

Bureau of Waste Site Cleanup Advisory Committee Meeting

May 16, 2024

** This meeting is being recorded.*



Advisory Committee Meeting Agenda

- General BWSC Updates
- BWSC Data Management System Update
- Natural Resources Damages Program Update
- 2024 MCP Amendments Implementation
- Soils Reuse Update
- Brownfields Program Update
- PFAS Updates
- Next WSC Meetings & Wrap-Up



General BWSC Updates



MassDEP

Commonwealth of Massachusetts
Department of Environmental Protection

Millie Garcia-Serrano, MPH

Assistant Commissioner

MassDEP | Bureau of Waste Site Cleanup

General BWSC Updates

- New WSC Advisory Committee Member
- Budget & WSC Staffing / New Roles
- Legislative Affairs
- Technical Assistance Grants
- Emergency Response
- Marine Oil Spill Prevention & Response Act Program



Waste Site Cleanup Advisory Committee

Sector	Current Representative
Advocacy/Site Neighbor	Linda L. Segal
Public Interest- Environmental	Susan Chapnick, New Environmental Horizon
Municipal Officials	Michele S. W. Paul, City of New Bedford
Water Distributors	Jessica Cajigas-Smith, Tighe & Bond
PRP Attorneys	Michelle O'Brien, Pierce Atwood LLP
Manufacturing	Jeffrey Porter, Mintz Levin
21E Consultants	Larry Feldman, GZA
21E Consultants	Ileen Gladstone, GEI
Licensed Site Professionals	David Leone, LSPA
Real Estate/Commercial Lending	Lisa Campe, Woodard & Curran
Small Business	Steve Charron, New England Convenience Store and Energy Marketer Association (NECSEMA)

Budget & WSC Staffing / New Roles

- Assistant Commissioner
 - **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



General BWSC Updates

- New WSC Advisory Board Member
- Budget & WSC Staffing / New Roles
- **Legislative Affairs**
- Technical Assistance Grants
- Emergency Response
- Massachusetts Oil Spill Prevention & Response Act Program



Technical Assistance Grant (TAG) Funding FY25-26

- TAG Purpose - Support effective public involvement during the assessment & cleanup of disposal sites by:
 - Assisting community and citizens' groups in obtaining expert technical assistance to understand and evaluate disposal site cleanup response actions
 - Enhancing public education about and participation in disposal site assessment and cleanup activities
- Total funding anticipated to be \$200,000; typical grant award to any individual applicant of up to \$20,000
- All application materials will be available for download on June 4, 2024 (tentative) on the TAG webpage: <https://www.mass.gov/info-details/technical-assistance-grants-waste-site-cleanup>
- Deadline to apply is September 6, 2024 (tentative)



General BWSC Updates

- New WSC Advisory Board Member
- BWSC Staffing
- Budget
- Legislative Affairs
- Technical Assistance Grants
- **Emergency Response**
- **Massachusetts Oil Spill Prevention & Response Act Program**



BWSC Data Management System Update



Brian Roden
Audit & Enforcement Program, Statewide Coordinator
MassDEP | Bureau of Waste Site Cleanup

BWSC Data Management System Update

- On Monday, March 25, 2024, BWSC launched its new internal data management application
- MassDEP staff no longer use BWSC100, BWSC101, BWSC102, BWSC128 or BWSC129
 - Replaced with new “forms”
- New Searchable Sites web link:
<https://eeaonline.eea.state.ma.us/portal/dep/wastesite/>
 - Scanned and eDEP submittal files now appear in a single, chronological list
- File Viewer being updated to include new internal “forms”



Natural Resources Damages Program Update



MassDEP

Commonwealth of Massachusetts
Department of Environmental Protection

Michelle Craddock

NRD Program, Statewide Coordinator
MassDEP | Bureau of Waste Site Cleanup

NRD Program Updates

- NRD Settlements
 - Gloucester Harbor - \$5.4M for injuries to natural resources
 - Revere - \$116,500 for injuries to Rumney Marsh
- NRD Restoration
 - Bouchard B-120 Oil Spill – Restoration Plan & Environmental Assessment for Roseate Tern, Common Tern, and Shoreline and Salt Marsh Resources
 - Grants: Lowell Parks & Conservation Trust, City of Framingham, Town of Walpole



2024 MCP Amendments Implementation



MassDEP

Commonwealth of Massachusetts
Department of Environmental Protection

Ken Marra, P.E.

Acting Division Director, Policy & Program Development
MassDEP | Bureau of Waste Site Cleanup

2024 MCP Amendments Implementation

- Web page updates
 - Guidance updates
 - Related information
- Questions on amendments, from training or otherwise – email BWSC.Regulations@mass.gov



2024 MCP Amendments Implementation

[310 CMR 40.0000: Massachusetts Contingency Plan | Mass.gov](#)

310 CMR 40.0000: 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.

TABLE OF CONTENTS

✓ Current Regulation

✓ Recently Promulgated Amendments

Book-marked PDF of MCP

[MCP Amendments | Mass.gov](#)

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



2024 MCP Amendments Implementation

Related Information

[MCP Amendments](#) | [Mass.gov](#)

Guidance:

- AUL
- Risk Characterization
- MCP Amendments Q&A
 - Climate Q&A
 - Risk Characterization Q&A*
 - Other Topics Q&A*

(*) not yet posted

Other:

- Method 1 Spreadsheets
- Summary of Numerical Std Changes
- Updated Shortforms
- AUL Forms
- Letter to Local Officials



Other Guidance Status

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



Soils Reuse Update

Soils Coalition proposed 5 options:

1. COMM-97
2. COMM-15
3. Beneficial reuse
4. "COMM-24" (reuse at other 21E sites)
5. Soil Monofill



Soils Reuse Update

- COMM-24 Soils Policy to allow reuse of contaminated soils at other 21E sites
- Draft in progress
- Major acceptance requirements include (but not limited to):
 - Achievement of a Permanent Solution
 - Public Involvement
 - Other specifics in ACO & SMP (e.g., AUL, FAM, sampling/monitoring, pH, traffic/fugitive dust)



Brownfields Program Update



MassDEP

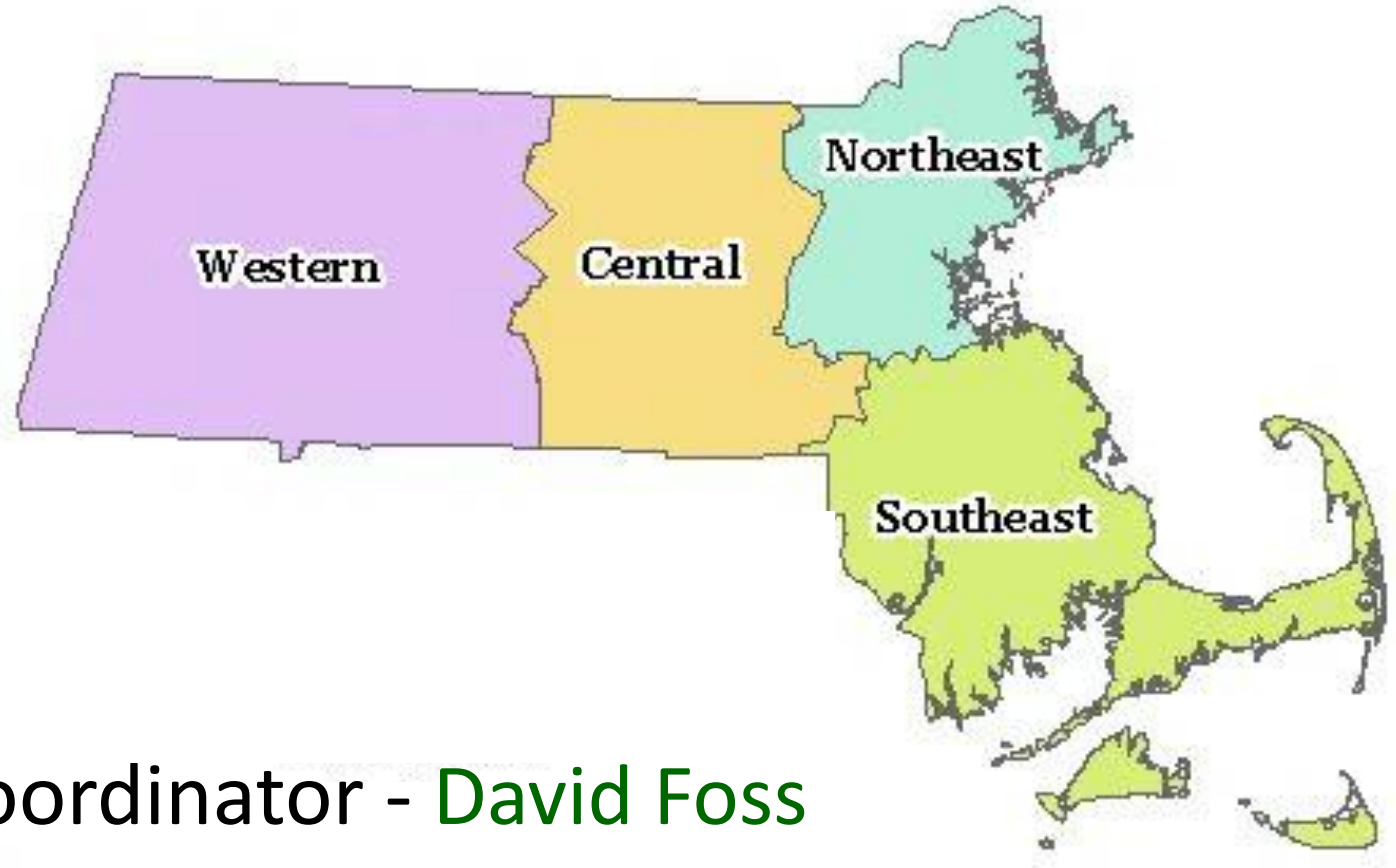
Commonwealth of Massachusetts
Department of Environmental Protection

David Foss, LSP

Brownfields Program, Statewide Coordinator
MassDEP | Bureau of Waste Site Cleanup

MassDEP BWSC Brownfields Team

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



Statewide Brownfields Coordinator - David Foss

EJ Coordinator – Abigail Anderson



2024 Regional Brownfields Roundtables - Save-the-Date

EPA Assessment Grantee

WESTERN REGION

Berkshire Regional Planning Commission
Franklin Regional Council of Governments
Pioneer Valley Planning Commission*

CENTRAL REGION

Montachusett Regional Planning Commission*
Central Massachusetts Regional Planning Commission (Applied FY24)

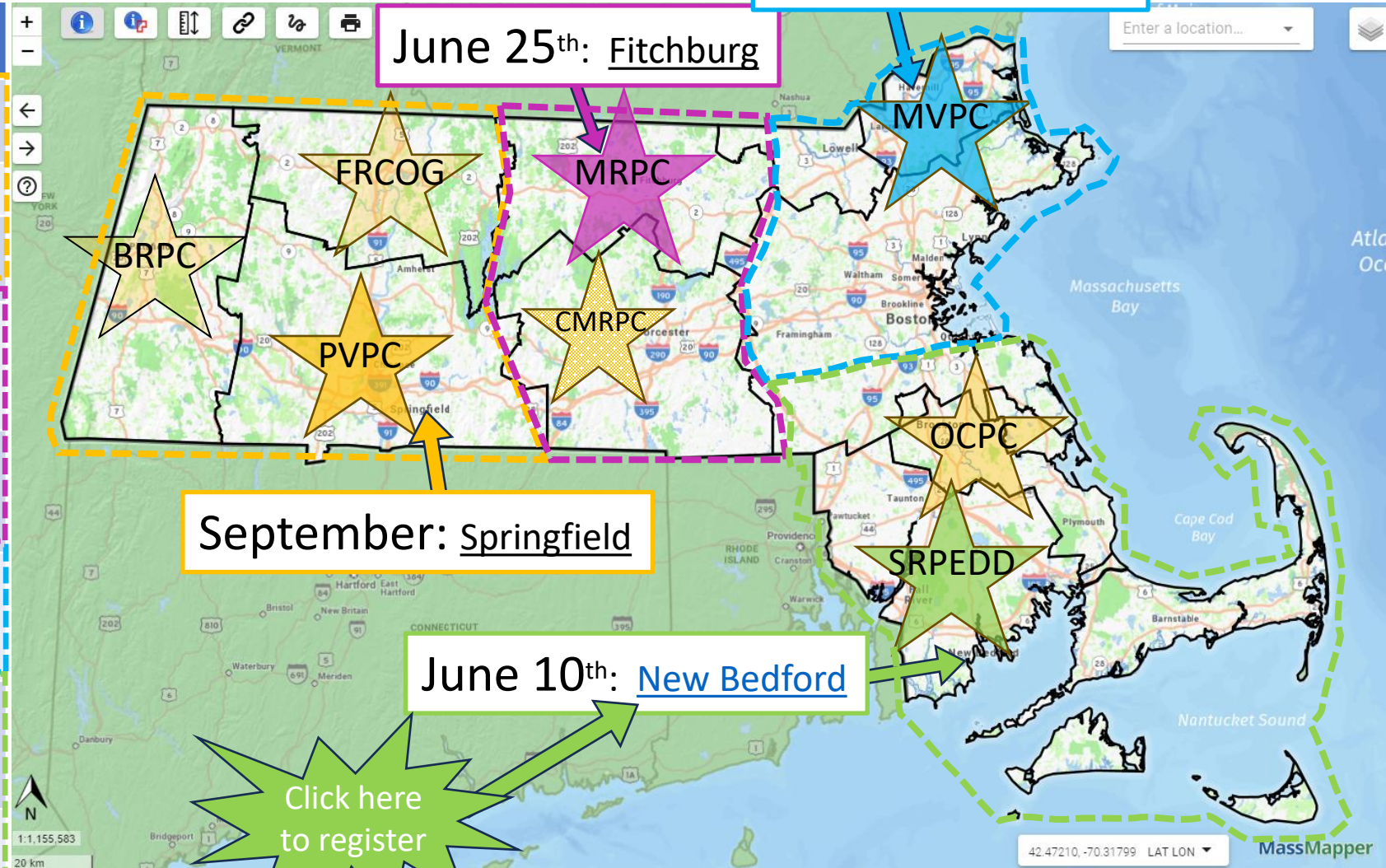
NORTHEAST REGION

Merrimack Valley Planning Commission*

SOUTHEAST REGION

Southeastern Regional Economic Development District*
Old Colony Planning Commission

*Co-Host of Brownfields Roundtable



MassDEP Brownfields Sites – 128a BIL

Work On-Going BIL Funding

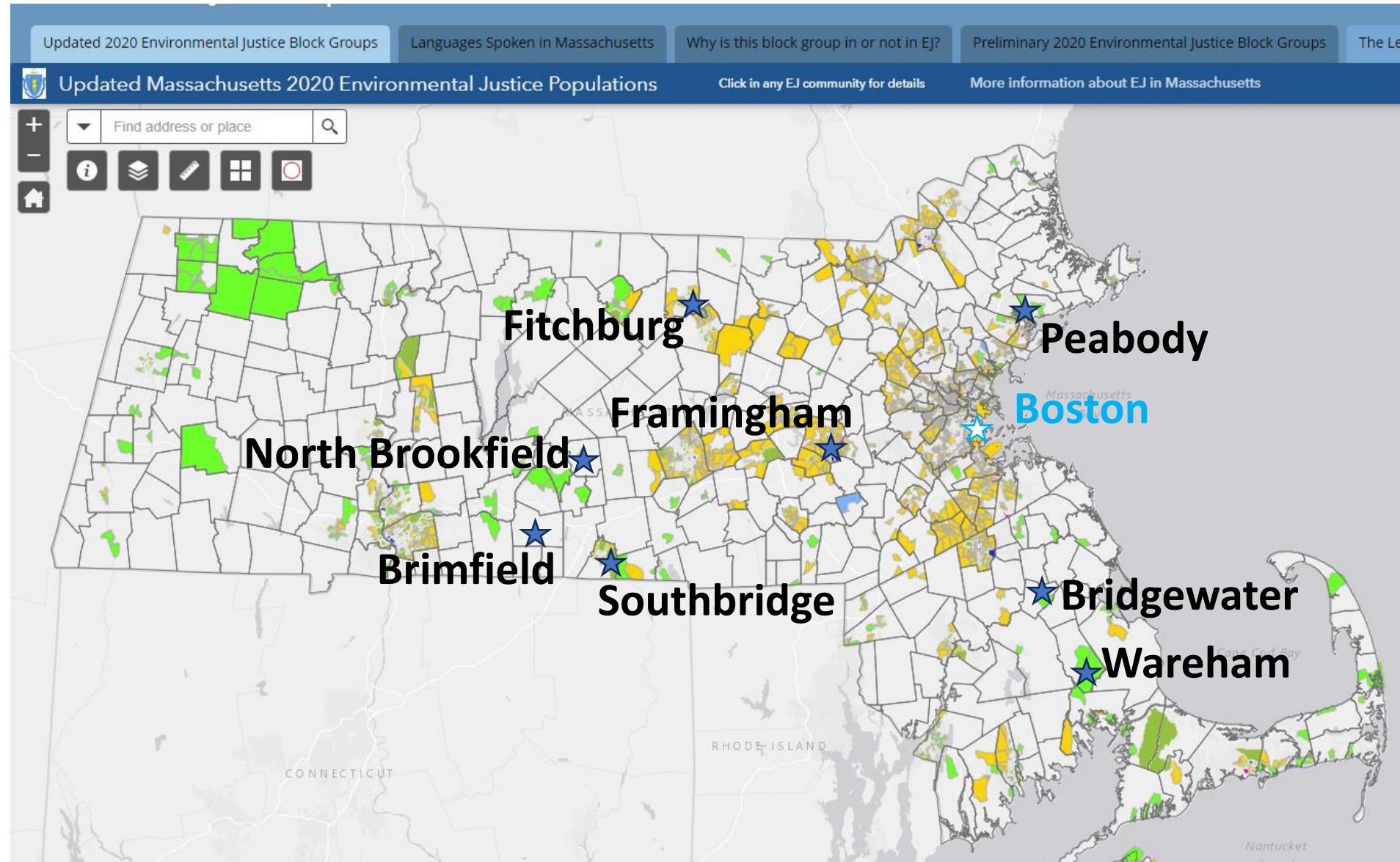
FY23 \$880,000

FY24 \$840,000

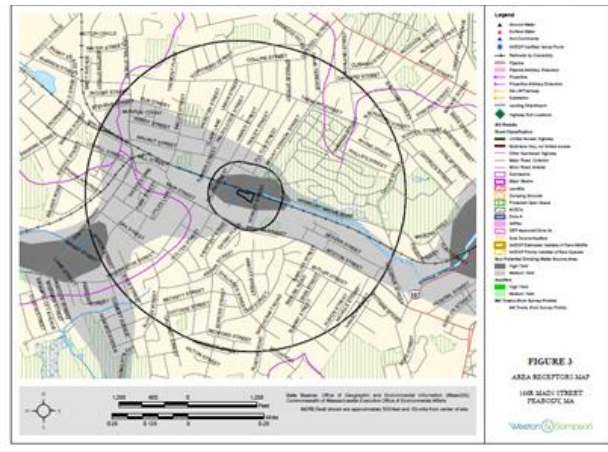
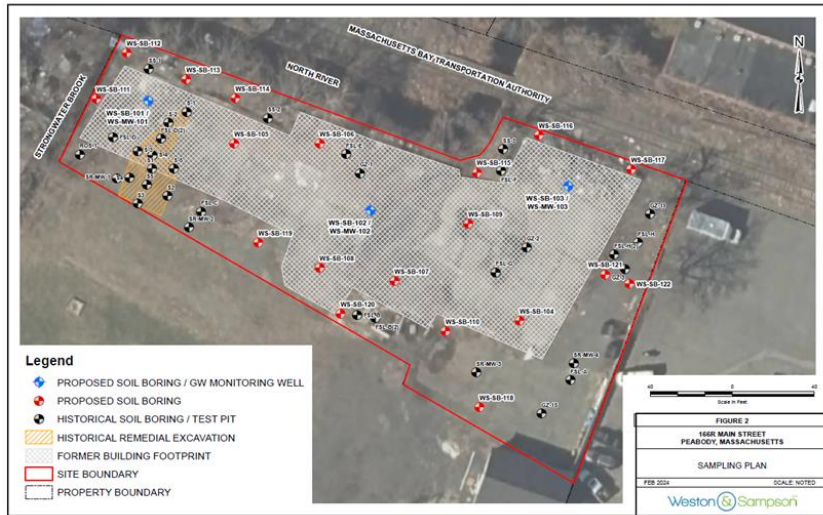
FY25 \$761,000

Anticipate \$4M
over 5 years

- EJ communities or
- Low population towns



BIL-Funded Assessment Work Former Bob Kat Tannery in Peabody



PFAS Updates



MassDEP

Commonwealth of Massachusetts
Department of Environmental Protection

John Ziegler, LSP

PFAS Program, Statewide Coordinator
MassDEP | Bureau of Waste Site Cleanup

MassDEP BWSC PFAS Team

- SERO Angela Gallagher
- CERO Rebecca Faucher
- NERO Natalie Johnson
- WERO Caprice Shaw



John Ziegler, LSP - PFAS Statewide Coordinator

John.Ziegler@mass.gov; (617) 874-6733

Amita Naik - BWSC PFAS Analyst

Amita.D.Naik@mass.gov



PFAS MCLs

- April 10, 2024 - EPA announced final National Primary Drinking Water Regulation establishing MCLs for PFAS:

Chemical	Maximum Contaminant Level Goal (MCLG)	Maximum Contaminant Level (MCL)
PFOA	0	4.0 ppt
PFOS	0	4.0 ppt
PFNA	10 ppt	10 ppt
PFHxS	10 ppt	10 ppt
HFPO-DA (GenX chemicals)	10 ppt	10 ppt
Mixture of two or more: PFNA, PFHxS, HFPO-DA, and PFBS	Hazard Index of 1	Hazard Index of 1
Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety and are non-enforceable public health goals.		

- Two PFAS chemicals (PFHpA and PFDA) are included in MassDEP's PFAS6 standard, but not included in the new EPA regulations.
- Two PFAS chemicals (Gen-X or HFPO-DA and PFBS) are included in EPA's new regulations but are not included in MassDEP's PFAS6 standard.
- **MCP cleanup standards promulgated on 12/27/19 remain in effect (as of today)**



Federal Sites Impacts of EPA PFAS Rules

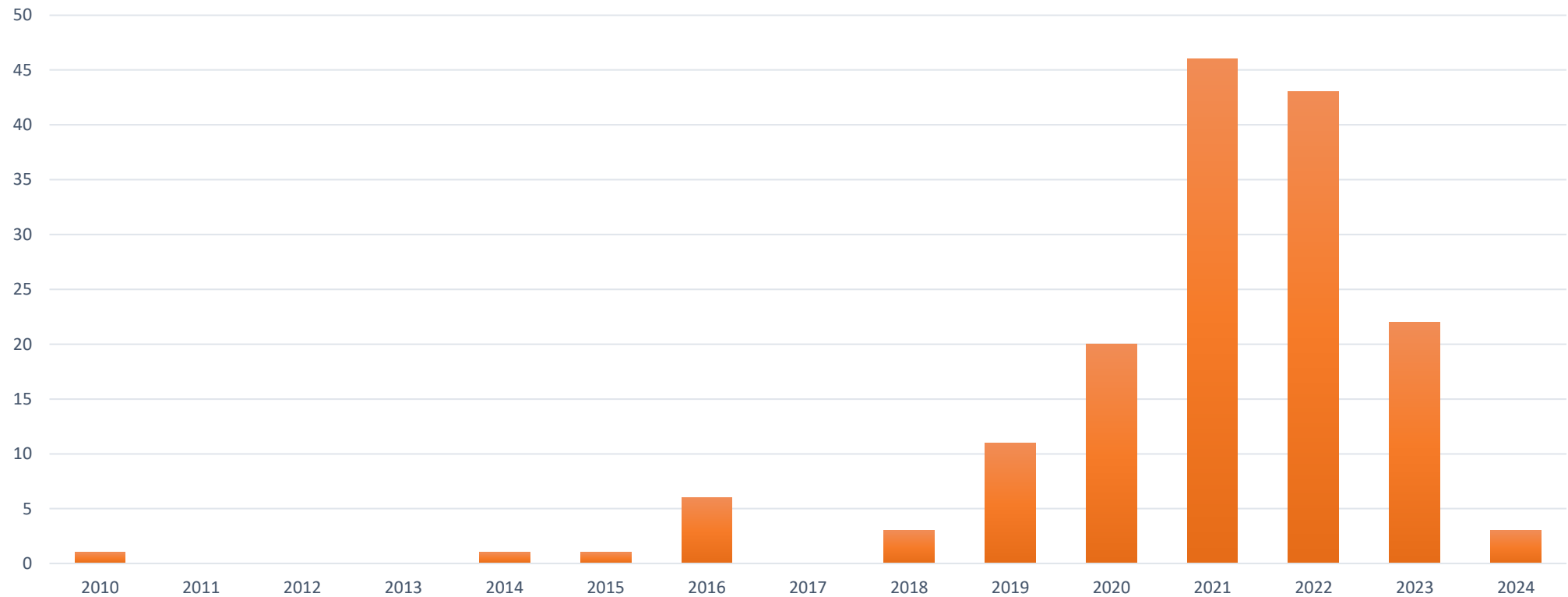
- **Two Rules:**

- Adoption of enforceable federal MCLs for several PFAS
 - Listing of PFOS & PFOA as CERCLA "hazardous substances"
- Brings EPA/CERCLA closer to where MassDEP/MCP has been
- Provides regulatory certainty at CERCLA sites regarding toxicity/risk levels, cleanup standards, required actions
- PRPs must act, prioritize assessment & cleanup of PFAS contamination
- CERCLA sites w/ completed remedies may be re-visited/re-opened



MA PFAS Notifications

PFAS NOTIFICATIONS BY YEAR



Private Drinking Water Wells Imminent Hazards

- PFAS6 concentrations equal to or greater than 90 parts per trillion
- MassDEP has statutory requirement to ensure, by means of enforcement or response actions, that action is taken to control Imminent Hazards through appropriate short-term measures
- If no PRP identified or PRP is unwilling or unable to conduct response actions, MassDEP will:
 - Arrange for bottled water
 - Install a point of entry treatment system
 - Sample and maintain system
- Currently maintaining 50 POET systems and providing bottled water at 31 sites across the four Regions



BWSC PFAS Next Steps

- Coordinating with BWR Drinking Water Program and ORS
- Continuing source discovery work
- Mitigating Imminent Hazards
- Planning underway for MCP PFAS amendments
- Updating Guidance
 - PFAS Sampling and Analysis Guidance (last update Nov 2023)
 - PFAS Q&As
- Developing CAM Protocol for EPA Method 1633



Next WSC Meetings & Wrap-Up

- Office Hours Meeting: 6/20/24
- WSC Advisory Committee Meeting: 8/15/24
- "Meeting Takeaways"
- Wrap-Up

