

Bureau of Waste Site Cleanup Advisory Committee February 15, 2024

** This meeting is being recorded.*



Agenda

- General Program Updates
- MCP 2024 amendments implementation
- Other Guidance development
- Brownfields Update
- Active Exposure Pathway Mitigation Measures
 - annual certification letters
- PFAS federal MCL
- EPA Pb screening level guidance



Program Updates

- Waste Site Cleanup Advisory Committee
- LSP Board
- Hiring
- Data management transition
- Technical Assistance Grants
- Marine Oil Spill Prevention and Response Act Grants



Program Updates

- LSP Board of Registration

Staff

- Executive Director, Terry Wood
- General Counsel, Jared Muggeo
- Program Coordinator, Notoshia Dix
- Investigator & Continuing Ed. Coordinator, Matthew Lyne

Board Seat currently open for non-LSP who is a member of a statewide organization that promotes protection of the environment

Program Updates

- Waste Site Cleanup Advisory Committee
- LSP Board
- Hiring
- Data management transition
- Technical Assistance Grants
- Marine Oil Spill Prevention and Response Act Grants



2024 MCP Amendments Implementation

- Training
 - MassDEP staff training has been completed ☒
 - LSP training completed
 - 4-hour in person session, January 11th, (Parts 1 and 2), Westborough ☒
 - 2-hour Part 1 (non-Subpart I), online, January 23, 10 am to 12:15 pm ☒
 - 2-hour Part 2 (Subpart I), online, January 30, 10 am to 12:15 pm ☒
 - *Online on demand, Parts 1 and 2, **upcoming***
 - Questions on amendments, from training or otherwise – email BWSC.Regulations@mass.gov



2024 MCP Amendments Implementation

<https://www.mass.gov/lists/mcp-amendments#final-2024-mcp-revisions>

OFFERED BY Massachusetts Department of Environmental Protection

MCP Amendments

This page contains information on final 2024 revisions to the Massachusetts Contingency Plan.

2024 Revisions to the Massachusetts Contingency Plan (310 CMR 40.0000)

REGULATORY DOCUMENTS PUBLISHED SEPTEMBER 1, 2023; EFFECTIVE MARCH 1, 2024

MassDEP has filed final 2024 revisions to the Massachusetts Contingency Plan (MCP) with the Secretary of State for final promulgation and publication in the *Massachusetts Register*.

On September 1, 2023, a notice was published in the Massachusetts Register with a link to this page. The 2024 revisions will take effect on **March 1, 2024**, on which date the revised MCP will be published in full in the *Massachusetts Register*.

Included below are: a "clean" version of the 2024 revised MCP; a redline version of the 2024 revised MCP showing changes from the current (2019) regulations; and a redline version of the 2024 revised MCP showing changes that were made from the 2019 public hearing draft. These documents are unofficial versions of the amendments made available until the official version of the 2024 MCP is published in the *Massachusetts Register*.

In anticipation of the March 1, 2024 effective date, MassDEP staff will be conducting outreach and training to our staff, LSPs, and the regulated community and posting guidance and supporting materials as they become available.

TABLE OF CONTENTS

- Final 2024 MCP Revisions - Clean Version
- Redline/Strikeout Comparisons
- Summary of Changes Adopted in the Final 2024 MCP Revisions
- Related Information

Related Information

Summary of Numerical Standard Changes

The document below summarizes changes to MCP numerical standards that take effect on March 1, 2024. Prior to March 1, 2024, the revised Method 1 Groundwater and Soil Standards (Tables 1 through 4) and the revised Method 2 Soil Standards (Table 5) may be used as part of an MCP Risk Characterization pursuant to 310 CMR 40.0982(7).

[Summary of Changes to MCP Numerical Standards](#)

Updated Shortforms

The Method 3 Human Health Risk Assessment shortforms have been updated and are available for use at <https://www.mass.gov/lists/risk-assessment-information#shortforms:-method-3-human-health-risk-assessment->. These updates incorporate updated toxicity information and risk assessment practices consistent with the 2024 MCP amendments.

12/13/23 - The updated Method 3 Human Health Risk Assessment Shortforms (first posted on 11/13/23) were removed on 12/4/23 for review after MassDEP identified a toxicity value error. After further review, toxicity value errors were identified and corrected for Fluoranthene, Indeno(1,2,3-cd)pyrene, Styrene and Trichloroethylene. Details of the corrections may be found in the "12-13-23 Shortform revision note.pdf" file contained in the Shortforms.

Activity and Use Limitation Forms

The document below contains the Activity and Use Limitation forms that must be used to implement an Activity and Use Limitation on or after March 1, 2024.

[AUL Forms](#)



2024 MCP Amendments Implementation

Guidance:

- AUL
- Risk Characterization
- MCP Amendments Q&A
 - Climate Q&A

Other:

- Transmittal Forms
- BWSC124 Notice
- Online MOHML
- Method 1 Spreadsheets



Other Guidance Status

- CAM
- VPH/EPH
- Off-Gas Treatment
- Public Involvement
- “COMM 24”
- UST Closure Assessment Manual
- Master Q&A
- Interim PFAS Sampling and Analysis Guidance



Compendium of Analytical Methods (CAM) Updates

Section/Protocol	To be done/Status
WSC-CAM-IA (Overview)	Update table of contents with current method numbers
WSC-CAM-IIA (VOCs GC/MS)	Done
WSC-CAM-IIB (SVOCs GC/MS)	Done
WSC-CAM-IIIA (Metals ICP/AES)	Done
WSC-CAM-IIIB (Hg CVAA)	Done
WSC-CAM-IIIC (Metals GFAA)	Updates needed similar to IIIA (including filtering requirements)
WSC-CAM-IIID (Metals ICP/MS)	Done
WSC-CAM-IVA (VPH)	Done
WSC-CAM-IVB (EPH)	Done
WSC-CAM-VA (PCBs)	Done
WSC-CAM-VB (Chlorinated Pesticides)	Done (effective 4/12/24)
WSC-CAM-VC (Herbicides)	Done (effective 4/12/24)
WSC-CAM-VIA (total CN and PAC)	Minor updates
WSC-CAM-VIB (Hexavalent chromium)	Minor updates (but also discuss including 7199 as option to 7196 for analytical method)
WSC-CAM-VIIA (QA/QC)	Minor updates (fix holding time tables for freezing as in other methods)
WSC-CAM-VIIIA (Explosives)	Minor updates
WSC-CAM-VIIIB (Perchlorate)	Minor updates
WSC-CAM-IXA (APH)	Minor updates
WSC-CAM-IXB (TO-15)	Minor updates in progress (discuss full list requirement for Presumptive Certainty)
WSC-07-350 (Representativeness/DUA)	Minor updates
WSC-CAM-tbd (PFAS Method 1633)	Protocol to be developed

Brownfields Update

February 15, 2024



David Foss, CPG, LSP
Statewide Brownfields Coordinator
MassDEP | Bureau of Waste Site Cleanup

MassDEP BWSC Brownfields Team

- SERO **Kait Carvalho**
- CERO **Kevin Daoust**
- NERO **Joanne Fagan**
- WERO **Caprice Shaw**



Statewide - **David Foss**

Brownfields / EJ Coordinator - **Coming Soon**



MassDEP Brownfields Sites - 128a BIL

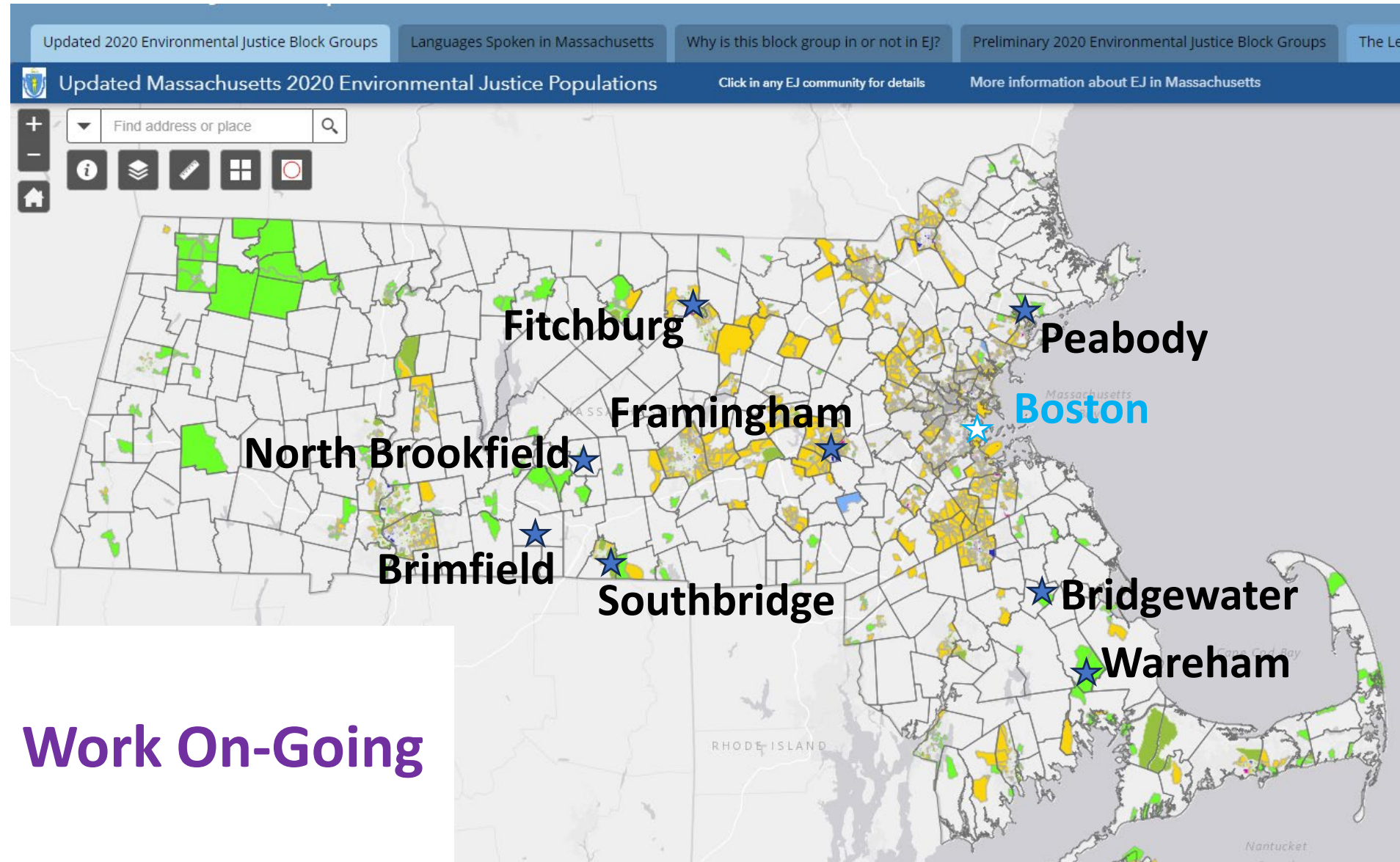
BIL Funding

\$880,000 - 2023

\$840,000 - 2024

Anticipate \$4.5M
over 5 years

- EJ communities or
- Low population towns



2024 – Brownfields Outreach



NEWMOA **Revitalizing New England: Brownfields Summit** Portland ME – May 29 & 30

- [Event Registration](#)
- [AGENDA](#)



**Registration
Open Now**



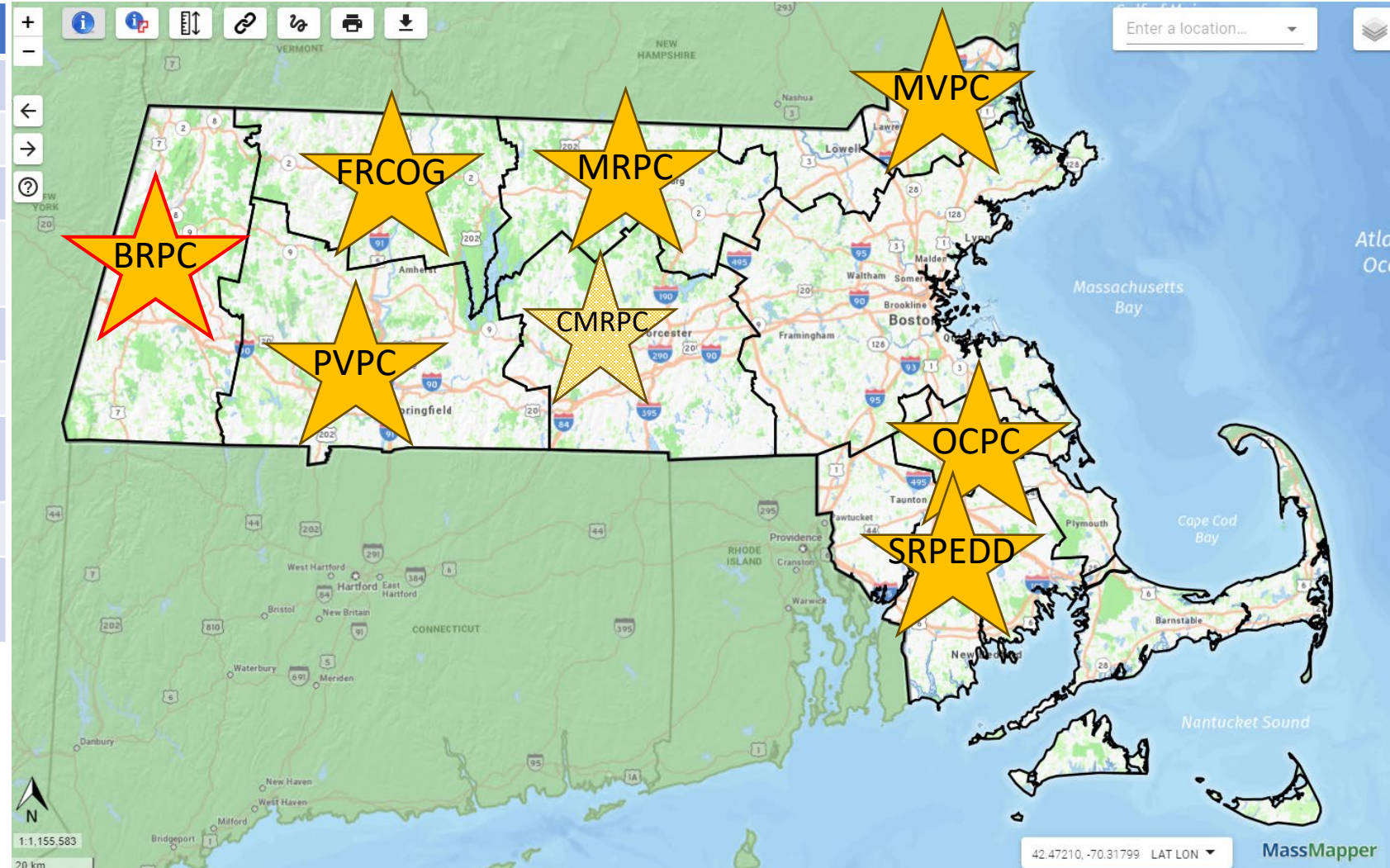
Regional Brownfields Roundtables

- MVPC – Haverhill – May
- New Bedford - June
- MRPC – Fitchburg/Leominster – June
- PVPC – Springfield / Chicopee – Autumn

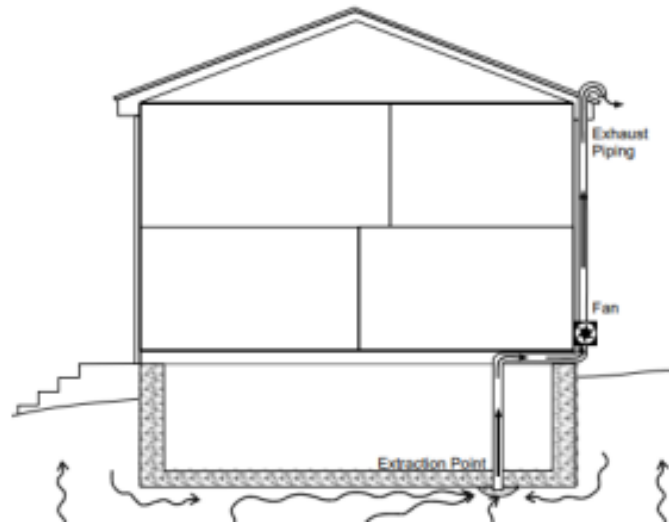


Regional Planning Agencies with EPA Brownfields Grants

Grantee
Berkshire Regional Planning Commission
Franklin Regional Council of Governments
Pioneer Valley Planning Commission
Montachusett Regional Planning Commission
Merrimack Valley Planning Commission
Old Colony Planning Commission
Southeastern Regional Economic Development District
Central Massachusetts Regional Planning Commission (Applied FY24)



Active Exposure Pathway Mitigation Measures Update



MassDEP
Commonwealth of Massachusetts
Department of Environmental Protection

Brian Roden
BWSC Audits & Enforcement Coordinator
Brian.Roden@mass.gov

2024 Amendment for AEPMMs addressing VI

- Remote monitoring registration requirement (NEW section – 40.1027)
https://massgov.formstack.com/forms/initial_device_registration
- Updates in 40.1025(3)(d)*
 - Establish the acceptable vacuum range to maintain an appropriate negative pressure field
 - Continuously monitor the vacuum level for each fan or blower
 - Employ remote monitoring that will immediately send an alert to building owner/operator and MassDEP when the vacuum level is outside the acceptable range and when such level returns within the acceptable range

*PS implemented prior to 3/1/24, (40.1025(3)(d)6) alerts based on either vacuum or system shutdown/restart



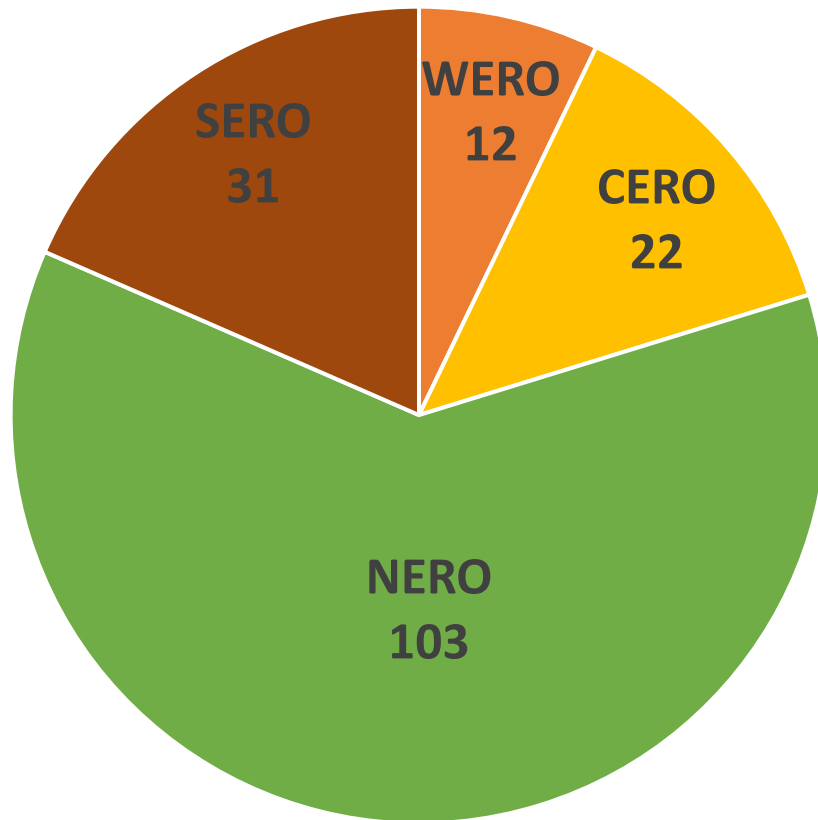
2024 Amendment for AEPMMs addressing VI

- Addition to Annual Certification for AEPMMs with PSC – **NEW 40.1025(8)(b)** property owner is aware of obligation to notify MassDEP/non-transient occupants if AEPMM not operating for 30 or more consecutive days
- **NEW 40.1025(9)** – owner of property where AEPMMs operating as part of PSC to prevent vapor intrusion shall conduct shutdown/restart test to demonstrate remote monitoring in response to a written request by MassDEP



How Many AEPMM Sites Are There?

AEPMM RTNs by Region



Status	# RTNs
Perm. Soln.	68
ROS	24
Temp. Soln.	42
Other	34
Total	168



AEPMM Annual Certification for Permanent Solutions - 2023

- MassDEP issued 63 requests for Annual Certification of AEPMMs
- MassDEP received 60 signed certifications
- MassDEP letters and signed certifications are available on Searchable Sites
- Remaining 3 RTNs are in different stages of audit / enforcement



AEPMM Annual Certification for Permanent Solutions - 2024

- MassDEP planning to issue requests to approx. 68 property owners in March
 - Requests will be sent via email (where available) and regular mail
- Includes new language in 40.1025(8)(b)
- Planning to include request for shutdown/restart test (40.1025(9))



PFAS

- **Federal PFAS MCL** - Final PFAS rule sent to Office of Management & Budget on 12/15/23
- EPA Methods 1633
- RCRA PFAS Hazardous Constituents proposal



Method 1633
Analysis of Per- and Polyfluoroalkyl Substances (PFAS) in
Aqueous, Solid, Biosolids, and Tissue Samples by LC-MS/MS

January 2024

Notice

Method 1633 for the analysis of PFAS was developed by the EPA Office of Water, Engineering and Analysis Division (EAD), in collaboration with the Department of Defense (DoD).

EPA issuing this method does not require its use for Clean Water Act compliance monitoring at the Federal level; that will only occur after it has been proposed and promulgated through rulemaking (e.g., added to 40 CFR Part 136). However, EPA recommends the use of this method, and it is currently the only PFAS method that has been validated in multiple laboratories for aqueous matrices that include wastewater, surface water, groundwater, and landfill leachate, as well as for soil, sediment, biosolids, and fish and shellfish tissue.

This January 2024 version of the method supersedes all previous versions.



EPA Proposal to List 9 PFAS as RCRA Hazardous Constituents – 2/8/24

- To strengthen EPA's ability to address PFAS under the RCRA Corrective Action cleanup program at RCRA haz waste treatment, storage and disposal facilities.
- <https://www.federalregister.gov/d/2024-02324>
- Comment through April 8, 2024

1. Perfluorooctanoic acid
2. Perfluorooctanesulfonic acid
3. Perfluorobutanesulfonic acid
4. Hexafluoropropylene oxide-dimer acid
5. Perfluorononanoic acid
6. Perfluorohexanesulfonic acid
7. Perfluorodecanoic acid
8. Perfluorohexanoic acid
9. Perfluorobutanoic acid



1/17/24 – EPA announces lowered Pb screening levels in contaminated soil at Residential Sites

... “EPA expects to investigate more residential properties for potential cleanup under the Superfund law and the Resource Conservation and Recovery Act.”

- Guidance is not regulatory/Case-specific

Related links:

Press release <https://www.epa.gov/newsreleases/biden-harris-administration-strengthens-safeguards-protect-families-and-children-lead>

Guidance <https://www.epa.gov/superfund/updated-soil-lead-guidance-cercla-sites-and-rcra-corrective-action-facilities>

Comment docket open until March 17, 2024