

MassDEP's Response to Comments on Interim Guidance on Implementing Activity and Use Limitations

Section	Commenter	Comment	MassDEP's Response
1.1	LSPA	It seems unnecessary to cite "approximately 120 of the most common contaminants," this runs the risk of becoming outdated and does not substantively add value to the discussion. The LSPA recommends deleting the phrase entirely or de-emphasizing the number i.e., "...over one hundred of the most common"	The suggested revision was made.
1.6, 2.4.2	NAIOP	<p>The MCP describes several situations in 310 CMR 40.1012(3) and 40.1013 where an AUL is <u>not</u> required by the MCP but may be implemented to provide notice to current or future interest holders of residual contamination including, but not limited to, sites where OHM concentrations are consistent with Natural Background or Anthropogenic Background levels, a condition of No Substantial Hazard exists, and a condition of No Significant Risk has been achieved. The Interim Guidance (Section 2.4.2) also indicates that, while not required, AULs may be used in lieu of the limitations, assumptions, and conditions described in Section 40.1013(1) of the MCP that allow a site to achieve MCP closure with a Permanent Solution with Conditions without the implementation of an AUL.</p> <p>While NAIOP appreciates that implementation of AULs in certain situations is not required by the MCP, NAIOP is concerned that by including discussion of optional AULs in the Interim Guidance, MassDEP is encouraging voluntary implementation of AULs as a standard practice for brownfields redevelopment and creating the expectation of their use in these situations.</p> <p>NAIOP is concerned by this because the increased use of voluntary AULs has the potential to:</p> <ul style="list-style-type: none"> - Result in unnecessary costs and legal encumbrances on properties where no risk to human health, safety, public welfare, or the environment exists. - Result in AULs being used in place of regulatory conditions in 40.1013(1)(a), which were introduced in the 2014 MCP Amendments to decrease the need for AULs at sites with common limited restrictions (e.g., gardening best management practices) to mitigate risk. - Create unnecessary confusion in both the development community and the general public around the general use of AULs and the potential risk posed by residual contamination. - Reduce Brownfield Tax Credits for these sites from 50% to 25%. <p>NAIOP understands that property owners can choose to record an AUL in certain circumstances, even when it is not required by the MCP; however, NAIOP suggests that MassDEP should emphasize that implementing an AUL when it is not required is merely an option and not an expectation. In addition, if a property owner voluntarily elects to provide notice of residual contamination, emphasis should be placed on alternative methods of notifying interest holders (e.g., self-standing document, notice in a deed, posting signs, providing advisories, etc.), as described in Sections 1.6.1 and 1.6.2, or using the regulatory conditions set forth in 40.1013(a)(1) if applicable, rather than implementing an AUL when it is not required by the conditions at the relevant site or the MCP.</p>	40.1012(3) and 40.1013 describe several scenarios where AULs "are not required but may be used to provide notice..." The MCP explicitly allows for the voluntary use of AULs to provide notice of residual contamination, so MassDEP believes it's appropriate to summarize this option in the Guidance. However, revisions were made to the first paragraph of Section 2.4.2 to provide additional emphasis that an AUL implemented for any of these scenarios is neither required nor expected, but is at the sole discretion of the property owner. Additionally, the revisions clarify that there are alternative other non-AUL mechanisms available to provide voluntary notice, referencing back to Section 1.6, where such options are described.
2.3	LSPA	The LSPA suggests adding a note to the first paragraph clarifying that AULs alone cannot limit exposure to ecological receptors.	MassDEP believes this point is sufficiently addressed by the existing language in Section 2.6.4 discussing sediments.
2.3.2	Crista Trapp, Vertex	Please provide clarity on whether development in wetlands or on hummocks in wetlands could be a reasonably foreseeable site activity and use and therefore must be restricted by an AUL if a condition of No Significant Risk does not exist.	The suggested revision is beyond the scope of the AUL Guidance.

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2.4.1	LSPA	Relative to managing NAPL as part of the HASP and SMP, the LSPA suggests adding the groundwater management element; that is, a soil and groundwater management plan (SGMP).	Procedures related to NAPL are outlined in the LNAPL Guidance. The language in Section 2.4.1 describing Obligations and Conditions related to NAPL mirrors the language in the LNAPL guidance. The required NAPL Management Plan would encompass these concepts.
2.6.3	LSPA	"AULs may be necessary to ensure the maintenance of Exposure Pathway Mitigation Measures that are installed and maintained to prevent exposure to the volatilization of OHM in the subsurface..."	The suggested revision was made.
2.6.3	NAIOP	<p>The Interim Guidance asserts that for "mixed-use" buildings, "it would be necessary in most cases to meet a condition of No Significant Risk for the most sensitive use and receptor in a building for the entire building, not just the use occurring, or receptor anticipated on each individual floor." This approach does not distinguish between current use and future use, a fundamental premise of MCP risk characterizations. It is future use, not current use, which is addressed by an AUL. For a current mixed-use scenario such as commercial space on the first floor (which is more impacted by vapor intrusion than upper floors) and residential use on the upper floor, indoor air testing can demonstrate a condition of No Significant Risk under current use for the appropriate receptors.</p> <p>The Interim Guidance states that buildings change over time, and that as they are "repaired or renovated, preferential pathways can be created (e.g. HVAC adjustments, annular spaces in newly installed utilities, elevators shafts or stairwells), making the movement of vapors between floors of a building difficult to predict and control." But that is the purpose of the AUL, to manage future conditions, which can clearly state as an obligation that if repairs or renovations are undertaken, an LSP must evaluate them. It is understood that it is not feasible or enforceable to prohibit uses of rooms or building spaces in a single-family residential building, but this is not the case for mixed use, multi-tenant buildings.</p> <p>According, NAIOP believes that prohibiting the use of AULs to achieve MCP closure for mixed use buildings is overly restrictive, not necessary to protect the relevant building occupants and users, and inconsistent with existing Vapor Intrusion guidance. Rather than prohibiting the use of AULs in these situations, the Guidance should encourage their use to ensure that both the current use by building configuration/conditions is maintained by incorporation into the AUL and future repairs or renovations must be evaluated by an LSP to ensure that new preferential pathways are not created. Further, because residential use may be prohibited on certain floors or wings of the building, these specifics would be visually documented in Exhibit B, providing additional clarity regarding building usage and configurations. This approach has been successfully implemented at a number of sites for many years now. Furthermore, this is conceptually aligned with discussions in Section 4.7.7.2 of the Vapor Intrusion Guidance Document (MassDEP, October 2016), regarding use of AULs to maintain "use of barriers, mitigation systems and/or existing building conditions."</p>	<p>New language was included in the Interim Guidance to address concerns related to AULs at disposal sites where vapor intrusion is an issue and the AUL distinguishes between distinct zones (e.g., commercial on ground floor, residential on upper floors). The Guidance highlights challenges associated with these scenarios, such as difficulty predicting and controlling movement of vapors between floors/zones and the potential of new preferential pathways being created during future building renovation. The final version maintains these concerns while ensuring consistency with the Vapor Intrusion Guidance, emphasizing the requirement that a condition of NSR be met for each distinct current use and receptor.</p>

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2.6.3	LSPA	The LSPA thinks that MassDEP discouraging the use of AULs at mixed commercial/residential space is overly restrictive. Vapor intrusion assessment requires characterizing risk at distinct exposure points, in this case the commercial and residential space. If sufficient sampling has been performed to demonstrate No Significant Risk at all exposure points under current conditions, and to assess the potential for any preferential pathways, then an AUL can be filed to maintain the current building use. If future building modification is a concern for exacerbating vapor intrusion, prohibiting future building modifications (or requiring LSP evaluation of future building modifications) can easily be incorporated into the AUL. The VI guidance also provides options for developing a conservative future indoor air EPC (see Section 2.3.3.2). The draft AUL guidance reference to "current indoor air data has limited use for predicting future EPCs because buildings change over time" is only a partial reference to the discussion of future EPCs in the VI guidance, and thus may be misleading.	New language was included in the Interim Guidance to address concerns related to AULs at disposal sites where vapor intrusion is an issue and the AUL distinguishes between distinct zones (e.g., commercial on ground floor, residential on upper floors). The Guidance highlights challenges associated with these scenarios, such as difficulty predicting and controlling movement of vapors between floors/zones and the potential of new preferential pathways being created during future building renovation. The final version maintains these concerns while ensuring consistency with the Vapor Intrusion Guidance, emphasizing the requirement that a condition of NSR be met for each distinct current use and receptor.
2.6.3	Crista Trapp, Vertex	The VI guidance also provides options for developing a conservative future indoor air EPC (see Section 2.3.3.2). The draft AUL guidance reference to "current indoor air data has limited use for predicting future EPCs because buildings change over time" is only a partial reference to the discussion of future EPCs in the VI guidance, and thus may be misleading.	MassDEP acknowledges that the context in which this language was presented in the Interim Guidance could be misleading. The revisions to this section, as described above, included deletion of the phase referenced in the comment.
2.7.1	Jesse Freeman, Vertex	The example identified a residential property where there are not children present, as children could be present in the future. Does this mean that for example at an elderly housing building we can assume that children will not be at the facility at the same frequency as the elderly people and therefore we could use a Perm Sol with Conditions without an AUL to govern the reasonably foreseeable future?	No. In the example provided, the AUL would be necessary to document the prohibition against child residents, even if this restriction is already established in the deed or other previous legal obligation. If the residency age restriction were to be removed in the future, a risk characterization would be required to assess whether unrestricted use, including child residents, would meet a condition of NSR. The AUL, therefore, ensures that future owners are aware of potential risks if age-related restrictions were to be removed - information not typically conveyed in the age-related deed restrictions. Additionally, many 55+ living facilities permit child residents (i.e., only one member in the household needs to be 55+), so age-restricted zoning alone does not guarantee the absence of child residents.
2.7.1	Crista Trapp, Vertex	Suggest providing an example of a permanent structure that is not a building. For example, I have a long running argument with an LSP who insists an AUL counts as a "permanent structure". Please clarify what is defined as a permanent structure.	The current language in this paragraph (i.e., "OHM concentrations in soil beneath a permanent structure...") is referring to a physical structure and not a legal instrument. To emphasize, the sentence was revised to " a building or other permanent physical structure... "
2.7.2	Crista Trapp, Vertex	Please provide a list of contaminants MassDEP considers to have acute effects at levels present at sites and provide references. In 2023, the LSPA provided to Nancy Bettinger at the Office of Research and Standards (ORS) extremely helpful flow charts to assist LSPs in the need to evaluate acute exposure to the current Emergency Utility Worker. Have those flow charts been received by ORS and considered for inclusion in the risk characterization and Activity and Use Limitation guidance documents? They can be provided again upon request.	The suggested revision is beyond the scope of the AUL Guidance.
2.7.2	Crista Trapp, Vertex	Please describe what contaminants MassDEP considers to impart an acute risk via the inhalation route of vapors associated with either contaminated soil or groundwater and provides references. EPA no longer considers trichloroethylene to cause a short-term risk of fetal abnormalities because the study that concluded that health effect was found to be flawed.	The suggested revision is beyond the scope of the AUL Guidance.

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2.7.2	Crista Trapp, Vertex	Please revisit the imminent hazard action level for TCE considering that in 2020 EPA performed a Weight of Evidence Analysis under TSCA and determined that congenital heart defects should not be used as a risk management endpoint because that 2003 Johnson study hypothesis could not be supported. A 2019 study further evaluated the hypothesis in the 2003 Johnson study while also correcting certain technical deficiencies. The 2019 study showed that exposure to TCE was not associated with developmental effects.	The suggested revision is beyond the scope of the AUL Guidance. However, MassDEP has addressed this issue in the 1/7/25 Memorandum published by the Office of Research and Standards titled "Review of LSPA White Paper and Recent EPA Evaluations of Trichloroethylene."
2.7.2	LSPA	The LSPA recommends that MassDEP allow a Method 1 risk characterization using S-3 standards to evaluate risk to a utility worker with acknowledgement that this evaluation does not necessarily consider potential inhalation of vapors from soil and/or groundwater.	Suggested revision requires a policy change that is beyond the scope of the AUL Guidance. However, MassDEP does not believe the MCP supports this change. While direct contact exposure is often a primary concern for utility workers, there are situations where inhalation of vapors may pose a significant risk to utility workers.
Table 2-1	LSPA	The example for subslab soil gas, does not include the condition where VOCs are present in soil gas, but not very high, there are no indoor air impacts, and No Significant Risk can be demonstrated with no AUL. The LSPA cautions MassDEP against implying that all sites with VOCs in soil gas require an AUL.	MassDEP acknowledges that, as presented in the Interim Guidance, this example could be misleading. The example has been revised to illustrate a scenario where estimated EPCs demonstrate that NSR may not be met in the future, which would require an AUL.
Table 2-1	NAIOP	<p>As written, the sub-slab soil gas example in Table 2-1 describes a situation where, even though there is not a complete vapor intrusion pathway to indoor air, an AUL is required to maintain the building slab to prevent future migration of VOCs to indoor air (third row from the bottom). This implies an AUL is required whenever there are detectable levels of VOCs beneath a slab, which is not correct. This example requires significant clarification to be consistent with the Vapor Intrusion Guidance:</p> <ol style="list-style-type: none"> 1. If the sub-slab soil gas concentrations are less than the residential screening values, then there is not a complete vapor intrusion pathway that would result in indoor air concentrations greater than the residential threshold and an AUL is not required. 2. If the sub-slab soil gas concentrations are greater than the residential screening values and perhaps even the commercial screening values, the Vapor Intrusion Guidance (page 40) states that "...future EPCs may be estimated using the current measured sub-slab soil gas concentrations in combination with empirically based attenuation factors... The estimated EPCs would then be used in the site risk characterization to determine if a level of NSR has been achieved." When this process demonstrates that the current sub-slab soil gas concentrations would pose No Significant Risk in the future an AUL is not required. <p>NAIOP respectfully recommends that this example should incorporate Paragraph 1 above and also clarify that even if there is a complete vapor intrusion pathway which poses No Significant Risk under current conditions, an AUL is not required if conditions in Paragraph 2 above are met.</p>	MassDEP acknowledges that, as presented in the Interim Guidance, this example could be misleading. The example has been revised to illustrate a scenario where estimated EPCs demonstrate that NSR may not be met in the future, which would require an AUL.
3.5	LSPA	Exhibit B paragraph: The LSPA suggests editing the language from Form 1075 to be in the italics to be consistent with that form. <i>"...a sketch plan showing the boundaries of the area subject to the Notice in relation to the boundaries of the disposal site as they exist within the limits of the Property, the property boundaries,"</i>	The suggested revision was made.
3.5	LSPA	Last paragraph, second sentence: change "recoding" to "recording"	The suggested revision was made.
4.1.1	LSPA	Recorded Land, second paragraph, last sentence: replace "As such" with "Therefore."	The suggested revision was made.

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4.1.3	LSPA	The LSPA suggests rephrasing item 1 as follows to clarify: “...obtain two sets of original documents and file one set with the recorded land section of the Registry of Deeds and one set with the registered land section of the Registry of Deeds.”	The suggested revision was made.
4.1.3	LSPA	The LSPA suggests rephrasing the first sentence of item 2 as follows: “...obtain one set of original documents, and file the originals with the registered land section of the Registry of Deeds, and then record the registered documents with the recorded land section of the Registry of Deeds.”	The suggested revision was made.
4.2	LSPA	Legal Description of Area Covered by the AUL, second paragraph, second sentence: replace “f” with “if.”	The suggested revision was made.
4.2	LSPA	Third paragraph: Separate run-on first sentence into two sentences by inserting a period after “it” and beginning a new sentence with “If the property is small in size”	The suggested revision was made.
4.2	LSPA	First full paragraph on the page, third (last) sentence: insert comma after “otherwise”	The suggested revision was made.
Fig. 1	LSPA	Legal Description of the Area Subject to the AUL, fourth sentence beginning “For parcel B, two written legal description are required ...” - insert “s” on “description”	The suggested revision was made.
4.2.2	LSPA	First paragraph, first sentence: insert “the” before “parcel”	The suggested revision was made.
4.2.2	LSPA	First paragraph, first sentence: insert closed parenthesis in the example as follows: “...(e.g., “NORTHERLY by Old Boston Post Road, one hundred (100) feet ...”), or a ...”	The suggested revision was made.
4.3	Bettina Eames, Crede Associates	AUL Recorded Plans and AUL Exhibit B – Sketch Plan – I would really like to see AUL areas “geo-referenced” as per the approach used by EPA Region 3 (See attached fly sheet). This way an AUL area will never get “lost”. I have worked on some sites where it was very difficult to find the AUL footprint due to property consolidation and/or subdivisions and/or from a change in or new road construction.	The procedures outlined in the AUL Guidance for documenting the AUL area in recorded plans are intended to be consistent with current conveyancing procedures in Massachusetts. MassDEP will consider geo-referencing as a mechanism for delineating boundaries in the future when/if it becomes an accepted procedure in Massachusetts conveyancing practice.
4.3.2	LSPA	Survey Plan of Area... Recorded Land, second paragraph, first word: replace “!n” with “In.”	The suggested revision was made.
4.3.3	LSPA	The LSPA suggests adding resources that would enable someone preparing an AUL to assess whether or not a survey plan was prepared by a Massachusetts Registered Land Surveyor, especially for older plans.	The validity of a survey plan is not regulated by MassDEP and falls outside the scope of the AUL Guidance.

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4.3.3	Gail E. Magenau Hire	<p>I have a concern about the following sentence: <i>If the disposal site boundaries extend across multiple parcels, it is sufficient to identify the disposal site boundaries that are beyond the property subject to the AUL generally in the sketch plan, without including a precise delineation of disposal site boundaries that are outside the subject property.</i></p> <p>First, this sentence is ambiguous as to whether or not the disposal site boundaries beyond the property subject to the AUL should be shown on the sketch plan. This sentence suggests it is "sufficient to identify" the boundaries "generally." Does "generally" suggest a note on the plan, outside the property subject to the AUL, that says something like "site boundaries extend beyond this property"? Is it even necessary to identify site boundaries beyond the property boundary for the property subject to the AUL? In many cases, other parties own adjacent properties and these other parties are not signing the AUL. For example, the neighbor might clean up the soil on its own parcel so that an AUL is not necessary – this would mean the neighbor's parcel is fully developable with no restrictions...yet the sketch plan of the property with the AUL will suggest that contamination extends to the neighbor's parcel.</p> <p>Second, my view is that a Notice of AUL should not be used to even suggest that a disposal site is located on non-owned property. This could create title problems for neighboring parcels. I respectfully suggest that a better practice, in the case where a disposal site is larger than the property being subject to an AUL, would be to identify the disposal site boundary as coinciding with the boundaries of the parcel on which the AUL is being placed, and make no suggestion or indication about non-owned parcels. The Exhibit C Narrative might explain whether or not the responsible party had fully characterized and delineated the contamination, and refer to MCP documents that discuss the establishment of disposal site bounds, but I caution against putting this information on a plan. The regulatory requirement (310 CMR 40.1074(2)(a)5.) is to show the location "in relation to the boundaries of the disposal site to the extent that the boundaries of the disposal site have been established...." In my experience, in many cases the boundaries of the disposal site are disputed by neighboring property owners, or the neighbor has refused access to the party implementing the AUL. Either of these situations prohibits the party implementing the AUL from accurately establishing the disposal site boundary. While the guidance suggests that "a precise delineation of disposal site boundaries that are outside the subject property" is unnecessary, I think it would in fact be inappropriate and provocative for any party to record a plan that suggests a delineation of site boundaries outside the subject property, onto non-owned parcels.</p>	The suggested revision was made. Sentence has been removed.
4.4.1	Crista Trapp, Vertex	Clarify that current uses cannot be restricted by an AUL.	Revised to restated language that appears in Section 2.3 that AUL may not be used to eliminate exposure pathways that are consistent with current use.
4.4.1	Crista Trapp, Vertex	Provide a discussion on MassDEP's preference for installation of new clean utility corridors during redevelopment to achieve a level of presumptive certainty that a condition of No Significant Risk exists for emergency utility workers.	The suggested revision is beyond scope of AUL Guidance. However, additional editorial revisions were made to this section to emphasize that EXISTING utility corridors must meet NSR for emergency repairs.
5.2	LSPA	AUL Compliance fees: The LSPA suggests deleting reference to dollar amount in case fees change and instead refer to 310 CMR 4.03 or the MassDEP "MCP Timelines and Fees" document.	No revision. Two footnotes already address this issue. The first explains the Homeowner's decreased fee and includes a reference to the Fee regulations, and the second indicates that the fee rates provided are effective as of 6/20/2014. MassDEP believes that this existing language adequately addresses this comment.

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5.2	Bettina Eames, Credere Associates, LLC	AUL Amendments and MassDEP Fees – I know the AUL fees are not discussed in the guidance itself but I would like to see clarification on the applicability of: a. Fees when the same AUL (under the same RTN) is recorded on separate lots – I know of a consultant who sent \$2,000 for filing of the same AUL on two separate lots. b. Fees when doing an AUL confirmatory and amendment – I believe there are no DEP fees to amend c. Fees for terminations - I believe there are no DEP fees to terminate an AUL d. Fees for new AUL following a termination – I believe there is a new DEP fee to file a new AUL. Would this be the case whether this was due to audit or not?	Fees are already covered in Section 5.2 and all issues raised here are addressed in this section. However, for greater clarity and emphasis, the language describing fees has been relocated to a new dedicated subsection (5.2.1), ensuring it is referenced in the Table of Contents and easier to find.
6.1	LSPA	The paragraph on Limited Soil Excavation contains the following phrase “...provided that such excavation is not prohibited by the AUL”. The LSPA recommends that MassDEP consider adding this phrase in the corresponding RAM, URAM, and Phase IV sections. It should be clear that in all cases, practitioners must evaluate AUL conditions (if in place) regardless of whether site activities or uses are changing.	No revision. The language referenced in the comment is a criteria at 40.1067(5)(a) that must be met only for performing Limited Soil Excavations, but not for RAMs, URAMs, Phase IVs - i.e., if the proposed excavation is not consistent with AUL terms, then one of the other options must be chosen. Changing a Site Use/Activities is allowed when conducting RAMs, URAMs, and Phase IVs pursuant to 40.1067(5), but not when conducting Limited Soil Excavations.
6.1	LSPA	Consider clarifying the requirements for conducting a URAM within an AUL area where the URAM activities are inconsistent with the AUL.	No revision. The final paragraph in this section states that remedial actions conducted to allow a change of use/activity must be conducted in accordance with 40.1080 and Section 6.2. The AUL should provide instructions as well - e.g., no excavation without LSP, etc.
6.1	Crista Trapp, The Vertex Companies, LLC	Provide a discussion and clarification on the difference between a cap, permanent cap, and engineered barrier, including DEP's 3-2-1 Soil Capping Policy.	MassDEP will consider whether additional clarification is needed regarding caps, permanent caps, engineered barriers, and the 3-2-1 Soil Capping Policy. However, any discussion and clarification on this topic falls outside the scope of the AUL Guidance.
Appendix F	LSPA	Public Notice for an Amended AUL states that one must “List the Amended Information”. If the amended AUL contains a significant number of provisions, say, to the Obligations and Conditions Section, then it appears each and every one must be listed, along with any and all new provisions from Activities Consistent with Maintaining a Condition of No Significant Risk (NSR), and Activities Inconsistent with Maintaining a Condition of No Significant Risk. In an original AUL, one is only required to include the list of activities inconsistent with NSR. Although not required by 310 CMR 40.1403(7), this language would seem to suggest that PRPs go above and beyond the requirements when filing an amended AUL. The LSPA requests clarification of what activities (inconsistent with an AUL, consistent with an AUL, or both) are required for newspaper notice of an amended AUL.	The AUL Public Notice templates are included in the AUL Guidance as a convenience and are identical to the templates provided in the BWSC document, <i>"Instructions for MCP-related Public Notices(Newspaper Notices)"</i> , available online at: https://www.mass.gov/doc/instructions-for-newspaper-public-notice-of-response-action-status/download . A reference to the online Public Notice document has been added in a footnote to direct the reader to the most up to date version of the templates. MassDEP will consider this comment, and any revisions will be made directly to the template in the online document.
Table req. #21	LSPA	In addition to the listed paragraphs, bracketed language regarding NSR or NSH is also in paragraphs 9, 12, and 19. The LSPA suggests it also should be included with the listed paragraphs.	The suggested revision was made.
Table req. #63	LSPA	The LSPA suggests adding the language in italics to clarify: Instrument Number (recorded land only <i>when Book and Page not yet assigned</i>)	The suggested revision was made.
Forms	Bettina Eames, Credere Associates	For some sites in Mass, AULs are needed to comply with the MCP (state) and also with TSCA (federal). I would like the AUL forms (1075, etc.) to have a version(s) that would be suitable for when ICs are needed for both state and federal reasons. For some PCBs sites, I have in the past had to “revise” the template to incorporate reference to EPA and TSCA 40 CFR 761	When appropriate, the AUL forms may be modified to also comply with other programs, and such modifications have been best done on a case-by-case basis. MassDEP will continue to review whether providing such templates will be appropriate in the future.

