



# Department of Environmental Protection

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Bethany A. Card  
Secretary

Martin Suuberg  
Commissioner

## **WETLANDS, WETLAND REGULATIONS AND THE MASSACHUSETTS CONTINGENCY PLAN (MCP)**

### **Presentation Description:**

This course is designed to inform LSPs about their obligations under state, local, and federal wetlands protection regulatory programs, with an emphasis on the Massachusetts Wetlands Protection Regulations at 310 CMR 10.00. It will provide an overview of the regulations and detailed presentations on wetland vegetation, soils, hydrology, and chemistry. The course consists of a morning lecture component, with multiple afternoon field stations. Course instructors include MassDEP Wetlands Program staff, an environmental attorney, and credentialed practitioners with expertise in wetland identification, evaluation and permitting.

MassDEP Wetlands Program Staff will provide both classroom and field instruction related to wetland identification, protection, and permitting as it relates to activities subject to the Massachusetts Contingency Plan (MCP). During a series of morning presentations, MassDEP will describe various types of wetland resources jurisdiction under the Massachusetts Wetlands Protection Act (WPA); discuss investigational and MCP-related activities that may be subject to review under WPA regulations; review permitting options, procedures, and timelines for work in and near wetlands; and review Emergency Certification for IRAs. Other topics include “Limited Project” provisions under Massachusetts Wetland Regulations for MCP-related work, state-listed species mapping and restrictions, and the distinction between “soil” and “sediment” for proper MCP site characterization and environmental risk assessment.

A 2-hour afternoon field session comprised of several different stations will provide hands-on experience identifying wetland resources and permitting scenarios, with a focus on identification of buffer zones, wetlands resource areas, and MCP response actions. (This will take place directly outside the hotel). Participants will break into small groups and circulate through staffed field stations to discuss practical applications and real-world situations related to the morning lecture topics. Detailed case studies concerning wetland issues at disposal sites under the jurisdiction of the MCP will also be presented (roughly 1 hour, 45 minutes). Examples of case studies include conducting work in buffer zones of bordering vegetated wetlands

and riverfronts; work in industrial areas and the potential impact of riverfront regulations; and adherence to wetland regulations when conducting Release Abatement Measures (RAMs). Participants will gain an understanding of whether a project is within or near a wetland resource and how to work with MassDEP and local Conservation Commissions to successfully permit a jurisdictional project.

All instructors will be available for questions throughout the day, as well as during the case study panel discussion and a final Q&A period at the conclusion of the training.



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## WETLANDS, WETLAND REGULATIONS AND THE MASSACHUSETTS CONTINGENCY PLAN (MCP)

8:00 – 8:45

### WELCOME/OVERVIEW OF WETLANDS, RIVERS & WETLAND REGULATIONS (*PowerPoint*)

Glenn Wood, Esq. (*Rubin and Rudman LLP*)

8:45 – 10:15

### WETLAND VEGETATION, SOILS & HYDROLOGY

(1) **Wetland Vegetation** (*PowerPoint*), MADEP Wetlands Program Staff

(2) **Wetland Hydrology & Chemistry** (*PowerPoints*), William Kuriger, *PhD, PWS, LSP* (*W.E. Kuriger Associates*)

(3) **Hydric Soils** (*PowerPoint*), Arthur Allen, *Certified Professional Soil Scientist* (*EcoTec, Inc.*)

10:15 – 10:30

### BREAK

10:30 – 12:00

### MASSACHUSETTS & FEDERAL WETLAND REGULATIONS PERTINENT TO THE MCP, INCLUDING RECENT REGULATORY CHANGES

(1) **Federal Regulations/401 & 404 Programs** (*PowerPoint*), Glenn Wood, Esq.

(2) **Massachusetts Regulations, including Determination of Applicability, Notice of Intent, Emergency Certification, Riverfront Issues** (*PowerPoint*), MADEP Wetlands Program Staff

**(3) Environmental Risk Characterization and Soil vs. Sediment under the MCP**  
(PowerPoint), Paul McManus, LSP, PWS (EcoTec, Inc.)

**(4) Discussion and Questions** – Instructor group

**12:00 – 1:00**

**LUNCH**

**1:00 – 3:00**

**FIELD WORK/REGULATORY REVIEW, IDENTIFICATION OF BUFFER ZONES,  
WETLAND RESOURCE AREAS AND MCP RESPONSE ACTIONS**

The class will break into four or five small groups, lead by instructors, for the field portion of the course.

**3:00 – 3:15**

**BREAK**

**3:15 – 5:00**

**CASE STUDIES**

- Moderated by Glenn Wood, Esq, and Paul J. McManus, LSP, PWS with discussion and input from other instructors.
- Case Studies will introduce numerous examples of work at various sites where wetland issues arise. Examples include:
  1. Work in buffer zones of bordering vegetated wetland (BVW) and riverfront areas;
  2. Work in industrial areas, and potential impacts to riverfront;
  3. Regulations pertaining to MCP response actions;
  4. Emergency Certifications and Immediate Response Action (IRAs);
  5. Effects of wetland regulations on Release Abatement Measures (RAMs); and
  6. Phase I and Phase II investigations and environmental risk characterizations, including state-listed rare and endangered wetlands wildlife and vegetation.