



## Department of Environmental Protection

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# Municipal Compliance Fact Sheet: Contaminated Property

## What You Should Know About this Issue:

The MassDEP waste site cleanup program, often referred to as the "21E program," regulates the notification, assessment, and cleanup of releases of oil and/or hazardous material to the environment, including spills from highway accidents, leaking oil from underground storage tanks, and contamination discovered in groundwater or surface water.

The MassDEP manages this largely privatized program. Those responsible for cleaning up contamination must utilize Licensed Site Professionals, or "LSPs," to oversee most cleanups with limited MassDEP oversight. MassDEP focuses its resources on key aspects of the program, such as overseeing critical response actions and responding to emergencies, auditing the privatized cleanups, enforcing the regulations, and providing technical assistance,

Municipal officials may be involved with waste sites and spills in several different ways. For example, overseeing the timely cleanup of contamination that occurred on city/town property; reviewing building permits or zoning changes at a location that has contaminated soil; responding to community concerns about a neighborhood cleanup; or receiving the first call about a chemical spill in your city/town.

## Examples of Municipal Facilities & Activities Involved:

### Conducting Cleanups

Municipalities are responsible for any releases that occur on their properties. Any town facility that uses fuel oils or chemicals can become a problem area, including schools, libraries, and DPW yards. Historic burn dumps and landfills, either closed or being closed, can also become waste sites if they are not managed properly.

### Responding to Spills

MassDEP works closely with local fire departments because they are usually the first to respond to spills, initiate containment, and direct initial cleanup efforts. When there is no one willing or able to take responsibility, fire departments may also arrange to hire an outside contractor for cleanup. Municipal public works departments or other local agencies sometimes provide support. MassDEP always responds to large and complicated spills that pose imminent health, safety, or

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

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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environmental hazards, but does not respond to non-reportable releases or those of limited scope. MassDEP is available for technical support for any size spill, and public safety officials are encouraged to call MassDEP for assistance in directing the cleanup.

### **Common Compliance Issues:**

Here are a few examples of compliance problems that frequently occur at municipalities with Chapter 21E responsibilities:

- Poor maintenance and inspection programs at municipal fuel and heating oil facilities, particularly with underground tanks where unknown leaks can cause costly cleanup problems.
- Falling behind on reaching mandatory milestones for contaminated sites assessment and cleanup work.
- Not budgeting for annual compliance fees, which MassDEP is required to collect for sites that are progressing through the assessment and cleanup process.
- "Inheriting" contaminated properties through eminent domain, donations or land swaps where the municipality becomes liable for assessment and cleanup costs. Liability relief may be available to a municipality who takes a contaminated property for non-payment of back taxes, provided that it meets requirements of Chapter 21E Section 2, which include acting diligently to divest of the property and not causing or contributing to the release.

### **Environmental Stewardship Tips:**

- Implement good management practices wherever chemicals are stored.
- Understand the nature and amounts of chemicals used in your facilities.
- Make sure municipal workers have been trained in how to properly dispose of the chemicals and how to respond in case of a spill.
- Inspect fuel tanks annually to identify problems before they become reportable releases.
- Reduce risk and costs by substituting non-hazardous products for pesticides and cleansers. For example, replacing petroleum-based hydraulic fluids with new bio-lubricants can reduce response costs in the event of a spill.

### **Technical Assistance, Outreach, Grants & Loans:**

- MassDEP has waste management and hazardous waste site cleanup fact sheets that address many of the topics that have been identified as areas of concern to municipal officials.
- BWSC has specific guidance for municipalities on managing spills of oil and hazardous materials, and a Homeowners Guide to oil spills.
- Technical assistance grants are available to help the community better understand the cleanup activities and to promote community involvement in site cleanup decision making.
- MassDEP's Brownfields program provides resources to communities seeking grants and loans to help finance cleanup of contaminated industrial properties that they are trying to get back into productive use.

## **Contacts at MassDEP for More Information:**

### **MassDEP 24-hour Spill Reporting:**

To report a release of oil or hazardous materials and other environmental emergencies, call the MassDEP 24-hour notification line toll-free at:  
888-304-1133

### **Above ground or underground storage tanks:**

Call the local fire department or the Massachusetts Department of Fire Services  
at: 978-567-3100 or 413-587-3181.

**Brownfields Program:** [www.mass.gov/brownfields-massdep](http://www.mass.gov/brownfields-massdep)

**Licensed Site Professionals Board (LSP):** [www.Mass.Gov/LSP](http://www.Mass.Gov/LSP) or call 617-556-1091.

For more information on contaminated property or other topics visit the MassDEP website or contact your nearest regional office listed on the website.