

Auditor Initials _____
 RTN _____
 Date _____

LEVEL 1 AUDIT FORM: Activity & Use Limitation (SHORT, 34 Q)

For Notice of Activity and Use Limitation -- MCP as amended through June 20, 2014 – Form 1075

[NOTE: This checklist is intended solely as guidance, and is not a substitute for the regulations. Parties implementing AULs should carefully consult 310 CMR 40.0000 (the MCP), for general and specific regulatory requirements for AULs.]

REQUIREMENTS FOR COMPLETING FORM 1075		Y	N	Not Applicable	Reference(s)	Notes
1.	Is the Form's boilerplate unaltered, except where alterations are allowed through bracketed language? Indicate No only if significant	<input type="checkbox"/>	<input type="checkbox"/>		40.1074(1)(a)	A significant changes
2.	Is the address of the Property subject to the AUL identified (City/Town & County) ?	<input type="checkbox"/>	<input type="checkbox"/>		40.1074(2)(a)1	B
3.	In Paragraph 3, is reference made to a survey plan of the Property? (Indicate the form of reference below) <input type="checkbox"/> Registry of Deeds, Plan Book & Plan Number (if Property is unregistered land) <input type="checkbox"/> Land Court Plan Number (if Property is registered land)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(a)3	A/B
4.	Is it clear that the AUL applies to the entire Property, or only to a Portion of the Property? <input type="checkbox"/> Entire Property <input type="checkbox"/> Portion of the Property (check which applies)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(a)1	A/B
5.	If only a Portion of the Property is subject to the AUL: Is reference made in Paragraph 4 to a survey plan of the Portion of the Property subject to the AUL? (If yes, indicate the form of reference below) <input type="checkbox"/> Registry of Deeds, Plan Book & Plan Number (unregistered land) <input type="checkbox"/> Sketch Plan "attached hereto and filed herewith for registration" (registered land)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Not applicable (AUL applies to entire property)	40.1074(2)(a)4.b or 40.1074(2)(a)4.a	A/B
6.	In Paragraph 8, does the Form include a clear and understandable description of permitted activities and uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(h)	A/B
7.	In Paragraph 9, does the Form include a clear and understandable description of inconsistent activities and uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(i)	A/B
8.	Does AUL identify use of a private well as a drinking water source as an inconsistent use pursuant to 310 CMR 40.0932(5)(d)c?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.0932(5)(d)1.c.	
9.	In Paragraph 10, does the Form include a clear and understandable description of obligations and conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(j)	A/B

10.	Is the Form signed by the property owner(s) in Paragraph 17?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Can't tell	40.1074(2)(m)	A
11.	Is(are) the property owner(s)'s signature authorized and binding? (Check one below) <input type="checkbox"/> Sole ownership: signed by sole owner <input type="checkbox"/> Joint ownership: signed by all owners <input type="checkbox"/> Trust: Signed in accordance with requirements established by the trust document <input type="checkbox"/> Corporation: Certificate of incumbency attached AND (Check one) <input type="checkbox"/> Signed by President and Treasurer or Assistant Treasurer <input type="checkbox"/> Signed by Vice President and Treasurer or Assistant Treasre <input type="checkbox"/> Signed by other officer(s) authorized by vote of the Board of Directors, with vote authorizing said officer(s) attached to Form <input type="checkbox"/> Other (explain): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Can't tell, documentation not provided.	40.1074(2)(c)	A
12.	Is the Form signed by an LSP in Paragraph 19?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(m)	A
13.	Is LSP's signature sealed with LSP stamp?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> No signature	40.1074(2)(m)	Also see question 19
REQUIRED ATTACHMENTS TO FORM 1075						
EXHIBITS A, A-1, A-2						
		Y	N	Not Applicable	Reference(s)	Notes
14.	Is a legal description of the Property subject to the AUL (either a running description or a bounding description) attached as Exhibit A? (Check one): <input type="checkbox"/> Running (metes & bounds) description (if Property is unregistered land) <input type="checkbox"/> Bounding description (if Property is registered land)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(a)2	A/B
(a)	Does the legal description of the Property containing the area subject to the AUL (Exhibit A) conform to the Land Court or survey plan of the Property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Not provided <input type="checkbox"/> Not clear	40.1074(2)(a)2	A/B
15.	If only a Portion of the Property is subject to the AUL, is a legal description of that Portion (running description) attached as Exhibit A-1?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> AUL applies to entire Property	40.1074(2)(a)4	A/B
(a)	If only a portion of the Property is subject to the AUL, does the legal description of the Portion of the Property (Exhibit A-1) conform to the survey plan of the Portion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Survey plan not provided	40.1074(2)(a)4	A/B
16.	If Property is registered and only a Portion of the Property is subject to the AUL, is an 8.5" x 11" survey plan of the restricted Portion attached as Exhibit A-2?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> AUL applies to entire Property <input type="checkbox"/> Unregistered <input type="checkbox"/> No plan	40.1074(2)(a) 4.a	A/B

(a)	If registered land, is the legal description consistent with the survey plan of the restricted Portion?	<input type="checkbox"/>	<input type="checkbox"/>		40.1074(2)(a) 4.a	A/B
EXHIBIT B		Y	N	Not Applicable	Reference(s)	Notes
17.	Is a sketch plan attached as Exhibit B?	<input type="checkbox"/>	<input type="checkbox"/>		40.1074(2)(a)5	A/B
(a)	Is the sketch plan consistent with the Form (e.g. if the Form indicates that only a Portion of the Property is restricted, does the sketch plan conform)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> No sketch	40.1074(2)(a)5	B if significant
(b)	Does the sketch plan clearly illustrate the relationship of the area subject to the AUL to the boundaries of the Disposal Site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> No sketch	40.1074(2)(a)5	D
EXHIBIT C – NARRATIVE DESCRIPTION OF BASIS FOR ACTIVITY AND USE LIMITATION		Y	N	No Opinion	Reference	Notes
18.	Is the Activity and Use Limitation narrative description, attached as Exhibit C?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(e-g)	A/B
(a)	Does the narrative description include a statement specifying why the AUL is appropriate to maintain a condition of No Significant Risk or No Substantial Hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(e)	A/B
(b)	Does the narrative description include a concise summary of the OHM release events or site history that resulted in the contaminated media subject to the Activity and Use Limitation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(f)	A/B
(c)	Does the narrative description include a description of the contaminated media subject to the Activity and Use Limitation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40.1074(2)(g)	A/B
EXHIBIT E – DOCUMENTATION OF SIGNATORY AUTHORITY		Y	N		Reference	Notes
20.	If the person signing the AUL is not an individual signing on his/her own behalf, is there documentation of the person's signatory authority attached as an Exhibit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Individual(s) signing for self	40.1074(2)(c)	B
NOTICE REQUIREMENTS AND DOCUMENTATION		Y	N	Not Applicable	Reference(s)	Notes
21.	Was certification provided of notice to all record interest holders?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> No record interest holders	40.1074(1)(d) BWSC Form 113	C

22.	Was a copy of the Form forwarded to the following local officials within 30 days of being recorded or registered? <input type="checkbox"/> Chief Municipal Officer <input type="checkbox"/> Zoning Official <input type="checkbox"/> Board of Health <input type="checkbox"/> Building Code Enforcement Official	<input type="checkbox"/>	<input type="checkbox"/>		40.1403(7)(a) BWSC Form 113	C
23.	Was a notice of the AUL published in a local newspaper within 30 days of the AUL being recorded or registered, identifying the following? <input type="checkbox"/> The name, complete address, and RTN of the Disposal Site <input type="checkbox"/> The type of Activity and Use Limitation (i.e., Notice of Activity and Use Limitation) <input type="checkbox"/> Information about where the AUL and site file can be reviewed <input type="checkbox"/> The name, address and phone number of the person(s) recording the AUL	<input type="checkbox"/>	<input type="checkbox"/>		40.1403(7)(b) BWSC Form 113	C
24.	Was the AUL recorded at the Registry of Deeds and/or registered at the Land Registration Office?	<input type="checkbox"/>	<input type="checkbox"/>		40.1074(3)	C
25.	If land is unregistered: was a survey plan of the Property containing the area subject to the AUL recorded as a Plan with the Registry of Deeds prior to or with the recording of the AUL?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Registered <input type="checkbox"/> Unclear	40.1074(2)(a)3	A/B
26.	If land is unregistered and only a Portion of the Property is subject to the AUL: was a survey plan of the Portion of the Property recorded as a Plan with the Registry of Deeds prior to or with the recording of the AUL?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Not a portion <input type="checkbox"/> Registered <input type="checkbox"/> Unclear	40.1074(2)(a) 4.b	A/B
27.	Within 30 days of recording/ registering the AUL, was DEP sent a Registry-copy of the AUL with proof of recording/registration? If yes, check one option below: <input type="checkbox"/> AUL marked with a Registry stamp indicating an Instrument Number (if Property is unregistered land and Book and Page Number have not yet been assigned) <input type="checkbox"/> AUL marked with a Registry stamp indicating a Book and Page Number (if Property is unregistered land and Book and Page Number have been assigned) <input type="checkbox"/> AUL marked with a Land Registration stamp indicating a Land Registration Document Number (if Property is registered land)	<input type="checkbox"/>	<input type="checkbox"/>		40.1074(4)(a)	C
28.	Within 30 days of recording/ registering the AUL, did DEP receive a Registry copy of the survey plan(s) referenced in the AUL, bearing the book and plan numbers?	<input type="checkbox"/>	<input type="checkbox"/>		40.1074(4)(b)	C