

2019 PROPOSED MCP REVISIONS - MASSDOT COMMENTS			
NO.	CITATION	COMMENT	REQUEST FOR RESPONSE FROM DEP
1	40.0974 and 40.0975 MCP Method 1 Groundwater Standards - Numerical standards for PFAS compounds.	Did DEP consider the impact (cost, technology, infrastructure) to the treatment technologies/water treatment systems if they are required to meet the new MCL? How will DEP make sure that the private water wells are not impacted and/or not impacting the nearby public water treatment systems? Is DEP planning to develop standards for PFAS in air emissions?	Please provide additional information.
2	40.0006(12) <u>Containerized Waste</u> means discarded oil and/or hazardous material at a site, excluding Contaminated Media, that is contained in drums, etc.	Containerized Waste - What if testing of contaminated media in drums/tanks indicates that it is a hazardous waste? Will that media then become containerized?	If Contaminated Media is characterized as Hazardous Waste, does it become Containerized Waste?
3	40.0006(12) <u>Hot Spot</u> , in all cases, areas of waste disposal, including but not limited to Manufactured Gas Plant waste, shall be considered Hot Spots.	The term "areas of waste disposal" seems vague. MGP waste is defined, but what is meant by "areas of waste disposal" being included in the Hot Spot definition?	Clarify meaning of "areas of waste disposal" in the Hot Spot definition.
4	40.0046(3) <u>Additional Requirements for the Application of Remedial Additives Near Sensitive Receptors</u> Prior approval by the Department pursuant to 310 CMR 40.0046(3)(b) is required for the application of Remedial Additives... (a) that contain or are used to treat Volatile Organic Compounds in environmental media, or otherwise have the potential to volatilize OHM in environmental media....	Does this mean that addition of remedial additives for soil stabilization will not require submission of a Remedial Additives Plan?	Please confirm.
5	40.0501 <u>Scope and Applicability (7) As specified in 310 CMR 40.1067(4)(c) , 5(c), and (6), an RP, PRP, or Other Person shall have a valid Tier Classification or Extension thereof to conduct remedial actions at disposal sites where a Permanent Solution Statement has been previously submitted.</u>	If for example, a RAM is submitted to conduct construction related remedial actions at a disposal site following a PSS, is it DEP's intent that a Tier Classification Extension also be submitted?	Please clarify the intent of this revision with regard to post PSS RAMs.
6	40.0996 <u>Method 3 Upper Concentration Limits (4) Except as provided in 310 CMR 40.0996 (6), a level of No Significant Risk of harm to public welfare and to the environment does not exist for future conditions if the concentrations of one or more oil and/or hazardous material exceeds an applicable Upper Concentration Limit, as described at 310 CMR 40.0996(3).....</u>	Should this also reference 40.0996(5), which discusses UCLs for petroleum hydrocarbons?	Suggest adding reference to 40.0996(5) or clarifying why it is not necessary.

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7	40.1050 <u>Temporary Solutions</u> (4)(c) a valid Tier Classification or Extension thereof shall be in effect at the time the Temporary Solution Statement is submitted to the Department and until the time a Permanent Solution is submitted to the Department. Response actions shall be conducted in accordance with 310 CMR 40.0800.	Does 40.1050(4)(c) preclude a RP, PRP, or Other Person from conducting a RAM per 310 CMR 40.0440 for a construction project following a Temporary Solution but before a Permanent Solution is reached?	Clarify whether a RAM can be conducted following a Temporary Solution and before a Permanent Solution.
8	40.1067 <u>Remedial Actions After a Permanent Solution Statement Has Been Submitted to the Department</u> (3) For Remedial Actions conducted after the submittal of a Permanent Solution Statement with No Conditions the following requirements shall apply: (a) a Tier Classification or Extension thereof is not required.	Doesn't this conflict with 40.0501(7) which states... As specified in 310 CMR 40.1067(4)(c) , 5(c), and (6), an RP, PRP, or Other Person shall have a valid Tier Classification or Extension thereof to conduct remedial actions at disposal sites where a Permanent Solution Statement has been previously submitted.	Suggest clarifying 40.0501(7) to include "Permanent Solution Statement with Conditions" rather than just "Permanent Solution Statement" to eliminate the apparent conflict.