

SECTION 01060**PERMITS AND REGULATORY REQUIREMENTS****PART 1 GENERAL****1.01 SUMMARY**

- A. This Section includes obtaining and paying for all permits, unless otherwise specified; complying with all applicable federal, state and local laws, rules, regulations, codes, and ordinances; and complying with all permits.

1.02 RELATED SECTIONS

- A. Section 01300 – Submittals
- B. Section 01565 – Noise Control

1.03 CODES AND STANDARDS

- A. Commonwealth of Massachusetts:
 - 1. 780 CMR – Massachusetts State Building Code
 - 2. 520 CMR 14.00 – Excavation and Trench Safety
 - 3. 527 CMR – Massachusetts Comprehensive Fire Safety Code
 - 4. 310 CMR 7.00 – Air Pollution Control
 - 5. 248 CMR 3.00 – General Provisions Governing the Conducting of Plumbing and Gas Fitting Work Performed in the Commonwealth
 - 6. 271 CMR – Board of Examiners of Sheet Metal Workers
- B. National Fire Protection Association:
 - 1. NFPA 241 – Standard for Safeguarding Construction, Alteration, and Demolition Operations

1.04 SUBMITTALS

- A. Submit the following in accordance with Section 01300 – Submittals:
 - 1. Submit copies of all permits, licenses, certifications, or approvals obtained.
 - 2. Submit copies of all written notifications submitted to regulatory agencies, where

such notification is required by permit, license, or agency regulations.

1.05 QUALITY ASSURANCE (NOT USED)

1.06 QUALIFICATIONS (NOT USED)

1.07 DELIVERY, STORAGE, AND HANDLING (NOT USED)

1.08 PROJECT/SITE CONDITIONS (NOT USED)

1.09 DEFINITIONS (NOT USED)

1.10 TOLERANCE (NOT USED)

1.11 REGULATORY AGENCIES

A. Fire Safety Inspections

1. Comply with the Massachusetts Comprehensive Fire Safety Code, 527 CMR. The State Fire Marshal has jurisdiction over the Authority's projects. The Needham Fire Department will provide primary response to any fire or safety emergencies at the site.

B. Environmental Requirements

1. Comply with all applicable regulatory requirements including, but not limited to, those issued and/or enforced by the Massachusetts Department of Environmental Protection (MassDEP), U.S. Army Corps of Engineers, U.S. Coast Guard, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency (EPA), Massachusetts Department of Transportation - Highway Division (MassDOT), Massachusetts Executive Office of Energy and Environmental Affairs, Massachusetts Division of Fisheries and Wildlife, Massachusetts Historical Commission (MHC), Massachusetts Department of Conservation and Recreation (DCR) and the Needham Conservation Commission.
2. Refueling and equipment maintenance shall be conducted in accordance with all applicable regulatory requirements and only within paved areas, and away from open excavations, unprotected storm drain catch basins, and unpaved areas. Spill containment equipment shall be stored on-site in an easily accessible location. Used petroleum products resulting from the maintenance of construction equipment, and construction debris, shall be collected and legally disposed of off-site. No on-site storage or disposal of these items is allowed.
3. Comply with Massachusetts Air Quality Regulations (310 CMR 7.09) pertaining to dust, odor, construction and demolition. Maintain construction equipment to

minimize emissions. Comply with MassDEP State Revolving Fund diesel engine requirements, including retrofit requirements, as given in the MassDEP State Revolving Fund Loan Program, Plans and Specifications Checklist, which can be found in <https://www.srfmadep.com/state-revolving-fund-applications-forms/cwdw/pspkg%20Checklist%20FILLABLE-A11y.pdf>.

1.12 PERMITS OBTAINED BY THE CONTRACTOR

- A. Obtain, keep current and pay all fees for and associated with any necessary construction permits from those authorities, agencies, or municipalities having jurisdiction over land areas, utilities, or structures which are located within the Contract limits and which will be occupied, encountered, used, or temporarily interrupted by the Contractor's operations unless otherwise specified. Record copies of all permits shall be provided to the Authority within five (5) working days of receipt of the permit.
- B. When construction permits are accompanied by regulations or requirements issued by a particular authority, agency, or municipality, comply with such regulations or requirements as they apply to the Work.
- C. Obtain all permits, licenses, certifications or approvals required for the Work, including but not limited to:
 - 1. File Notice of Intent for Storm Water Discharge Associated with Construction Activities including Stormwater Pollution Prevention Plan (SWPPP).
 - 2. Obtain Permit for Trench Excavation, issued in accordance with G.L. c. 82A, §§1-5 and 520 CMR 14.00 et. seq., from the Authority before performing any trench excavation. The MWRA Trench Excavation Permit Application Form is appended to this Section as Attachment 01060 – A. There is no fee for this permit.
 - 3. Obtain Permit 8(m) from the Authority before performing any work on any Authority-owned property or easements. The MWRA Permit 8(m) Application Form is appended to this Section as Attachment 01060 – B.
 - 4. Obtain NPDES Dewatering and Remediation General Permit (DRGP).
 - 5. Obtain NPDES Construction General Permit (CGP) for site runoff and stormwater.
 - 6. Obtain permits for, and arrange for fire watches associated with, welding, cutting and other hot work from the Needham Fire Departments in accordance with 527 CMR 41.
 - 7. Obtain Street Opening and Occupancy Permits.
 - 8. Obtain Community Drain Layer Permits.

- D. Draft copies of all permit applications and other information or documents intended to be submitted to regulatory authorities shall be submitted to the Authority a minimum of five (5) working days before the document is submitted to the permitting agency.
- E. Perform work in accordance with the Town of Needham regulations for control of noise as indicated in Section 01565 – Noise Control. Obtain temporary exemptions to the noise control Bylaws from the Town of Needham as required to perform night work.
- F. A MassDOT permit has been obtained as included in Specifications Volume 2 Appendix D for trenchless work and land disposition/easements. Submit documents and calculations to fulfill requirement items 5 through 11 to obtain final approval from MassDOT. Submit Work Authorization Requests in accordance with the permit requirements.
- G. Arrange for and obtain all other permits required to conduct the Work.

1.13 PERMITS OBTAINED BY THE AUTHORITY

- A. MassDOT Permit as appended to Specifications Volume 2 Appendix D.
- B. USACE Section 404 Massachusetts General Permit #6 as appended to Specifications Volume 2 Appendix E.
- C. Order of Conditions from Town of Needham as appended to Specifications Volume 2 Appendix F.
- D. MassDEP Chapter 91 License Exemption as appended to Specifications Volume 2 Appendix G.
- E. DCR Construction Access Permit as appended to Specifications Volume 2 Appendix H.

PART 2 PRODUCTS (NOT USED)

PART 3 EXECUTION (NOT USED)

PART 4 ATTACHMENTS

4.01 Attachment 01060 – A - MWRA Trench Excavation Permit Application Form

4.02 Attachment 01060 – B - MWRA 8(m) Permit Application Form

ATTACHMENT 01060 – A
MWRA Trench Excavation Permit Application Form

MASSACHUSETTS WATER RESOURCES AUTHORITY**APPLICATION FOR TRENCH EXCAVATION PERMIT****PURSUANT TO G.L. c. 82A, §§1-5 and 520 CMR 14.00 et. seq.**

[Note: This Application is maintained by the MWRA Operations Division. This version of the Application is based on the template current as of October 2020. Prior to use, the MWRA Chief Engineer (Brian Kubaska, P.E.) should be contacted to determine if this version of the application is the most current.]

This application, when completed and submitted, requests that MWRA issue a Trench Excavation Permit pursuant to G.L. c. 82A, §§1-5 and 520 CMR 14.00, et. seq.

NO PERSON SHALL, EXCEPT IN AN EMERGENCY, MAKE A TRENCH EXCAVATION, IN ANY PUBLIC WAY, PUBLIC PROPERTY, OR PRIVATELY-OWNED LAND UNTIL A TRENCH EXCAVATION PERMIT IS OBTAINED.

THE AUTHORITY MAY, AT ITS SOLE DISCRETION, ISSUE A SINGLE PERMIT FOR MULTIPLE TRENCHES TO BE EXCAVATED UNDER THE CONTRACT.

How to complete and submit this application:

Print legibly or type all responses. Include all information requested. Keep a copy of the completed application for your records. Submit the original application to:

**Massachusetts Water Resources Authority
2 Griffin Way
Chelsea, MA 02150
Attn: Brian Kubaska, P.E., Chief Engineer**

Permit Process:

- MWRA staff will review the application and issue a Permit or request additional information. The Authority may require any additional, site-specific provisions it deems necessary to protect the General Public as a condition to any Permit issued.

- When the Permit application is approved, MWRA staff will return two signed original Permits to the applicant for signature. The applicant will execute the Permit and return one original to the MWRA.
- **THE ORIGINAL PERMIT SHALL BE POSTED IN PLAIN VIEW ON THE SITE OF THE TRENCH.**
- All Permits shall be made available to the Authority, any investigator from the Division of Occupational Safety, any inspector of the Department of Public Safety, or any other lawfully authorized Authority.

DEFINITIONS

Emergency - An unforeseen condition in which the safety of the public is in imminent danger because of a threat to life or health or where immediate correction is required to maintain or restore essential public utility service.

Excavator - Any entity including, but not limited to, a person, partnership, joint venture, trust, corporation, association, public utility, company or state or local government body or public agency which performs excavation operations including the excavation of Trenches.

General Public – All natural persons not engaged in construction activities at a Trench site.

Permit Holder - The Excavator who is responsible for acquiring a Permit from the Authority.

Trench - An excavation which is narrow in relation to its length, made below the surface ground in excess of three feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.

Unattended Trench - A Trench where neither the Excavator nor any of the people who are engaged in construction activities at the Trench are present.

MASSACHUSETTS WATER RESOURCES AUTHORITY**APPLICATION FOR TRENCH EXCAVATION PERMIT
PURSUANT TO G.L. c. 82A, §§1-5 and 520 CMR 14.00 et. seq.**

- **Dig Safe Number:**
- **Permit Holder/Excavator:**
Name: _____
Mailing Address: _____
Telephone: _____
Emergency (after hours) Contact Information: _____
Fax: _____
- **Location(s) of Trench(es):** _____

- **Approximate Start Date of Trench Excavation:** _____
- **Estimated Completion Date of Trench Excavation:** _____
- **Insurer:**
Name of Insurer: _____
Name of Insurance Agent: _____
Mailing Address: _____
Telephone: _____
Fax (include area code): _____

Persons engaging in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration (OSHA) on excavations: 29 CFR 1926.650 et seq., entitled SUBPART P - Excavations.

The applicant shall attach a certificate of insurance with general liability coverage of \$100,000 per person and \$300,000 per claim or provide evidence of self-insurance in equal amounts.

Applicant Certifications:

By applying for, accepting, and signing this Permit, the applicant attests to the following:

a. that s/he has read and understood the regulation promulgated by the Department of Public Safety with regard to trench safety;

b. that s/he has read and understood the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et. seq., entitled Subpart P "Excavations".

Applicant's Signature: _____ Date: _____

Print the name of the person whose signature is above: _____

Corporate Title (if any): _____

ATTACHMENT 01060 – B
MWRA Water 8(m) Application Form

MASSACHUSETTS WATER RESOURCES AUTHORITY
APPLICATION FOR 8(m) PERMIT

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What is this application and why is it necessary?

This application, when completed and submitted, requests the MWRA to issue an 8(m) Permit. Section 8(m) of chapter 372 of the Acts of 1984 enables the Authority to issue permits to other entities to build, construct, excavate, or cross within an easement or other property interest held by the Authority.

How to complete and submit this application?

Please print legibly in black or dark blue ink or type all responses. Answer all questions: if a question does not apply to your project, write "Not Applicable" or "N/A". Include all necessary documents. Keep a copy of the completed application for your records.

Send a \$100.00 non-refundable check for the administrative processing fee, the original and five (5) copies of the completed application and any other required documents to:

Massachusetts Water Resources Authority

Waterworks 8(m) Permitting Unit

2 Griffin Way

Chelsea, MA 02150

Attn: Ralph A. Francesconi

Permit Process:

- The owner of the work, project, property or facilities that are resulting in the need for this 8m permit must be the party signing the permit application (not the project contractor or consultant).
- MWRA staff will review the application to determine if your request can be approved. If MWRA cannot issue the requested permit, you will receive a letter explaining the reasons for denying the request.
- If the permit application is approved, MWRA staff will send you three original 8(m) Permits for your signature. Additionally, a completed 8(m) Permit Assessment Fee Form noting any additional charges beyond the administrative processing fee (if required) will be sent.
- Upon receipt of all signed originals and payment for any additional fees, MWRA will execute the document.

- MWRA will mail the executed documents with a Notice to Proceed.
- All plans submitted shall be stamped by a Professional Engineer or Professional Land Surveyor licensed in the State of Massachusetts.
- All design, construction and excavation shall be conducted in accordance with all federal, state and local safety regulations including but not limited to federal OSHA regulations (29 CFR 1926) and Massachusetts Department of Public Safety regulations (520 CMR 14.00). During construction, appropriate sheeting and shoring measures must be taken to protect the integrity of the Authority's water mains. Any sheeting and shoring design must be submitted to MWRA prior to the start of the construction. The submitted design of excavation trench support and all temporary supports associated with excavating under or near MWRA water lines shall be stamped by a Professional Engineer, licensed in Massachusetts.

Questions and answers:

For answers to questions about this application and MWRA 8(m) Permits, contact MWRA's Waterworks 8(m) Permitting Unit at (617) 305-5827.

MASSACHUSETTS WATER RESOURCES AUTHORITY**APPLICATION FOR 8(m) PERMIT****1. Applicant Owner Permit Issued To (Town or City, Utility Co. Owner of Property)**

Name: _____

Mailing Address: _____

Telephone (include area code): _____

Email Address: _____

2. Person to contact about this application (*if other than the applicant*):

Name: _____

Mailing Address: _____

Telephone (include area code): _____

Email Address: _____

3. Location of the proposed work: _____

Street Address: _____

City/Town: _____

MWRA water line, section, nearest manhole: _____

Deed Book and Page or Land Court Certificate (if known): _____

4. Brief description of work to be performed: _____

5. Approximate Start Date: Estimated Completion Date: _____

6. Permits other than MWRA 8(m) Permit that need to be obtained before work can commence: _____

Please attach available plans and specifications of work to be performed and any other information that would be helpful in reviewing this application.

7. **OTHER FILINGS**

There are circumstances when the MWRA cannot issue a permit to you until you fulfill the requirements of another agency. This page asks for information about whether you are required to file with the Massachusetts Historical Commission (MHC) or under the Massachusetts Environmental Policy Act (MEPA) and the status of your filing, if any. If you have any questions about the requirements of those agencies, please contact them for information: MHC may be reached at 617-727-8470; the MEPA office may be reached at 617-727-5830.

1. Is the activity for which you require an MWRA permit a part of a project that is likely to impact a geographic area and affect or cause a change in the historical, architectural, archeological, or cultural qualities of a property as defined by the Massachusetts Historical Commission (MHC)? (For example, answer "no" if this application is for a permit renewal or you are not doing new construction. MHC defines "new construction" as a modification to the land or any existing structure.) ☐Yes ☐No If "no," skip question 2.

2. If your answer to question 1 is "yes:"

a) Have you provided the required project notification form (950 CMR 71, Appendix A) to the MHC? ☐Yes ☐No

b) Briefly describe the status of the project with MHC. Provide documentation (see 950 CMR 71.07) allowing the MWRA to act on this application. If you have not provided notice to the MHC, explain why you have not provided notice and when you will provide notice.

3. Is the activity for which you require an MWRA permit a part of a project that is subject to review under the Massachusetts Environmental Policy Act (MEPA)? (For example, answer "no" if this application is for a permit renewal or not part of a larger project. The MEPA review thresholds are found in 301 CMR 11.00.) ☐Yes ☐No If "no," skip question 4.

4. If your answer to question 3 is "yes:"

a) Have you made the required MEPA filing? ☐Yes ☐No

b) Briefly describe the status of the MEPA review. Provide documentation (see 301 CMR 11.10) allowing the MWRA to act on this application. If you have not filed with MEPA, explain why you have not filed and when you will file.

7. Applicant Certification:

I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, 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: _____ Date: _____

Print the name of the person whose signature is above:

Corporate Title (if any): _____

**** END OF SECTION ****