



Department of Environmental Protection

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Preparing a Public Involvement Plan

Reformatted December 2017

The MCP at 310 CMR 40.1400 specifies a series of actions and performance standards on how to involve the public in the site assessment and cleanup process. To aid parties in interpreting and meeting these requirements, DEP has published a policy on how to prepare a Public Involvement Plan. Although this policy was prepared prior to the promulgation of the new regulations in 1993, with some minor adjustments, it continues to represent the agency's position on what specific steps, products, and procedures are needed to meet the performance standards of the MCP. [Public Involvement Plan Interim Guidance for Waiver Sites, Policy # WSC-91-800](#)  (1991).

When using this policy, the following changes need to be made to the Model Public Involvement Plan to conform to the most recent version of the MCP:

Cover Page

The cover page should include a Prepared By (usually the LSP) and Prepared For (PRP) statement, and both should have a contact name and phone number for more information.

Introduction

- Note that the PRP now receives the petition and designates the site a PIP site, not DEP.
- The sites are not Waiver sites, but either Tier I or Tier II.
- The explanation of the MCP process needs to be revised to include the concept of privatization and LSPs. DEP no longer directly oversees the cleanup of sites.

Addressing Public Comments

The citation for the new MCP has changed, as have the names of the steps in the process. Phase I of the MCP process is now Tier Classification, not site confirmation. The phased process now includes Phase V and Response Action Outcomes. Interim Measures and Short Term Measures are now Release Abatement Measures and Immediate Response Actions.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

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Public Involvement Activities

- The citation for the public involvement section of the MCP has changed, as have the purposes stated under 40.1401.
- Waiver information will no longer be placed in the Repository(ies).
- Usually just the local news media will be included on the site mailing list, not regional.
- The biggest change is in the Notification of Major Milestones and Events, which comes from 40.1403. The notification triggers have changed and are now as follows:

Field work involving

- the implementation of any IRAs for imminent hazards
- the implementation of any RAMs
- the use of respirators or level A,B, or C protective clothing
- residential sampling
- Phase IV remedial actions; and
- The completion of each phase of remediation process, including:
 - IRA Completion Statements for imminent hazards
 - each phase
 - Permanent or Temporary Solution Statements
 - AUL
 - DPS
- The Public Meeting section should come before the one on Public Comment Periods. People must be notified of meetings 14 days in advance. If people want meetings during the cleanup process, then the deliverables that would warrant meetings are, at a minimum:
 - draft PIP
 - Phase II SOW
 - Phase II Report
 - Phase II Risk Assessment SOW
 - Phase III Remedial Action Plan
 - Phase IV Remedy Implementation Plan
 - IRA or RAM Plans

- RAO (including AULs)
- Public comment periods are required for:
 - draft PIP and any subsequent revisions
 - Phase II SOW
 - Phase II Report
 - Phase II Risk Assessment SOW
 - Phase II Risk Assessment Report
 - Phase III Remedial Action Plan
 - Phase IV Remedy Implementation Plan
 - IRA or RAM Plans and Completion Statements
 - RAO (including AULs)
- Responses to public comments must indicate which comments have been incorporated and explain why others have not.

Schedule

Exhibit II is meant to be a graphic representation of the public involvement activities in the Plan and when in the MCP process they will occur, not specific dates, but an additional schedule with specific timeframes for activities may also be included.

Responsibility for Implementing the Public Involvement Plan

The site is not a Waiver site, and everything regarding the appeal process may be deleted from this section.

Exhibit I

Interview question responses should be documented here under their appropriate heading so somebody reviewing this could tell whether what is in the Plan reflects what people wanted. "Other" is meant to capture those concerns that cannot be addressed under c. 21E or the MCP (and therefore would not be addressed under the PIP process).

When in doubt, contact the Public Involvement Coordinator at your [MassDEP Regional Office](#) with any questions regarding public involvement plans.