

Provided below are the climate change-related MCP revisions, **highlighted in blue**. These regulations go into effect on March 1, 2024.

- **The definition of Conceptual Site Model (CSM) in 310 CMR 40.0006 is revised as follows:** “Conceptual Site Model or CSM means a site-specific description of how contaminants entered the environment, how contaminants have been and may be transported within the environment, and routes of exposure to human and environmental receptors that provides a dynamic framework for assessing **current and foreseeable future** site characteristics and risk, identifying and addressing data gaps and managing uncertainty, eliminating or controlling contaminant sources, developing and conducting response action strategies, and evaluating whether those strategies have been effective in achieving desired endpoints. At sites at which NAPL is or may be present, this includes the body of fundamental scientific principles describing the behavior of fluid flow in porous media necessary to assess NAPL in subsurface strata.”

- **The Response Action Performance Standard (RAPS) in 310 CMR 40.0191 is revised as follows:**
 - (1) The Response Action Performance Standard (RAPS) is the level of diligence reasonably necessary to obtain the quantity and quality of information adequate to assess a site and evaluate remedial action alternatives, and to design and implement specific remedial actions at a disposal site to achieve a level of No Significant Risk for any foreseeable period of time, **as defined at 310 CMR 40.1005**, and, where feasible, to reduce to the extent possible the level of oil and/or hazardous materials in the environment to background levels.
 - (2) RAPS shall be employed during the performance of all response actions conducted pursuant to 310 CMR 40.0000, and shall include, without limitation, the following:
 - (a) consideration of relevant policies and guidelines issued by the Department, **EOEEA** and EPA;
 - (b) use of accurate and up-to-date methods, **models**, standards and practices, equipment and technologies which are appropriate, available and generally accepted by the professional and trade communities conducting response actions in accordance with M.G.L. c. 21E and 310 CMR 40.0000 under similar circumstances; and
 - (c) investigative practices which are scientifically defensible, and of a level of precision and accuracy commensurate with the intended use of the results of such investigations.
 - (3) The application of RAPS shall be protective of health, safety, public welfare and the environment and shall include, without limitation, in the context of

meeting the requirements of this Contingency Plan, consideration of the following:

- (a) technologies which reuse, recycle, destroy, detoxify or treat oil and/or hazardous materials, where feasible, to minimize the need for long-term management of contamination at or from a disposal site;
- (b) containment measures as feasible Permanent Solutions only where reuse, recycling, destruction, detoxification and treatment are not feasible;
- (c) remedial actions to reduce the overall mass and volume of oil and/or hazardous material at a disposal site to the extent feasible, regardless of whether it is feasible to achieve one or more Temporary Solutions and/or Permanent Solutions or whether it is feasible to achieve background for the entire disposal site and not include the dilution of contaminated media with uncontaminated media;
- (d) response actions to restore groundwater, where feasible, to the applicable standards of quality within a reasonable period of time to protect the existing and potential uses of such resources;
- (e) eliminating or reducing, to the extent practicable and consistent with response action requirements and objectives, total energy use, air pollutant emissions, greenhouse gases, water use, materials consumption, and ecosystem and water resources impacts, resulting from the performance of response actions through energy efficiency, renewable energy use, materials management, waste reduction, land management, and ecosystem protection; **and**
- (f) response actions that incorporate climate change resilience to the extent practicable and consistent with response action requirements.**

- **The “Foreseeable Period of Time” for a Permanent Solution at 301 CMR 40.1005 is further defined as follows:** “(1) A Permanent Solution shall ensure a level of control of each identified substance of concern at a site or in the surrounding environment such that no such substance of concern shall present a significant risk of harm to health, safety, public welfare or the environment during any foreseeable period of time, **considering existing site conditions and reasonably foreseeable future changes in site conditions, including anticipated impacts associated with climate change.**”