

BWSC Office Hour

March 28, 2024

** This meeting is being recorded.*



BWSC Updates

- Welcome to BWSC Office Hour – “*The Tradition Continues*”
- Transition News
- Technical Assistance Grants have been Awarded!
- CAM Updates
- BWSC New Internal Data Management System Launch
- 2024 MCP Amendments implementation
- Brownfields Update
- Federal PFAS MCL



Transition News: BWSC New Roles & Staff (3/24)

- Assistant Commissioner

- **Liz Callahan**, former AC & *currently* providing transition support
- **Millie Garcia-Serrano**, former RD-SERO & Acting LSP Board ED/Chair, ASTSWMO Executive Committee Member (Past President) and *new* AC

- LSP Board

- **Diane Baxter**, Director, Federal Grants Division, NEWMOA Board Member & *new* LSP Board Chair

- Expansion Positions

- **John Ziegler**, former BWSC DRD-WERO and *new* Statewide PFAS Coordinator within PPD Division
- **Amita Naik**, *now* reporting to the PFAS program within PPD
- **Abigail Anderson**, *new* Environmental Justice Coordinator within Brownfields Program, reporting to FG Division
- **Regions**: Various Across WERO, CERO, NERO & SERO

- Region New Role:

- **Catherine Skiba**, former BAS DRD-WERO and *new* Acting BWSC DRD WERO



2024 Technical Assistance Grants

<https://www.mass.gov/info-details/technical-assistance-grants-waste-site-cleanup>

- \$160K awarded to 8 applicants (\$20K each)
- Recipients include four municipalities and four community groups
 - Westfield Residents Advocating for Themselves, Inc.
 - Greater Hyannis Civic Association
 - Lunt Neighborhood Action Group, Inc.
 - Town of Barnstable Department of Public Works
 - Town of Carlisle Board of Health
 - Town of Westminster
 - Duxbury Safe Water Committee, Inc
 - Town of Lee



CAM Updates Posted

- Continue to post updates to CAM methods and effective dates

<https://www.mass.gov/info-details/compendium-of-analytical-methods-cam>

- Most recent update, effective June 15, 2024

- WSC-CAM-IXB – Volatile Organic Compounds (VOCs) in Air Samples (TO-15) by GC/MS

- Updates to 11 of 20 CAM protocols are now complete



New BWSC Internal Data Management System

- On Monday, March 25, 2024, BWSC launched its new internal data management application
- Implications/what external stakeholders may notice
 - Searchable Sites – scanned and submittal files now appear in a single, chronological list
 - *Over the short term* – new RTNs are being created with a "Region"-40XXXXXX numbering; this will be adjusted to a numbering system that starts at "Region"-0050000
 - Issues Matthew.Cogliano@mass.gov



2024 MCP Amendments

- MCP Amendments took effect March 1, 2024; published by Secretary of State in a supplemental register
 - to order hardcopy <https://www.sec.state.ma.us/divisions/bookstore/bookstore.htm>
- MassDEP will be posting its "unofficial" version of the 2024 MCP on the web shortly – see <https://www.mass.gov/regulations/310-CMR-4000-massachusetts-contingency-plan>
 - Currently there is an MCP NOTE on the page that directs you to the 2024 Amendments page
 - “Unofficial” version will include bookmarks by subpart
- BWSC will be filing a Notice of Correction this week to address a small number of clerical errors



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SEARCH

MassDEP > Laws, regulations and policies > Waste site cleanup regulations

OFFERED BY Massachusetts Department of Environmental Protection

REGULATION

310 CMR 40.00: Massachusetts Contingency Plan

DATE: 03/01/2024

ORGANIZATION: Massachusetts Department of Environmental Protection

REGULATORY AUTHORITY: Chapter 21E: MASSACHUSETTS OIL AND HAZARDOUS MATERIAL RELEASE PREVENTION AND RESPONSE ACT
Chapter 21A: EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
Chapter 21C: MASSACHUSETTS HAZARDOUS WASTE MANAGEMENT ACT
Chapter 111, § 160: Examination of water supply; assistance to cities, towns and districts for groundwater aquifers and recharge areas

OFFICIAL VERSION: Massachusetts State Bookstore

This is an unofficial version of Commonwealth regulations and is posted here for the convenience of the public. It is not an official statement of the regulations.

Downloads

PDF

MCP NOTE (English, PDF 66.21 KB)

RELATED

Cleanup of Sites & Spills

Department of Environmental Protection (MassDEP)

MassDEP Laws & Rules

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3/27/24

Please note: MassDEP will be posting its unofficial version of the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000, effective March 1, 2024, at this location in the near future. In the interim, you may find the 2024 MCP as submitted to the Secretary of State for publication, as well as related information, at this link <https://www.mass.gov/lists/mcp-amendments>.



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

- Public review drafts *
 - Interim Guidance on Implementing Activity and Use Limitations
 - Risk Characterization Guidance, Chapters 1-5

*** MassDEP is extending the review deadline for both documents to June 5, 2024.**



2024 MCP Amendments Implementation

- **Online Massachusetts Oil and Hazardous Materials List** has been updated to reflect the Reportable Concentrations and Reportable Quantities in effect on March 1, 2024.
- **Also posted**, updated AUL Forms, Method 1 Standards Spreadsheets and Method 3 Human Health Risk Assessment Shortforms (12/23), and some updated BWSC Transmittal Forms.
 - Shortforms will be reposted (3/24) with some additional revisions
 - Updates have and are being made to BWSC Transmittal Forms; some effective today
- ***Still to post/to do***
 - MCP Implementation Questions and Answers
 - Updated BWSC124 Information Notice About Immediate Response Action
 - Communication to local officials about the new option to send notices to local officials by email if local officials are agreeable



Transmittal form updates to reflect 2024 amendments (3/28/24)

- BWSC104 Permanent & Temporary Solution
- BWSC105 IRA Transmittal
- BWSC107 Tier Classification
- BWSC108 Comprehensive Response Action & Phase I
- BWSC119 URAM

Additional minor/editorial updates will follow to BWSC 103, 106, 112, 113, 115, 120, 125, 126, and 127.





Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC104

PERMANENT AND TEMPORARY SOLUTION STATEMENT
Pursuant to 310 CMR 40.1000 (Subpart J)

Release Tracking Number
 -

For sites with multiple RTNs, enter the Primary RTN above.

C. DESCRIPTION OF RESPONSE ACTIONS: (check all that apply; for volumes, list cumulative amounts)

- | | |
|---|---|
| <input type="checkbox"/> 1. Assessment and/or Monitoring Only | <input type="checkbox"/> 2. Temporary Covers or Caps |
| <input type="checkbox"/> 3. Deployment of Absorbent or Containment Materials | <input type="checkbox"/> 4. Treatment of Water Supplies |
| <input type="checkbox"/> 5. Structure Venting System/HVAC Modification System | <input type="checkbox"/> 6. Engineered Barrier |
| <input type="checkbox"/> 7. Product or NAPL Recovery | <input type="checkbox"/> 8. Fencing and Sign Posting |
| <input type="checkbox"/> 9. Groundwater Treatment Systems | <input type="checkbox"/> 10. Soil Vapor Extraction |
| <input type="checkbox"/> 11. Remedial Additives | <input type="checkbox"/> 12. Air Sparging |

- | | |
|--|--|
| <input type="checkbox"/> 13. Active Exposure Pathway Mitigation Measure(AEPM) System | <input type="checkbox"/> 14. Passive Exposure Pathway Mitigation Measure |
|--|--|

- | | |
|--|---|
| <input checked="" type="checkbox"/> i. AEPM to address vapor intrusion | <input checked="" type="checkbox"/> ii. AEPM to address drinking water exposure |
|--|---|

- | | |
|--|---|
| <input type="checkbox"/> 15. Monitored Natural Attenuation | <input type="checkbox"/> 16. In-Situ Chemical Oxidation |
|--|---|

- ☐ 17. Removal of Contaminated Soils

- | | | | |
|---|--|---------------------------------|----------------------|
| <input checked="" type="checkbox"/> a. Re-use, Recycling or Treatment | <input checked="" type="checkbox"/> i. On Site | Estimated volume in cubic yards | <input type="text"/> |
| | <input checked="" type="checkbox"/> ii. Off Site | Estimated volume in cubic yards | <input type="text"/> |

ii. Facility Name: Town: State:

iii. Facility Name: Town: State:

iii. Describe:

E. PERMANENT OR TEMPORARY SOLUTION CATEGORY:

Specify the category of Solution that applies to the Disposal Site, or Site of the Threat of Release. Select either 1, 2, or 3.

- ☐ 1. Permanent Solution with No Conditions (check one)

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | a. A threat of release has been eliminated. |
| <input checked="" type="checkbox"/> | b. All contamination has been reduced to Background levels. |
| <input checked="" type="checkbox"/> | c. A condition of No Significant Risk exists or has been achieved with no Activity and Use Limitation or other limitations, assumptions, or conditions (310 CMR 40.1013). |

- ☐ 2. Permanent Solution with Conditions (check a and/or b):

- ☒ a. An AUL has been implemented pursuant to 310 CMR 1012 (check one)

- ☒ i. Required pursuant to 310 CMR 40.1012(2) (Check all that apply)

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | 1. Permanent Solution is based on MCP Method 1 or 2 Soil Standards and the Exposure Point Concentration(s) of oil and/or hazardous material exceed the S-1 standards but meet applicable S-2 or S-3 standards. |
| <input checked="" type="checkbox"/> | 2. A Method 3 Risk Characterization performed pursuant to 310 CMR 40.0990 relies on reduced exposure potential due to the assumption of limited site use. |
| <input checked="" type="checkbox"/> | 3. The oil and/or hazardous material in soil located at a depth greater than fifteen feet from the ground surface exceeds an applicable Method 3 Ceiling Limit in Soil. |
| <input checked="" type="checkbox"/> | 4. Visible coal tar waste deposits are located at a depth greater than 15 feet from the ground surface. |
| <input checked="" type="checkbox"/> | 5. The Permanent Solution relies upon one or more Passive Exposure Pathway Mitigation Measures to address vapor intrusion. |
| <input checked="" type="checkbox"/> | 6. The Permanent Solution relies upon one or more Active Exposure Pathway Mitigation Measures to address vapor intrusion. |
| <input checked="" type="checkbox"/> | 7. The Permanent Solution relies upon one or more Exposure Pathway Mitigation Measures to address drinking water. |
| <input checked="" type="checkbox"/> | 8. An existing private water supply well(s) is removed from service as a source of drinking water and maintained for uses other than as a private drinking water supply. |
| <input checked="" type="checkbox"/> | 9. The thickness of visible NAPL in an excavation, boring or monitoring well remaining at such disposal site is or is anticipated to be greater than 1/2 inch. |
| <input checked="" type="checkbox"/> | 10. Radioactive Material emitting Radiation above background levels is present. |

- ☒ ii. Optionally implemented pursuant to 310 CMR 40.1012(3)

- ☒ b. Limitations or conditions apply pursuant to 310 CMR 40.1013 (check all that apply):

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | i. Gardening Best Management Practices (BMPs) for non-commercial gardening in a residential setting |
| <input checked="" type="checkbox"/> | ii. Concentrations of Oil and Hazardous Material consistent with Anthropogenic Background |
| <input checked="" type="checkbox"/> | iii. Residual contamination in a Public or Railroad Right-of-Way |



TIER CLASSIFICATION TRANSMITTAL FORM

Pursuant to 310 CMR 40.0500 (Subpart E)

Release Tracking Number

☐ -

B. THIS FORM IS BEING USED TO: (check all that apply)

- ☐ 1. Submit a new Tier Classification Submittal, including a Tier Classification Compliance History (BWSC107B). Check the tier classification category:
- ☐ a. Tier I ☐ b. Tier II
- c. Check all Tier I criteria that apply, pursuant to 310 CMR 40.0520(2):
- ☐ i. Groundwater is located within an Interim Wellhead Protection Area, Zone II, or within 500 feet of a Private Water Supply Well, and there is evidence of groundwater contamination by an Oil or Hazardous Material at the time of Tier Classification at concentrations equal to or exceeding the applicable RCGW-1 Reportable Concentration set forth in 310 CMR 40.0360.
- ☐ ii. An Imminent Hazard is present at the time of Tier Classification.
- ☐ iii. One or more remedial actions are required as part of an Immediate Response Action pursuant to 310 CMR 40.0414(2).
- ☐ iv. One or more response actions are required as part of an Immediate Response Action to eliminate or mitigate a Critical Exposure Pathway pursuant to 310 CMR 40.0414(3).
- ☐ d. Check here if including an Eligible Person, Eligible Tenant, or Other Person Certification (BWSC107D)
- ☐ i. Check here if this Tier Classification Submittal relies upon a Phase I Report, conceptual Phase II Scope of Work, and Tier Classification previously provided to the Department, pursuant to 310 CMR 40.0570(4)*

- ☐ 7. Submit a Revised Tier Classification Submittal.
Check the revised Tier Classification Category. If the Tier Classification Category is not changing, indicate the current classification.
- ☐ a. Tier I ☐ b. Tier II
- c. Check all Tier I criteria that apply, pursuant to 310 CMR 40.0520(2):
- ☐ i. Groundwater is located within an Interim Wellhead Protection Area, Zone II, or within 500 feet of a Private Water Supply Well, and there is evidence of groundwater contamination by an Oil or Hazardous Material at the time of Tier Classification at concentrations equal to or exceeding the applicable RCGW-1 Reportable Concentration set forth in 310 CMR 40.0360.
- ☐ ii. An Imminent Hazard is present at the time of Tier Classification.
- ☐ iii. One or more remedial actions are required as part of an Immediate Response Action pursuant to 310 CMR 40.0414(2).
- ☐ iv. One or more response actions are required as part of an Immediate Response Action to eliminate or mitigate a Critical Exposure Pathway pursuant to 310 CMR 40.0414(3).
- ☐ d. Check here if including an Eligible Person, Eligible Tenant, or Other Person Certification (BWSC107D)
- ☐ i. Check here if this Tier Classification Submittal relies upon a Phase I Report, conceptual Phase II Scope of Work, and Tier Classification previously provided to the Department, pursuant to 310 CMR 40.0570(4).

- ☐ 8. Provide a Notice that an additional Release Tracking Number(s) is (are) being linked to this Tier Classified Site (Primary RTN). Future response

future submittals for this site unless specifically relating to response actions started before the linking occurred.

- ☐ 9. Provide voluntary information to MassDEP to facilitate potential Brownfields-related support. This data will be used by MassDEP for information purposes only, and does not represent or create any legal commitment, obligation or liability on the part of the party or person providing this data to MassDEP.

a. Are the response actions that are the subject of this submittal associated with the redevelopment, reuse or the major expansion of the current use of property(ies) impacted by the presence of oil and/or hazardous materials?

☐ i. Yes ☐ ii. No ☐ iii. I don't Know

b. Is the property a vacant or under-utilized commercial or industrial property ("a brownfield property")?

☐ i. Yes ☐ ii. No ☐ iii. I don't Know

c. Will funds from a state or federal brownfield incentive program be used on one or more of the property(ies) within the disposal site?

☐ i. Yes ☐ ii. No ☐ iii. I don't Know

iv. If Yes, identify the program:

d. Has a Covenant Not to Sue been obtained or sought?

☐ i. Yes ☐ ii. No ☐ iii. I don't Know

e. Check all applicable categories that apply to the person making this submittal:

- ☐ i. Redevelopment Agency or Authority ☐ ii. Community Development Corporation
- ☐ iii. Economic Development and Industrial Corporation ☐ iv. Private Developer
- ☐ v. Fiduciary ☐ vi. Secured Lender
- ☐ vii. Municipality ☐ viii. Potential Buyer (non-owner)
- ☐ ix. Other, describe:

This data will be used by MassDEP for information purposes only, and does not represent or create any legal commitment, obligation or liability on the part of the party or person providing this data to MassDEP.

BROWNFIELDS
Voluntary Information!

Eligible Person
Rely on Prior Tier Classification Submittal

BWSC107

Brownfields & “Land Programs” National & Regional Coordination



MAY 29 & 30, 2024
Holiday Inn By The Bay | Portland, ME

REVITALIZING NEW ENGLAND: BROWNFIELDS SUMMIT 2024



NEWMOA

Revitalizing New England: Brownfields Summit

Portland ME – May 29 & 30

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



**Registration
Open Now**

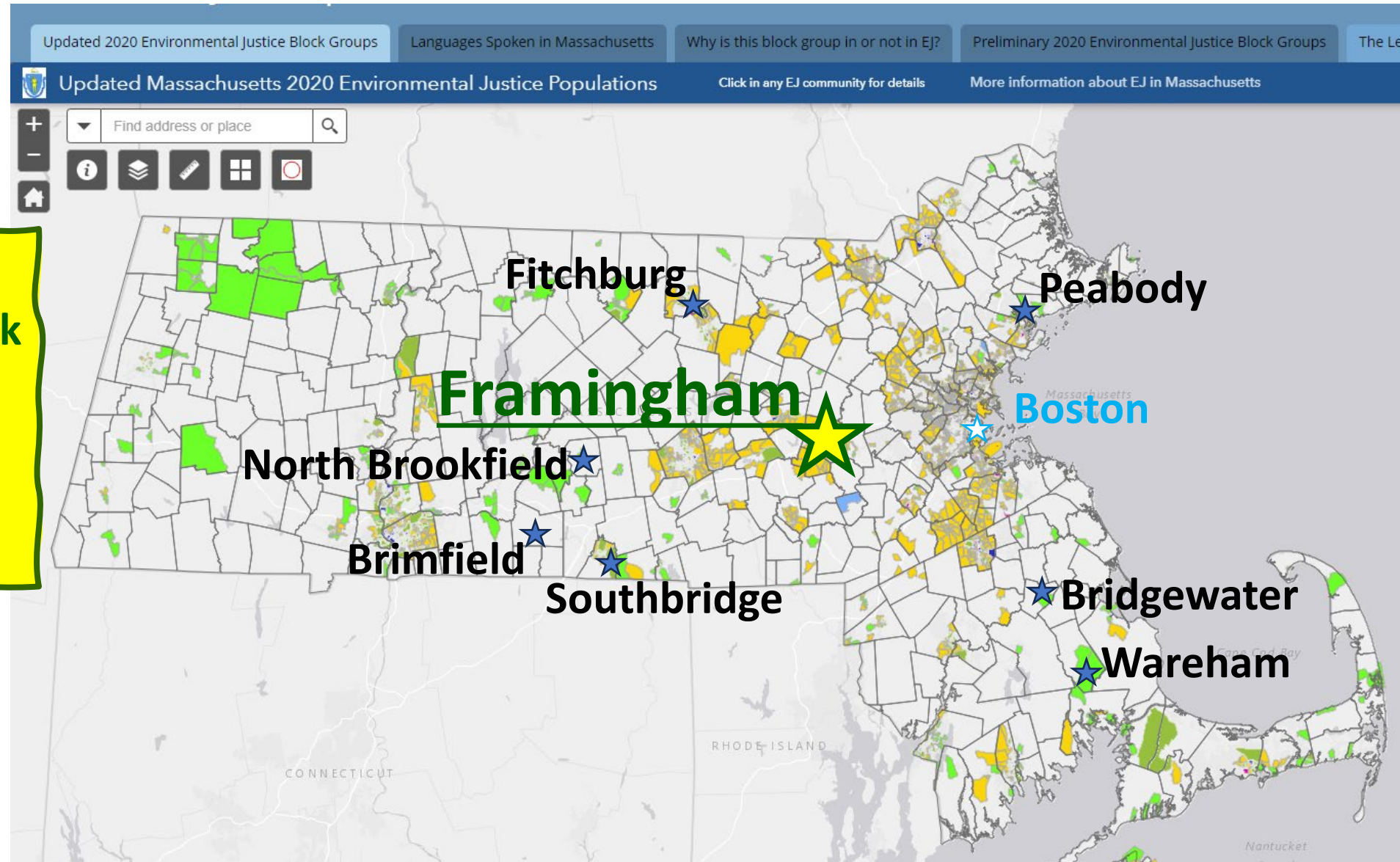


ASTSWMO

Boston MA – April 23-24
50 States

- District of Columbia
- 5 Territories: Guam, American Samoa, Puerto Rico, US VI, Northern Marinas

MassDEP Brownfields Sites - 128a BIL



Highlight on
Mary Dennison Park
Framingham
Ground-Breaking
March 26, 2024

Mary Dennison Park Ground-Breaking



State Funding Support

\$500,000 - DEP Brownfields BIL

\$157,000 - DEP NRD

\$1,000,000 - MassWorks



Federal PFAS MCL Update: Per EPA Strategic Roadmap 2021-24

- **12/15/23** - Final PFAS drinking water rule sent to the White House Office of Management & Budget (OMB) for interagency review
- Awaiting final MCLs from EPA
- **Summary:** The EPA proposed rule would set drinking water standards (MCLs) for 6 PFAS including PFOA and PFOS at 4 ppt (more stringent than any state) and would regulate 4 additional PFAS as a mixture using a “hazard index” approach. **MassDEP BWSC standards addressing groundwater would need to consider any new drinking water standards.**



Wrap-Up & Questions

- A Special Thank You:
 - Commissioner Heiple & Deputy Commissioner Beling
 - Former AC Liz Callahan
 - All Division Directors (Diane, Ken & George); Boston & Regional BWSC Team; and SERO Team (all Bureaus)
 - All 100 DEP Program (but especially) 21E Program Practitioners & Interested Parties including the Public
- Next Office Hours: April 18, 2024
- “Open Mic” Q&A Session

