**2019 Proposed MCP Revisions – Proposed Amendments to the Massachusetts Contingency Plan, 310 CMR 40.0000**

Weston & Sampson has provided the following comments. For ease and consistency of use, we have used the form provided by the LSPA to organize our comments.

As noted on the LSPA form:

“Page No.” refers to the pages in the 2019 Proposed MCP Revisions made available electronically in redline/strikeout format published in .PDF.

“MCP Reference” refers to the new citations in the 2019 Proposed Revisions draft, unless otherwise noted.

These comments were made by a number of LSPs.

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| **MCP Subpart X: XXXX (e.g. Subpart A: General Provisions)** | | |  |
| **Page No.** | **MCP Reference** | **Comment and Note to Reviewer Reference # (if applicable)** | **Name/Email Address\*** |
| Page 17 | 40.0006 | Anthropogenic Background – With the addition of coal, coal ash or wood ash, MassDEP should clarify and provide guidance on the application of these terms/definitions, specifically is MassDEP planning to update and finalize of the Draft Historic Fill/Anthropogenic Background Technical Update |  |
| 20 | 40.0006 | With reference made to climate change in the Conceptual Site Model (CSM) and other sections of the MCP, guidance is needed on the scope and elements LSPs must consider in its development of the CSM. |  |
| 35 | 40.0006 | While the benefit of GPS located data points is evident, defining how GPS coordinates for monitoring wells are obtained, reported and made available for public use should be well defined prior to implementation as this has cost implications for stakeholders. |  |
| 67 | 40.0031(8) | Mixing/Dilution of Remediation Waste - Clarification on the timing and intent should be incorporated into this change. A common means of soil characterization involves stockpiling followed by characterization which could lead to violation of this provision as written. |  |
| 42 | 40.0006 | Rail Right of Way definition - should include rail yards and maintenance facilities where the source of contamination is demonstrated to originate from typical railroad operations vs. discrete releases which could occur at ancillary support facilities. |  |
| 118 / 294 | 40.0191 / 40.1005 | Edits related to Climate change and reasonable foreseeable timeframe as well as requiring keeping abreast of current climate change thoughts and standards is probably subjective, and beyond the capabilities of most LSPs who do not work in the climate change adaptation discipline. How would one evaluate a coastal site, vs one in a low area but closely inland vs a site inland but in an area prone to flooding or in an area that saw flooding say in an extreme rain event (Mother’s Day storm or Huricane Irene) but normally would not be thought to be in a vulnerable area. |  |
| 225 | 40.0924 (6) (c). | Expand this definition to include sites where GW-1 applies because they are solely classified due to being potentially productive aquifers. In addition, we feel this should expand beyond petroleum. E.G. I have an arsenic exceedance in an urban setting, just above GW-1. I have wells surrounding the exceedences and non-potable PPA located 100 m downgradient. Under current rules, I cannot close out site with PSS. |  |
| 257 | 40.0975 (6) (a) | PFAS In soil. I am unaware of a standard and reliable lab method for testing PFAS in soil. How will the MCP keep up with the rapidly changing science and knowledge of PFAS, specifically related to its toxicology, leachability, and standards promulgated in other states. |  |
| 253 | 40.1974 (2) | How will revised standards be interpreted for closed sites. Will there be retroactive reopening of closed sites? Will there be a streamlined process to close sites where the new standards are less stringent |  |
|  |  | I would like to see some guidance on the Incremental Sampling Methodology process. What is MassDEP’s expectation for it application at sites. |  |
| 30 / 284 & 285 | 40.0006 / 40.0996 | I feel this definition of a waste mass – that is by definition a hot spot and which is subject to UCLs is a little vague. How is the waste defined? Would a layer of ash, or coal, or spent carbon products, count? What about discontinuous pockets in a layered system (very common in historic/urban fill)? |  |
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