



Department of Environmental Protection

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Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

April 29, 2024

Dear Municipal Official:

The Massachusetts Contingency Plan or “MCP” (310 CMR 40.0000) is a set of regulations that governs the notification, assessment and cleanup of oil and hazardous materials releases or threat of releases to the environment (a.k.a. disposal sites) in the Commonwealth pursuant to M.G.L. c. 21E. The MCP requires persons conducting notification, assessment and cleanup of disposal sites to provide written notice of certain actions to local officials, including Chief Municipal Officer(s) and the Board of Health. The purpose of these written notices is to keep local officials informed of activities at the disposal site and the availability of related documents that may be of interest to the local officials and their community.

New MCP provisions, effective March 1, 2024, give persons who are required to provide written notices to local officials the option of sending those notices electronically by email, rather than as a hardcopy sent by mail or hand delivery, **if the recipient of the written notice (i.e., the local official) is agreeable to receiving the notice by email.**

MassDEP’s Bureau of Waste Site Cleanup, the program that oversees the implementation of the MCP, wants to make you aware of this regulatory change as you may be contacted by persons required to send written notices to you related to a particular oil or hazardous materials disposal site requesting your agreement to receive such notices via email. MassDEP anticipates that many local officials will favor the option to receive written notices by email as it should reduce the time needed to manage and store the physical site-related documents.

For your reference, the amended MCP provision referenced in this letter (310 CMR 40.1403(2)(a)) is provided below. The underlined text indicates the new text that has been added to create the option to send written notices by email if the recipient is in agreement to receive them via email.

Should you have any questions about this information, please contact Ken Marra by email at kendall.marra@mass.gov or by telephone at 857-321-2583.

Best regards,



Millie Garcia-Serrano
Assistant Commissioner
Bureau of Waste Site Cleanup
Massachusetts Department of Environmental Protection

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40.1403: Minimum Public Involvement Activities in Response Actions

- (1) Public Involvement Activities undertaken at all disposal sites are those designed primarily to provide the public with information regarding the risks posed by the disposal site, status of response actions, availability of technical assistance grants, and opportunities for public involvement.
- (2) At a minimum, the following procedures shall be followed for written and public notices required under 310 CMR 40.1400:
 - (a) written notices shall be made either by hand-delivery, ~~or~~ first-class mail, or, upon agreement by the intended recipient of such notice, by electronic mail, and the date of notification shall be:
 1. if served by hand, the date when delivered:
 - a. personally to the intended recipient;
 - b. personally to any officer, employee, or agent of the intended recipient authorized by appointment of the intended recipient or by law to accept service; or
 - c. to an adult member of the intended recipient's household; ~~or~~
 2. if served by mail, the date of the postmark; and
 3. if made by electronic mail, the date of receipt shall be the date that such electronic mail message was sent and successfully delivered;

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