

AUL Guidance Revisions

- Draft AUL Guidance was made available for public review and comment December 2010
- Available at www.mass.gov/dep/cleanup/laws/policies.htm
- Comment period has been extended to April 1st
- Peggy Shaw (chair)
(617) 556-1092
Margaret.Shaw@state.ma.us



AUL Guidance Revisions

Provide updates to make Guidance consistent with the current MCP and to provide clarification on AUL implementation issues with the goal of promoting greater understanding, consistency, and compliance

Not Included with Revision

- New substantive policy initiatives
- Updated case studies
- Evolving policy for implementing AULs where vapor intrusion is a concern
 - See draft Vapor Intrusion Guidance, Appendix VIII

Revision List

- Incorporates '99 and '06 MCP amendments
- Provides clarifications based program experience, emphasizing most common violations and frequently asked questions
- Includes other updates, such as 2008 Registry formatting requirements
- Procedures for Grants moved to Appendices
- Provide additional tables for easy reference, including an expanded AUL Checklist

Sections of AUL Guidance

Section 1: Introduction

Section 2: AULs and Risk Characterization

Section 3: AULs: Types and Elements

Section 4: Preparing an AUL

Section 5: AUL Recording and Processing Requirements

Section 6: Maintaining an AUL

Appendices



Section 2: AULs and Risk Characterization

- Condensed discussion of general risk characterization procedures
- New subsection: Sediment Contamination
- New subsection: Residential Properties
- Table: “Common Exposure Assumptions and their AULs”

Section 6: Maintaining an AUL

- Incorporated Post-RAO requirements
- Clarifies procedures for Amendments, Terminations, and Confirmatory AULs
- Emphasis on post-implementation responsibilities

Consistency with MCP

- Post-RAO requirements (Section 6)
- Elimination of Private Well Grant (1072C)
- Changes to AUL forms
- Notice to Record Interest Holders = 30 days

AUL-Related Violations

- Failure to reference AUL in future instruments of transfer

This property is subject to a Notice of Activity and Use Limitation recorded on [date] at the [county] Registry of Deeds in Book [book #], Page [page #1]

- Alteration of Form 1075



AUL-Related Violations (cont.)

- Failure to attach appropriate signatory authority documentation
- Failure to notify record interest holders
- Insufficient details in sketch plan
- Failure to attach appropriate documents
- Failure to accurately describe Activities and Uses that are inconsistent with AUL

Other Clarifications/Updates

- Amendments, Terminations and Confirmatory AULs
- Registered vs. recorded land (or when AUL encompasses both)
- AULs on multiple parcels

Other Clarifications (cont.)

- AULs encompassing only a portion of property
- Minor modifications to Form 1075
- AULs that rely on one or more barriers to maintain NSR

Comments due 4/1

- on content of this draft, which reflects current regulations and addresses compliance issues
- any other issues that you believe should be addressed in the Guidance