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June 30, 2025

John Fitzgerald, PE
Massachusetts Department of Environmental Protections
150 Presidential Way
Woburn, MA 01801

Subject: LSPA Comments to MassDEP Proposed Revisions to the Off-Gas Treatment Policy

Dear Mr. Fitzgerald:

The LSP Association (LSPA), a professional non-profit association of 800 LSPs and other environmental professionals, appreciates the opportunity to provide comments on the revisions being proposed to the *Off-Gas Treatment of Point-Source Remedial Air Emissions Policy*. The LSPA solicited comments from the membership at large, including from its Regulations and Technical Practices Committees. These comments are summarized below and the detailed comments are included with this letter.

The LSPA's key concerns and recommendations are summarized below:

1. **Trichloroethylene (TCE) Guidance:** We seek clarification on the exclusion of TCE from the policy and how sites with TCE should proceed, particularly when it is one of several volatile organic compounds (VOCs) present. The removal of TCE creates questions about how a remedial system treating TCE, or TCE plus other compounds, should be handled.
2. **Presumptive Treatment Requirements:** The policy's application of mandatory presumptive treatment only to soil vapor extraction (SVE) systems raises questions about consistency and design implications, including cost and equipment requirements.
3. **Human Health and Odor Risk Assessments:** We request more detail on how background levels should be determined, particularly in areas with limited monitoring data, and whether standard risk characterization approaches (e.g., Method 3) may be applied in limited-compound scenarios.
4. **Consistency and Clarity:** We recommend greater alignment with related policies and regulations, including references to existing MassDEP vapor intrusion guidance and hazardous waste regulations and policies.

The matrix included with this letter presents our full list of comments.

Thank you once again for providing this public comment opportunity and for considering our concerns. The LSPA is available at your convenience to discuss any of our comments.

Respectfully,
The LSP Association, Inc.

A handwritten signature in blue ink, appearing to read 'JR'.

Joe Roman, LSP, President

Mariellen Morris

Mariellen Morris, Executive Director

CC: Millie Garcia-Serrano, Assistant Commissioner, BWSC, MassDEP

Attachment: LSPA Detailed Comments on the MassDEP Off-Gas Treatment Policy

LSPA Comments on MassDEP Off-Gas Treatment of Point-Source Remedial Air Emissions Revised Policy

Provided below are the LSP Association's detailed comments on the MassDEP Off-Gas Treatment of Point-Source Remedial Air Emissions Revised Policy.

***"Page No." refers to the pages in the MassDEP Off-Gas Treatment of Point-Source Remedial Air Emissions Revised Policy Redline document made available electronically published in PDF.

***"Section/Subsection" refers to the Sections in the MassDEP Off-Gas Treatment of Point-Source Remedial Air Emissions Revised Policy Redline document, unless otherwise noted.

The LSPA has made every effort to state the issue of concern, provide a specific example wherever possible, and propose suggested language changes (in red font color), where appropriate.

Page No.	Section/Subsection Number	LSPA Comment
N/A	General Comment	Revised policy should incorporate or reference Section 3.4.5 of the Vapor Intrusion Guidance, Policy #WSC-16-435, regarding when off-gas treatment is required for AEPMMs.
N/A	Table of Contents	TCE not subject to Guidance: The removal of TCE creates obvious questions about how remedial system treating TCE, or TCE plus other compounds, should be handled. Are controls required for all TCE sites, regardless of emission rate and distance to receptor? Are site-specific modeling and risk calculations needed for TCE sites. Does this mean that a drycleaner site with PCE, TCE, cis and VC as contaminants of concern cannot be evaluated using this policy? If the intent is to require a site-specific modeling and risk evaluation for TCE discharges, there are provisions included in the guidance for this type of evaluation. In this case, it would not be accurate to say "TCE is not subject to this guidance", but rather TCE is not subject to the simplified emission-distance graph approach. Additional guidance/discussion from MassDEP is needed here.
1	2.0, Applicability (2)	Consider changing "Sub-Slab Depressurization Systems installed at residential..." to " Active Exposure Pathway Mitigation Measures ..." to be consistent with 310 CMR 40.0049(3)a
2	3.0, Regulatory Jurisdictions	Suggest adding references to BAW Hazardous Waste Regulations 310 CMR 30.000, MassDEP Policy HW93-01, and MassDEP Policy HW97-004 regarding management of Carbon Canisters, and other treatment residuals, as a reminder that management of treatment residuals as Hazardous Waste may be required even if not included as remediation waste (40.0006 Debris means solid material that is a manufactured object, plant or animal matter that is intended for disposal or is otherwise no longer serving its intended use. ...The term shall not include: ... or (b) process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges or air emission residues.)
2	4.0, Performance Standards, 4.2 No Significant Risk, Human Health	Is a site specific background assessment required for this determination of background? If so, what level of analysis is required? The Massachusetts Air Monitoring Network has limited locations where individual VOCs are measured (See Section 3 – PAMS/Air Toxics Monitoring in the 2023 Air Quality Report at https://www.mass.gov/lists/massachusetts-annual-air-quality-reports . What guidance might be given on use of those values for background?
2	4.0, Performance Standards, 4.2 No Significant Risk, Human Health	What if there is a limited number of compounds? Could not a Method 3 Risk Characterization be used to compare exposures to risk standards of HI 1.0 and ELCR 10-5 for determination of No Significant Risk?
3	4.0, Performance Standards, 4.2 No Significant Risk, Public Welfare	Recommend including the background exception for odor in this section, similar to the one stated under the prior Human Health section, and as provided for in the last paragraph of Section 4.3
3	4.0, Performance Standards, 4.2 No Significant Risk, Public Welfare	What is considered acceptable "noise conditions"?
4	4.0, Performance Standards, 4.4 "Potentially Impacted Receptors", RAPS (3)	What frequency and duration constitutes "continuing exposure" ?
6	6.0, Response Action Performance Standard (3)	What logic led to is this overly protective requirement of presumptive treatment being applied only to SVE systems versus initial operations of other types of systems? This mandatory 60 days of treatment has a significant impact on system design that blowers will have to be sized for filter resistance and vent piping configred to a location where the filters can be installed and accessible. Further, there will be additional costs for the filters and for their proper management and disposal, which can be significant if the filters are listed hazardous waste (See MassDEP Policy HW97-004) including hazardous waste generator registration fees as well as higher disposal costs and hazardous waste transporter taxes.