

NOTE TO REVIEWERS: In February 2009, MassDEP published an “MCP Questions and Answers” that contained several questions related to Remedy Operation Status (ROS). Question 2 included a reference to a 10 year timeframe as a reasonable period of time for completing operation of a remedy under ROS. This question has come under criticism for being inconsistent with: the Department’s description of ROS when it was first added to the MCP as appropriate for long term operation of remedies which meet the ROS performance standards; and the subsequent expansion of ROS to cover remedies such as Monitored Natural Attenuation (2006), which in some cases has an implementation timeframe beyond 10 years.

MassDEP agrees that the 10 year reference is too limiting. Below is a proposed revision to Q. 2. Please submit any comments on this proposed revision by **April 24, 2009** to Liz Callahan at Elizabeth.J.Callahan@state.ma.us .

Q. 2 When should ROS be used?

ROS can only be filed for a site when the selected remedial measure (evaluated in Phase III and developed in Phase IV) and ongoing remedial operations will likely result in a Permanent Solution. Meeting this requirement means having sufficient certainty that the remedial measure, as designed and implemented, will achieve a level of No Significant Risk in a predictable period of time. Certainty in the remedy should be based on site-specific data and implementation results.

ROS is a significant milestone in the MCP with a 21E liability exemption provided ROS is maintained. Accordingly, ROS must not be entered into without due consideration, and the appropriate data and justification. Remedial systems or programs being implemented under ROS must be actively monitored and evaluated over the course of operations to demonstrate that applicability criteria and performance standards established by 310 CMR 40.0850 and identified in the Remedy Implementation Plan are being met and that acceptable and anticipated progress toward a Permanent Solution is being made.