

POST-1999 AUL LEGAL INSTRUMENT COMPLIANCE SCREENING FORM

Lead RTN:	Type A	Type B	Type C	Type D

Submittal	Received	Screened

Auditor	NOAF

Release	
Site Use	
Town	
Site Name	
Address	
PRP	
LSP	
Consultant	

<a href="#">Get RTN Info</a>	<a href="#">Format Workbook</a>	<a href="#">Tabulate Checklist</a>	<a href="#">Print to PDF</a>	<a href="#">Save to W:</a>
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Disclaimer: This checklist is for use by DEP in reviewing Activity Use Limitation (AUL) Statements, and may not be relied upon for any other purpose. This checklist is not a comprehensive list of AUL requirements, which are fully set forth in MGL c. 21E and 310CMR 40.0000. Completion of this checklist by DEP does not constitute a final agency decision, and does not create any legal rights or relieve any party of obligations that exist pursuant to applicable laws. 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

<b>Comments</b>
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POST-1999 AUL LEGAL INSTRUMENT COMPLIANCE SCREENING FORM

REQUIREMENTS FOR COMPLETING FORM 1075					Yes	No	?	NA	Notes	Citation(s)
1. Is the Form's boilerplate unaltered, except where alterations are allowed through bracketed language? Indicate No only if significant										
2. Is the address of the Property subject to the AUL identified (City/Town & County) ?										
3. In Paragraph 3, is reference made to a survey plan of the Property? (Indicate the form of reference)										
A. Registry of Deeds - Plan Book & Plan Number (if Property is unregistered land)					<input type="checkbox"/> <input type="checkbox"/>					
B. Land Court - Plan Number (if Property is registered land)										
4. Is it clear that the AUL applies to the entire Property, or only to a Portion of the Property? Entire Property Portion of the Property										
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)										
A. Registry of Deeds, Plan Book & Plan Number (unregistered land)					<input type="checkbox"/> <input type="checkbox"/>					
B. Sketch Plan "attached hereto and filed herewith for registration" (registered land)										
6. In Paragraph 8, does the Form include a clear and understandable description of permitted activities and uses?										
7. In Paragraph 9, does the Form include a clear and understandable description of inconsistent activities and uses?										
8. Where a private well is maintained for uses other than as a private water supply, has a risk characterization demonstrated such other uses are consistent with a level of No Significant Risk?										
9. Where groundwater use is limited, does the AUL identify use of a private well as a drinking water source as an inconsistent use pursuant to 310 CMR 40.0932(5)(d)1c?										
10. In Paragraph 10, does the Form include a clear and understandable description of obligations and conditions?										
11. Is the Form signed by the property owner(s) in Paragraph 17? ( see cover sheet - Agent signed)										

REQUIREMENTS FOR COMPLETING FORM 1075		Yes	No	?	NA	Notes	Citation(s)
12. Is(are) the property owner(s)'s signature authorized and binding? (Check one below)							
A. Sole ownership: signed by sole owner	<input type="checkbox"/>						
B. Joint ownership: signed by all owners	<input type="checkbox"/>						
C. Trust: Signed in accordance with requirements established by the trust document	<input type="checkbox"/>						
D. Corporation: Certificate of incumbency attached AND (Check one)							
1. Signed by President and Treasurer or Assistant Treasurer	<input type="checkbox"/>						
2. Signed by Vice President and Treasurer or Assistant Treasur	<input type="checkbox"/>						
3. 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"/>						
4. Other (explain in comment field on cover page)	<input type="checkbox"/>						
13. Is the Form signed by an LSP in Paragraph 19?							
14. Is LSP's signature sealed with LSP stamp?							
A. No Signature	<input type="checkbox"/>						
REQUIRED ATTACHMENTS TO FORM 1075		Yes	No	?	NA	Notes	Citation(s)
EXHIBITS A, A-1, A-2		Yes	No	?	NA	Notes	Citation(s)
15. 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):							
A. Running (metes & bounds) description (if Property is unregistered land)	<input type="checkbox"/>						
B. Bounding description (if Property is registered land)	<input type="checkbox"/>						
15(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?							
A. Not provided	<input type="checkbox"/>						
B. Not clear	<input type="checkbox"/>						
16. 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?							
A. AUL applies to entire Property	<input type="checkbox"/>						
16 (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?							
A. Survey Plan Not Provided	<input type="checkbox"/>						
17. 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?							
A. AUL applies to entire Property	<input type="checkbox"/>						
B. Unregistered	<input type="checkbox"/>						
C. No Plan	<input type="checkbox"/>						
17 (a). If registered land, is the legal description consistent with the survey plan of the restricted Portion?							

EXHIBIT B		Yes	No	?	NA	Notes	Citation(s)
18. Is a sketch plan attached as Exhibit 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="text"/>					
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="text"/>					
EXHIBIT C - Narrative Description of Basis for Activity and Use Limitation		Yes	No	?	NA	Notes	Citation(s)
19. Is the Activity and Use Limitation Opinion, in narrative form, attached as Exhibit C?							
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?							
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?							
C. Does the narrative description include a description of the contaminated media subject to the Activity and Use Limitation?							
EXHIBIT E - Documentation of Signatory Authority		Yes	No	?	NA	Notes	Citation(s)
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?							
Notice Requirements and Documentation		Yes	No	?	NA	Notes	Citation(s)
21. Was certification provided of notice to all record interest holders?							
A. No Record Interest Holders		<input type="text"/>					
22. Was a copy of the Form forwarded to the following local officials within 30 days of being recorded or registered?							
A. Chief Municipal Officer		<input type="text"/>					
B. Board of Health		<input type="text"/>					
C. Building Code Enforcement		<input type="text"/>					
D. Zoning Official		<input type="text"/>					
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?							
A. The name, address, and RTN of the disposal site		<input type="text"/>					
B. The type of activity and use limitation (I.e., Notice of Activity Use Limitation)		<input type="text"/>					
C. Information about where the AUL and the site can be reviewed.		<input type="text"/>					
D. The name, address and phone number of the person(s) recording the AUL.		<input type="text"/>					

Notice Requirements and Documentation	Yes	No	?	NA	Notes	Citation(s)
24. Was the AUL recorded at the Registry of Deeds and/or registered at the Land Registration Office?						
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? A. Registered <input data-bbox="1314 250 1402 289" type="checkbox"/> B. Unclear <input data-bbox="1314 289 1402 328" type="checkbox"/>						
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? A. Not a portion <input data-bbox="1314 383 1402 422" type="checkbox"/> B. Registered <input data-bbox="1314 422 1402 461" type="checkbox"/> C. Unclear <input data-bbox="1314 461 1402 500" type="checkbox"/>						
27. Within 30 days of recording/ registering the AUL, was DEP sent a registry copy of the AUL with proof of recording/registration (i.e., Is Registrar's stamp on the document, indicating it is certified)? If yes, check one option below: A. 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 data-bbox="1314 571 1402 610" type="checkbox"/> B. 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 data-bbox="1314 643 1402 682" type="checkbox"/> C. AUL marked with a Land Registration stamp indicating a Land Registration Document Number (if Property is registered land) <input data-bbox="1314 714 1402 753" type="checkbox"/>						
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?						

**Table 1 – Categorization of AUL Violations**

Category	Follow-Up Required
<b>A</b>	Violations, which require Termination and reexecution (or maybe amendment). Include violations in NON.
<b>B</b>	Violations, which require a confirmatory AUL (this will only work with unregistered land). Include violations in NON.
<b>C</b>	Violations, which require follow-up. Include violations in NON.
<b>D</b>	Violations, which alone will not require follow-up. If no additional violations require follow-up, include violations in Audit Memo/Site Summary as “no further action required”. FOR USE IN COMPREHENSIVE AUDIT <u>ONLY</u> .

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