows into Sages Ravine

Basin Name: HOUSATONIC

Class*: not indicated Qualifiers: _____

* Please refer to the Tables and Figures in 314 CMR 4.00 (<https://www.mass.gov/doc/314-cmr-406-high-resolution-tables-figures>)

Check all that apply:

<u>Type</u>	<u>Nature</u>	<u>Designation</u>
<input checked="" type="checkbox"/> Nontidal river/stream	<input type="checkbox"/> Natural	<input checked="" type="checkbox"/> Area of Critical Environmental Concern (ACEC)
<input checked="" type="checkbox"/> Perennial Stream	<input checked="" type="checkbox"/> Enlarged/dammed	<input type="checkbox"/> Designated Port Area (DPA)
<input type="checkbox"/> Intermittent Stream	<input type="checkbox"/> Uncertain	<input type="checkbox"/> Ocean Sanctuary
<input type="checkbox"/> Flowed tidelands		<input type="checkbox"/> Outstanding Resource Water (ORW)
<input type="checkbox"/> Intertidal Zone		<input type="checkbox"/> Uncertain
<input type="checkbox"/> Filled tidelands		
<input type="checkbox"/> Great Pond		
<input type="checkbox"/> Uncertain		



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E. Proposed Scope of Project and Use/Activity Description

Provide detailed description of the proposed project or activity. Include the purpose and intended use of the project, and the duration of the work within any waterbody (attach narrative if needed):
 The Project proposes the removal of Becker Pond Dam, located off of East Street in Mount Washington, MA. The dam is the only known man-made obstruction on an otherwise free-flowing brook. Its removal will restore river connectivity, benefiting fisheries & wildlife, while reducing flood risks from a possible failure of the structurally deficient dam. Refer to the attached Project Narrative for further details.

1. Date activity is to commence: Estimated August 2023
2. What is the estimated total cost of proposed work (including materials & labor)?
\$179,300 (approx.)
3. State Funded Yes No If yes, \$ _____

F. Abutters

List the name and complete mailing address of direct abutters (attach additional sheets, if necessary). An abutter is defined (310 CMR 9.00) as the owner of land that shares a common waterside boundary with the project site, as well as the owner of land that lies within 50 feet across a waterbody from the project.

<u>Commonwealth of MA</u> Name	<u>0 East Street</u> Address
_____ Name	_____ Address
_____ Name	_____ Address

A printout from the assessor's office along with the assessor's map can be used as a substitution.

G. Project Plans

1. Attached plans for the proposed project in accordance with the instructions contained in (check all that apply):
 Appendix A (Chapter 91 License plan) Appendix B (Chapter 91/401 WQC Permit plan)
2. Other State and Local Approvals/Certifications required or obtained
- | | |
|---|---|
| <input checked="" type="checkbox"/> Wetlands-Notice of Intent (NOI) | <u>WE 232-0046</u>
File Number |
| <input checked="" type="checkbox"/> Chapter 91 Jurisdictional Determination | <u>JD-TBD</u>
File Number |
| <input checked="" type="checkbox"/> MEPA | <u>16226</u>
EOEEA Number if available |
| <input type="checkbox"/> EOEEA Secretary Certificate | _____
Date |
| <input type="checkbox"/> 21E Waste Site Cleanup | _____
RTN Number if available |



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H. Information Required for All Dredging and/or Fill/Excavation

Note: Dredging occurs below Mean High Tide (MHT) in Coastal and below High Water Mark for Inland. Excavation is defined as removal of any wetland resources above Mean High Tide for Coastal and High Water Mark for Inland.

1. If the proposed project is subject to MEPA or will occur in any wetlands or waters designated as "Outstanding Resource Waters", or if otherwise subject to MEPA, has public notice been published in the Environmental Monitor?

Yes No 07/23/2021
 Date of Publication

2. Has public notice for the application been published (314 CMR 9.05 and/or 310 CMR 9.13(1)(c)5?

Yes No TBD The Berkshire Eagle
 Date of Publication Name of Newspaper

3. Identify the dredge area(s) in square feet and cubic yards of each type of resource area:

a. Land under water (inland):	<u>~13,200</u> square feet	<u>~525</u> cubic yards
b. Land under ocean:	_____ square feet	_____ cubic yards
c. Intertidal zone	_____ square feet	_____ cubic yards
Total square feet and volume:	_____ square feet	_____ cubic yards
d. Dimension of dredge area(s):	Length: _____	feet
	Width: _____	feet
	Depth: _____	feet

4. Identify the loss due to **fill/excavation** and proposed mitigation in square feet of each type of resource area:

	Fill or Excavation (ft ²)	Mitigation (ft ²)
a. Bordering Vegetated Wetland (BVW):	<u>0</u>	<u>0</u>
b. Isolated Vegetated Wetland (IVW):	<u>0</u>	<u>0</u>
c. Land Under Water:	<u>29,200</u>	<u>0</u>
Total of cumulative loss and mitigation of a+b+c:	<u>29,200</u>	<u>0</u>
d. Salt Marsh	<u>0</u>	<u>0</u>

5. Is any of your proposed work exempt from the Massachusetts Wetlands Protection Act or taking place in a federal non-state wetland?

Yes No If No, provide the following information:

WE 232-0046 TBD
 NOI File # Issue Date of Order of Conditions (Provide copy if issued)



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H. Information Required for All Dredging and/or Fill/Excavation (cont.)

6. Grain Size Analysis:

Percentage of total by weight passing:

62%	12%
No. 4 Sieve	No. 60 Sieve
49%	4.4%
No. 10 Sieve	No. 200 Sieve
18%	
No. 40 Sieve	

7. Is the proposed project considered:

- a. Improvement dredging
- b. Maintenance dredging (previously authorized)
 - i. Date of authorization: _____
 - ii. Permit/license Name & Number: _____
 - iii. Date last dredged: _____
 - iv. Expected frequency of maintenance dredging: _____

8. Description of Disposal/Beneficial Reuse Site for Dredged Material

Ocean disposal Sites: unconfined confined (i.e. CAD) near shore placement

Location of proposed disposal site and its physical boundaries (attach narrative, figures/plans, etc.)

Dredged material will be used to restore an onsite historic barrow pit, and any excess will be disposed of off-site.

Suitability Determination from US Army Corps of Engineers Yes No

(if yes, include determination in application)

a. Has the site been designated by the Commonwealth or EPA as a designated disposal site?

Yes No If No, give a description of the characteristics of the proposed disposal site and an explanation as to why a currently designated site or upland disposal is not feasible for this project:

The proposed disposal site is on the property and dredged material will be used to fill an existing historic barrow pit. Please refer to the attached plans.



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H. Information Required for All Dredging and/or Fill/Excavation (cont.)

- b. Is the anticipated disposal site located within a Commonwealth-designated ocean sanctuary (M.G.L. 132 A, sec. 13) or a sanctuary established by Federal law? Yes No

If yes, which sanctuary?

- c. Location of proposed shoreline placement (landward of mean high tide for coastal or high watermark for inland) or upland reuse and physical boundaries:

Does the proposed shoreline placement and/or upland reuse satisfy the conditions specified in 314 CMR 9.07(9)?

- Yes No

- d. Beach/Dune Nourishment above MHT or HWM

- Yes No

 Name or type of the nourishment area(s)

- e. ACEC

- Yes No

Schenob Brook Drainage Basin
 Name of ACEC

I. Dredging More than 100 yd³, ORW, Individual 404 Permit

1. Due Diligence review for sediment sampling (314 CMR 9.07(2))

To the best of your knowledge, does the proposed project area have any past history of:

- a. chemical or oil spill(s)/discharge? Yes No
- b. Upstream or on-site industrial or municipal discharge within 1,000 feet of the proposed project? Yes No
- c. chronic pollutant loading from port or harbor use and/or other sources of pollutants? (e.g., Combined Sewer Overflow (CSO) or Publicly Owned Treatment Works (POTW) discharges) Yes No
- d. Is the site currently an active Massachusetts Contingency Plan site? Yes No

If yes to any questions in Item 1, provide as much historical information as you have, including dates, amounts, concentrations, etc. of such spills or discharge. Attach additional pages if necessary.

2. Chemical Analysis of Sediment:

Number of samples: 6 Composite Discrete

For ecological restoration projects: 4
 # of samples upstream of work area
2
 # of samples downstream of work area



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I. Dredging More than 100 yd³, ORW, Individual 404 Permit (cont.)

See 314 CMR 9.07(2) for sampling and analysis requirements. List constituents in mg/kg (ppm) dry weight unless otherwise indicated.

see attached sediment analysis report

arsenic	cadmium
chromium	copper
lead	mercury
nickel	zinc
Hexavalent chromium	PAHs (polynuclear aromatic hydrocarbons)
PCBs (polychlorinated biphenyls) congeners	Percent of solids
Reactive sulfide	EPH (extractable petroleum hydrocarbons)
VOCs (volatile organic compounds)	Conductivity for coastal project

3. Intermediate Facility

a. Location of the Intermediate Facility:

East Street
 Street Address
 Mt. Washington MA 01258
 City/Town State Zip Code

b. Name and address of the owner of the property on which the intermediate facility is located?

The Nature Conservancy
 Name

If the applicant is not the owner, has permission been granted by the owner of the property?

Yes No If yes, provide documentation of permission.

4. Dredged material dewatering location:

a. Location and physical boundaries of proposed dewatering activities of the dredge material. Indicate containment, method of dewatering, water collection and point of discharge (attach narrative if needed):

Refer to Project narrative. Sediment will mostly be dewatered in-situ, once the stream has been diverted for dam removal.

b. How long are the dewatering and disposal sites estimated to be in use from this project, and will the site be used for future maintenance dredging?
 Temporary dewatering and the disposal site will occur only for dam removal as described in the project narrative.

c. For proposed dewatering of dredged sediment on a barge, include plans demarcating adequate containment and effluent control in Appendix B.



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I. Dredging More than 100 yd³, ORW, Individual 404 Permit (cont.)

5. Type of Beneficial Reuse:

- Nourishment Landfill Daily cover Other (specify): _____

Name and location of proposed beneficial reuse area and physical boundaries:

6. Upland Disposal:

Name and location of the licensed Upland Disposal facility:

J. Certificate By Other Agencies

1. **Municipal Zoning Certification:** If required, applicants must submit a completed and signed Section J of this application by the municipal clerk or appropriate municipal official or, for the initial filing, an explanation of why the form is not included with the initial application. If the project is a public service project subject to zoning but will not require any municipal approvals, submit a certification to that effect pursuant to 310 CMR 9.34(1).
2. **Municipal Planning Board Notification:** Applicants must submit a copy of this application to the municipal planning board for the municipality where the project is located. Submittal of the complete application to MassDEP must include Appendix D signed by the municipal clerk, or appropriate municipal official for the town where the work is to be performed, except in the case of a proposed bridge, dam, or similar structure across a river, cove, or inlet, in which case it must be certified by every municipality into which the tidewater of said river, cove, or inlet extends.

K. Notice of Intent

Complete the WPA Form 3, Notice of Intent and the NOI Wetland Fee Transmittal Form and attach a copy to the combined application.



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L. Certification

All applicants, property owners and authorized agents must sign this page. All future application correspondence may be signed by the authorized agent alone.

"I hereby make application for a permit or license to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representatives of the Massachusetts Department of Environmental Protection to enter upon the premises of the project site at reasonable times for the purpose of inspection."

"I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge. I further certify that I possess the authority to undertake the proposed activities."

Karen Lambert

 Applicant's signature

10-14-22

 Date

 Property Owner's signature (if different from applicant)

 Date

 Authorized Agent's signature (if applicable)

 Date

Two (2) copies of the BRP WW 26 combined application, plus the appropriate Appendices, should be sent to:

MassDEP
 Water Quality Certification Program
 One Winter Street, 5th floor
 Boston, MA 02108
 ATTN: David Wong

One (1) copy of the BRP WW 26 combined application, plus the appropriate Appendices, should be sent to the MassDEP Regional Office where the project is located (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>)



Appendix A: License Plan Checklist

General View

- PE or RLS, as deemed appropriate by the Department, stamped and signed, in ink, each sheet within 8 1/2 inch by 11 inch border
- Format and dimensions conform to “Sample Plan” (attached)
- Minimum letter size is 1/8 of an inch if freehand lettering, 1/10 of an inch if letter guides are used
- Sheet number with total number in set on each sheet
- Title sheet contains the following in lower left: Plans accompanying Petition of [Applicant’s name, structures and/or fill or change in use, waterway and municipality]
- North arrow
- Scale is suitable to clearly show proposed structures and enough of shoreline, existing structures and roadways to define its exact location
- Scale is stated & shown by graphic bar scale on each sheet
- Initial plans may be printed on bond; final plans due before License issuance must be on 3mil Mylar.

Structures and Fill

- All Structures and Fill shown in full BLACK lines, clearly labeling which portions are existing, which are proposed and indicating Existing Waterways Licenses
- Cross Section Views show MHW* and MLW* and structure finish elevations
- Dredge or Fill, actual cubic yardage must be stated and typical cross sections shown
- Actual dimensions of structures(s) and or fill and the distance which they extend beyond MHW* or OHW*
- Change in Use of any structures on site must be stated

* See 310 CMR 9.02, Waterways Regulations definitions of High Water Mark (HWM), Historic High Water Mark, Historic Low Water Mark, and Low Water Mark. *Note:* MassDEP may, at its discretion, accept appropriately scaled preliminary plans in lieu of the plans described above. In general, MassDEP will accept preliminary plans.



Appendix A: License Plan Checklist (cont.)

Boundaries

- Property lines, full black lines, _____, along with abutters' names and addresses
- Mean High Water (MHW)* or Ordinary High Water (OHW)*, full black line _____
- Mean Low Water (MLW)*, black dotted line, (.....)
- Historic MHW* or OHW* (— — — —)
- Historic MLW* (..._..._..._)
- State Harbor Lines, black dot-dash line (- . - . -) with indication of Chapter & Act establishing them (Ch. , Acts of)
- Reference datum is National Geodetic Vertical Datum (NGVD) or (NAVD)
- Floodplain Boundaries according to most recent FEMA maps
- Proposed & Existing Easements described in metes & bounds

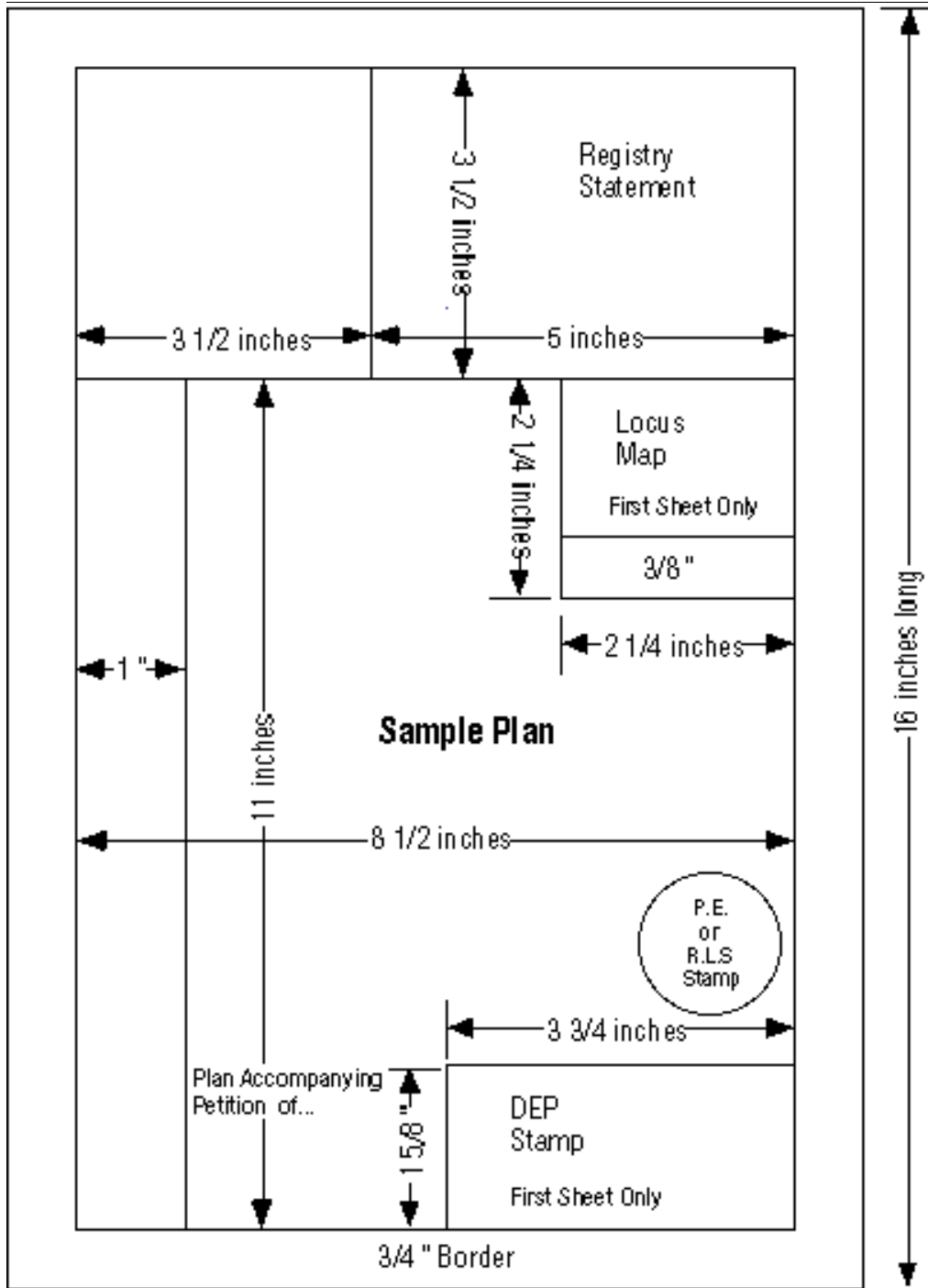
Water-Dependent Structures

- Distance from adjacent piers, ramps or floats (minimum distance of 25 feet from property line, where feasible)
- Distance from nearest opposite shoreline
- Distance from outside edge of any Navigable Channel
- Access stairs at MHW for lateral public passage, or 5 feet of clearance under structure at MHW.

Note: Final Mylar project site plans will be required upon notice from the Department, prior to issuance of the Chapter 91 Waterways License.



Appendix A: License Plan Checklist Cont.





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Appendix B: Dredging Permit Plan and 401 WQC Checklist

For projects applying for dredging permits only, enclose drawings with the combined Application that include the following information:

General View

- Submit one original of all drawings. Submit the fewest number of sheets necessary to adequately illustrate the project on 8-1/2 inch X 11 inch paper.
- A 1-inch margin should be left at the top edge of each drawing for purposes of reproduction and binding. A 1/2 inch margin is required in the three other edges.
- A complete title block on each drawing submitted should identify the project and contain: the name of the waterway; name of the applicant; number of the sheet and total number of sheets in the set; and the date the drawing was prepared.
- Use only dot shading, hatching, and dashed or dotted line to show or indicate particular features of the site on the drawings.
- If deemed appropriate by the Department, certification by the Registered Professional Engineer or Land Surveyor is included.

Plan View

- North Arrow Locus Map Standard engineering scale.
- Distances from channel lines and structures if appropriate.
- Mean high water and mean low water shorelines (see definitions of “High Water Mark” and “Low Water Mark” at 310 CMR 9.02 and 314 CMR 9.02).
- Dimensions of area(s) proposed to be dredged.
- Notation or indication of disposal site.
- Volume of proposed dredging.
- Sampling locations.
- Ordinary high water, proposed drawdown level, and natural (historic) high water (for projects lowering waters of Great Ponds).

Section Views

- Existing bottom and bank profiles.
- Vertical and/or horizontal scales.
- Proposed and existing depths relative to an indicated datum.
- Elevation and details of control structure (for projects lowering waters of Great Ponds).



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Appendix C: Municipal Zoning Certification

Only when authorization request includes structure(s)

The Nature Conservancy

Name of Applicant

East Street

Project street address

unnamed perennial stream

Waterway

Mt. Washington

City/Town

Description of use or change in use:

TNC is proposing to remove a structurally deficient dam, which is currently the only known man-made obstruction on an otherwise free-flowing brook in Mount Washington, MA. The concrete dam is currently in poor condition with several critical safety and structural issues. As such, TNC (which owns the area containing the dam and the surrounding 1,500-acre Mount Plantain Preserve), intends to remove the structurally deficient dam, restoring river connectivity and reducing flood and safety risks from a possible dam failure in the future.

To be completed by municipal clerk or appropriate municipal official:

“I hereby certify that the project described above and more fully detailed in the applicant’s waterways license application and plans is not in violation of local zoning ordinances and bylaws.”

 Printed Name of Municipal Official

 Date

 Signature of Municipal Official

 Title

 City/Town



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Appendix D: Municipal Planning Board Notification

The Nature Conservancy

Name of Applicant

East Street

Project street address

unnamed perennial stream

Waterway

Mt. Washington

City/Town

Description of use or change in use:

TNC is proposing to remove a structurally deficient dam, which is currently the only known man-made obstruction on an otherwise free-flowing brook in Mount Washington, MA. The concrete dam is currently in poor condition with several critical safety and structural issues. As such, TNC (which owns the area containing the dam and the surrounding 1,500-acre Mount Plantain Preserve), intends to remove the structurally deficient dam, restoring river connectivity and reducing flood and safety risks from a possible dam failure in the future.

Printed Name of Municipal Official

Date

Signature of Municipal Official

Title

City/Town

Note: Any comments, including but not limited to written comments, by the general public, applicant, municipality, and/or an interested party submitted after the close of the public comment period pertaining to this Application shall not be considered, and shall not constitute a basis for standing in any further appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.