



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

June 17, 2021

MassDEP's Official Answers to Questions Technical Assistance Grant Opportunity

On May 19, 2021, the Massachusetts Department of Environmental Protection (MassDEP) issued a Technical Assistance Grant Opportunity for parties interested in enhancing their participation in assessment and cleanup activities at disposal sites in their communities (<https://www.mass.gov/service-details/technical-assistance-grants-waste-site-cleanup>). MassDEP will award these Technical Assistance Grants (TAGs) to selected community and citizens' groups to allow those groups to obtain expert assistance, increase public participation and provide public education about disposal site assessment and cleanup activities. MassDEP accepted Questions regarding the TAG Opportunity until June 11, 2021, and the following Questions were received by that deadline. MassDEP's Official Answers to these Questions are provided below. Please note that, where multiple applicants essentially asked the same question, MassDEP has combined the content of these duplicate questions in order to provide a single, consistent, and uniform response.

1. Is the Massachusetts Department of Revenue (DOR) involved in the TAG reimbursement process?

MassDEP response: No. The TAG Program is administered entirely by MassDEP.

2. Can a TAG be used for remedial actions conducted after a Permanent Solution Statement has been submitted?

MassDEP response: No. To be eligible for a TAG award, a disposal site where response actions are being conducted in accordance with the Massachusetts Contingency Plan (MCP) must be classified as a Tier I or Tier II disposal site (see 310 CMR 40.1452(5)(a)) for which a Permanent Solution Statement has not been submitted (see 310 CMR 40.1452(6)(a)). See TAG Opportunity, page 3 (Ineligible Disposal Sites include Disposal Sites where a Valid Permanent Solution Statement has been submitted to MassDEP prior to the effective date of TAG grant contract period).

3. Can an applicant apply for less than \$15,000?

MassDEP response: Yes. An applicant group may apply for a TAG award in any amount of up to \$15,000. See also TAG Opportunity, page 5, Available Funding section.

4. If a disposal site has received financial assistance from another source, such as a federal grant, is it still eligible for a TAG?

MassDEP response: Yes. Other sources of funding that have been secured for expert advice or technical assistance will not be deducted from the amount of the TAG award, provided that the total grant funds received from all sources does not exceed 100% of the total cost of the proposed project (see 310 CMR 40.01452(4)(b)). Applicants are advised to review the criteria for the other funding sources to ensure they do not impose limitations on combining funds. See also TAG Opportunity, page 6, Matching Funds section.

5. Can a single grant be used to fund projects at multiple disposal sites?

MassDEP response:

Yes. A single TAG may be awarded to a single applicant group to fund eligible activities at more than one disposal site (see 310 CMR 40.1452(3)).

6. Does an entity applying for a TAG need to be nonprofit?

MassDEP response: No. As stated at page 2 of the TAG Opportunity, the “Eligible Applicants” for a TAG award must be a “legal entity with authority to receive, disperse and be responsible for funds at the time the grant is awarded.” This is also a requirement under the MCP, which further defines Eligible Applicants to be a “group of individuals,” such as a municipality, or a public owner or operator of a public water supply system. See 310 CMR 40.1453(1) and (2). The “groups of individuals” who apply for TAGs are typically nonprofit community groups established for the purpose of seeking a TAG or are an existing Public Involvement Plan (PIP) group. However, there is no requirement in the TAG Opportunity (or the MCP) that an Eligible Applicant must be registered as a nonprofit entity.

7. If a PIP group or other community-based group coordinates efforts with a municipality, can the funding be disbursed directly to the town?

MassDEP response: The MCP permits only one TAG award to a single Eligible Applicant per disposal site (see 310 CMR 40.1452(2)). Therefore, when a group is jointly collaborating with another entity such as a municipality on a TAG application for a given disposal site, only the entity that will be responsible for receiving and dispersing the funds should submit the application for the TAG.

8. Does the municipality need to set up a non-profit tax ID?

MassDEP response: No. Municipalities already have an Employer Identification Numbers (EINs) assigned as a public entity, and do not need to take any additional steps to receive reimbursement funds through the TAG program.

9. A disposal site located at a municipal airport is tier classified under the Massachusetts Contingency Plan for which no Permanent Solution has been submitted. Would this be considered an eligible disposal site for a Technical Assistance Grant (TAG)?

MassDEP Response: Yes, from this description it is an eligible disposal site under the TAG program. See also MassDEP's Answer to Question 2 above.

10. Can TAG funds be used by a community group to collect samples from properties near a disposal site, but outside of the boundaries of the disposal site as described in reports and indicated on the disposal site map showing the extent of contamination?

MassDEP Response: TAG funds cannot be used to conduct independent sampling or response actions, either at or adjacent to the disposal site. See TAG Opportunity at page 5 (the development of new environmental data are ineligible activities for TAG funding); see also 310 CMR 40.1454(2)(a). However, TAG funds may be used to analyze duplicate samples in coordination with the responsible party's representative. See TAG Opportunity at page 4 (Eligible Activities include "analyzing duplicates of samples collected by the party conducting disposal site response actions"); see also 310 CMR 40.1454(1)(c). In addition, TAG funding may also be used to hire environmental experts to review existing disposal site data and technical reports or opine on the adequacy of site assessment and cleanup decisions based upon community concerns. See TAG Opportunity at page 4 (list of Eligible Activities); see also 310 CMR 40.1454 (same).

11. What are some ideas for a TAG project for a community concerned about potential disposal site sources of contamination identified in groundwater and/or drinking water?

MassDEP Response: As noted at page 4 of the TAG Opportunity, some examples of eligible TAG projects include: 1) Educating the community by providing factual information about the types and nature of contaminants that have been detected in groundwater and/or drinking water; 2) Hiring an environmental expert (e.g., hydrologist or Licensed Site Professional (LSP)) to review data sets and technical reports; and 3) Helping a community gain more information about the scope and objectives of site assessment activities at specific disposal sites.

12. Is the landfill in my community considered an eligible disposal site under the TAG Program?

MassDEP Response: As noted at page 3 of the TAG Opportunity, if the landfill is deemed by MassDEP to be “Adequately Regulated” in accordance with the MCP, then it is an eligible disposal site for funding through the TAG Program. The MCP at 310 CMR 40.1452(5)(c) also states that disposal sites are eligible for a TAG if “deemed by the Department to be Adequately Regulated pursuant to 310 CMR 40.0110 et. seq., and for which response actions have not been completed.”

The MCP adequately regulated provisions are designed to reduce regulatory overlap and duplication. These provisions limit the applicability of the MCP in cases where response actions are adequately overseen by other authorities. In the case of a landfill, if response actions to address oil or hazardous material in the environment at the site that comprises the landfill that would otherwise be subject to M.G.L. c. 21E are being conducted in compliance with a permit, approval or order issued overseen by MassDEP’s Division of Solid Waste Management (pursuant to M.G.L. c. 21H, M.G.L. c. 111, Sec. 150A and/or 310 CMR 19.000), the landfill is considered adequately regulated.