

LSPA Membership Meeting

September 21, 2023

Liz Callahan

Acting Assistant Commissioner
Bureau of Waste Site Cleanup

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MassDEP



Topics

- MassDEP Operations
- 2024 MCP Amendments
- PFAS/AFFF
- Brownfields
- Environmental Justice Strategy
- Technical Assistance Grants
- Natural Resource Damages
- Emergency Response



MassDEP Operations

- Senior Leadership

Commissioner -

Deputy Commissioner for Operations -

Deputy Commissioner for Policy and Planning -

Chief of Staff -

Bonnie Heiple

Gary Moran

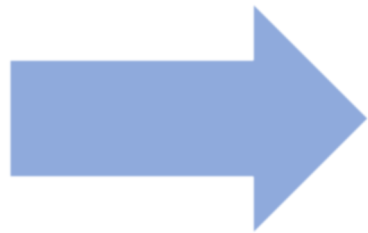
John Beling

Brian Ferrarese



MassDEP Operations - Hiring

- MassDEP BWSC is hiring!
- Currently posted and approved to be posted BWSC positions
- Be advised of the 14-day default



Find listings at **MassCareers** <https://www.mass.gov/find-your-career-at-the-commonwealth>

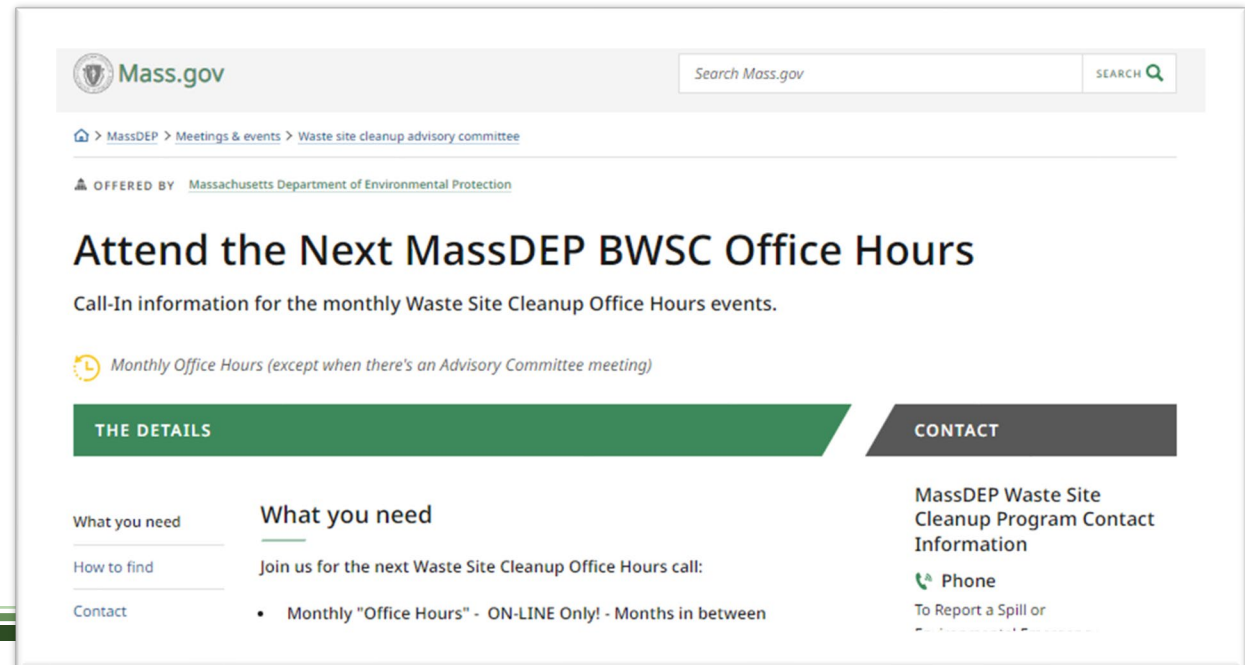
Operations – IT application upgrade

- Major upgrade, begun June 2022, will affect how BWSC staff submit information to eDEP
 - streamline BWSC data storage and enhance reporting capabilities
- BWSC staff are currently testing the system ahead of launch
- What it means to LSPs/external users?
 - No longer see MassDEP staff submitted eDEP forms; will see documents with same information but will appear and be named differently
 - Improved data quality; the new application allow BWSC more flex. to update
 - BWSC staff drop a pin on a map when taking notification and record latitude/longitude at time of notification



Stay up-to date on program developments

- Add name to email list BWSC.Information@mass.gov
- Monthly Office Hours and Waste Site Cleanup Advisory Committee meetings
 - 3rd Thursday of the Month, 9:00 am via Zoom



The screenshot shows a web page from Mass.gov. At the top, there is a search bar and a navigation breadcrumb: "MassDEP > Meetings & events > Waste site cleanup advisory committee". Below this, it says "OFFERED BY Massachusetts Department of Environmental Protection". The main heading is "Attend the Next MassDEP BWSC Office Hours" with a sub-heading "Call-In information for the monthly Waste Site Cleanup Office Hours events." A clock icon indicates "Monthly Office Hours (except when there's an Advisory Committee meeting)". There are two tabs: "THE DETAILS" (active) and "CONTACT". Under "THE DETAILS", there are sections for "What you need" and "How to find", with a "Contact" link. The "What you need" section contains the text: "Join us for the next Waste Site Cleanup Office Hours call:" followed by a bullet point: "Monthly 'Office Hours' - ON-LINE Only! - Months in between". The "CONTACT" section is titled "MassDEP Waste Site Cleanup Program Contact Information" and includes a "Phone" icon and the text "To Report a Spill or".



MCP Amendments

This page contains information on final 2024 revisions to the Massachusetts Contingency Plan.

2024 Revisions to the Massachusetts Contingency Plan (310 CMR 40.0000)

REGULATORY DOCUMENTS PUBLISHED SEPTEMBER 1, 2023; EFFECTIVE MARCH 1, 2024

MassDEP has filed final 2024 revisions to the Massachusetts Contingency Plan (MCP) with the Secretary of State for final promulgation and publication in the *Massachusetts Register*.

On September 1, 2023, a notice was published in the Massachusetts Register with a link to this page. The 2024 revisions will take effect on **March 1, 2024**, on which date the revised MCP will be published in full in the *Massachusetts Register*.

Included below are: a "clean" version of the 2024 revised MCP; a redline version of the 2024 revised MCP showing changes from the current (2019) regulations; and a redline version of the 2024 revised MCP showing changes that were made from the 2019 public hearing draft. These documents are unofficial versions of the amendments made available until the official version of the 2024 MCP is published in the *Massachusetts Register*.

In anticipation of the March 1, 2024 effective date, MassDEP staff will be conducting outreach and training to our staff, LSPs, and the regulated community and posting guidance and supporting materials as they become available.

TABLE OF CONTENTS

- ✓ Final 2024 MCP Revisions - Clean Version
- ✓ Redline/Strikeout Comparisons
- ✓ Summary of Changes Adopted in the Final 2024 MCP Revisions

Final 2024 MCP Amendments have been Posted

<https://www.mass.gov/lists/mcp-amendments>

Effective March 1, 2024



Context for these amendments

- Waste Site Cleanup Program has routinely amended MCP to keep standards up-to-date with current toxicity information, reflect current standards of practice, and achieve process efficiencies
- Includes broad set of changes:
 - proposed by the regulated community
 - related to compliance concerns identified by MassDEP
 - clarifications/modifications related to the last round of amendments (2014)
- Public Hearing Draft <https://www.mass.gov/lists/2019-proposed-mcp-revisions>



Process & Public Comment

- Amendments were part of the same package of proposed PFAS standards and RCs
- Held 4 hearings; Decision made to split Non-PFAS provisions from that package to expedite promulgation of PFAS standards/RCs in coordination with drinking water program; MCP PFAS changes were finalized in December 2019
- Non-PFAS Proposals receiving most comments:
 - Risk Characterization
 - Tier Class. Extensions, Temporary Solns & Status Reports, Active Exposure Pathway Mitigation Measures
- Response to Comments

Summary: <https://www.mass.gov/doc/summary-of-2024-mcp-amendments-process-and-comments/download>

Detailed: <https://www.mass.gov/doc/response-to-public-comments-on-the-public-hearing-draft-of-proposed-amendments-to-the-mcp/download>



Examples of significant amendments

- Updated cleanup standards, Reportable Concentrations & “could pose” Imminent Hazard surface soil values
- Amended risk characterization requirements for determining Exposure Point Concentrations in soil
- Amended requirements to ensure appropriate risk characterization of coal tar waste deposits
- New “Adequately Regulated” provisions for sites with Radioactive Materials
- New provisions for consideration of foreseeable climate change impacts on disposal site cleanups
- Temporary Solutions & Status Reports
- Tier Classification Extensions
- Active Exposure Pathway Elimination Systems
- Activity and Use Limitations
- Public Involvement
 - Notice of IRA, notices to local officials



2024 Amendments Implementation

- Outreach & Training
 - 9/21/23 Overview at Waste Site Cleanup Advisory Committee
 - recording & slides will be posted
 - Training for agency staff and LSPs
- Guidance
 - Q&As including Climate Q&A
 - Risk Characterization guidance
 - Activity and Use Limitation guidance
- Forms, other
 - e.g., AULs, Notice of Immediate Response Actions, Audit Screening Forms



PFAS - Lots of Moving Parts

- Drinking Water
- Wastewater and Residuals
- PFAS Omnibus legislation
- CERCLA
- AGO Lawsuit against PFAS manufacturers



PFAS

PFAS Omnibus Bill, *An Act to protect Massachusetts public health from PFAS* <https://malegislature.gov/Bills/193/H2197>

- Establishes PFAS Remediation Trust Fund – municipalities, PWS, grants to private well users
- Directs MassDEP to amend sw and gw discharge permits & propose wastewater effluent limits & pre-treatment standards for PFAS
- Public Education Materials & Environmental Justice
- Food Packing & Consumer Products
- Public Education & Firefighter Turn Out Gear Notification
- Firefighter Turnout Gear PFAS Ban
- AFFF and Occupational Exposures
- Deadlines



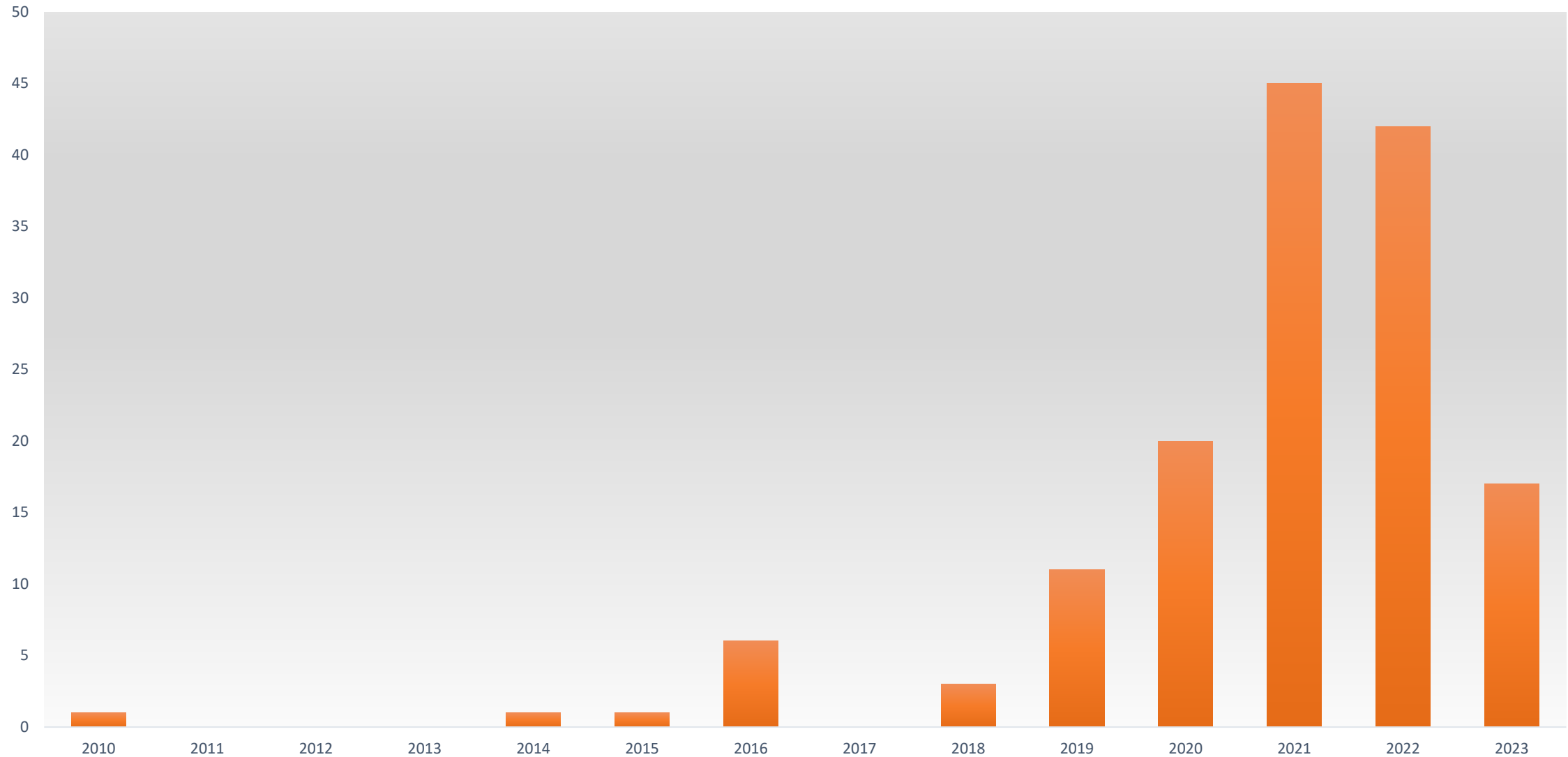
PFAS and Sites

BWSC work on PFAS sites continues to be a significant resource focus

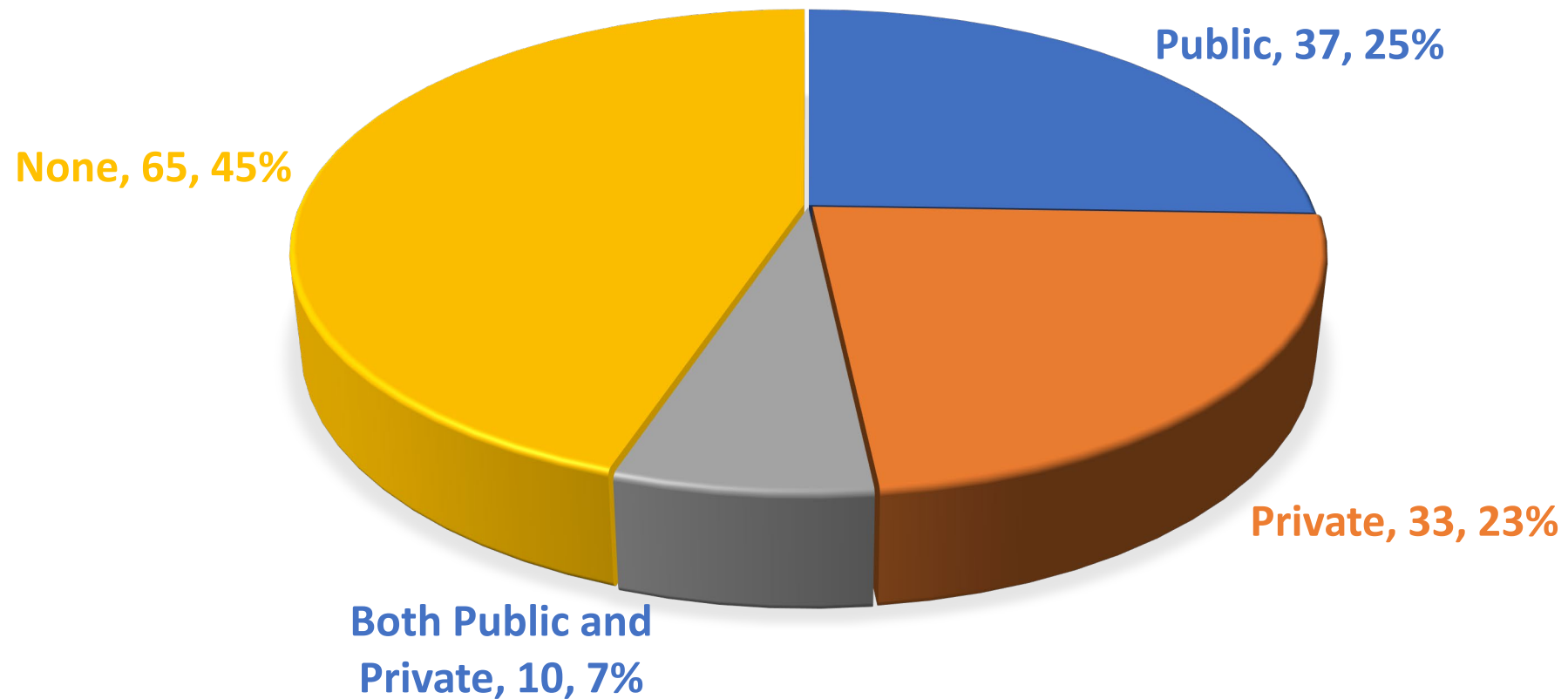
- Site/source discovery efforts
- PRP identification (RFIs, access agreement, NORs)
- Imminent Hazard mitigation (POETS, bottled water)
- Remediation



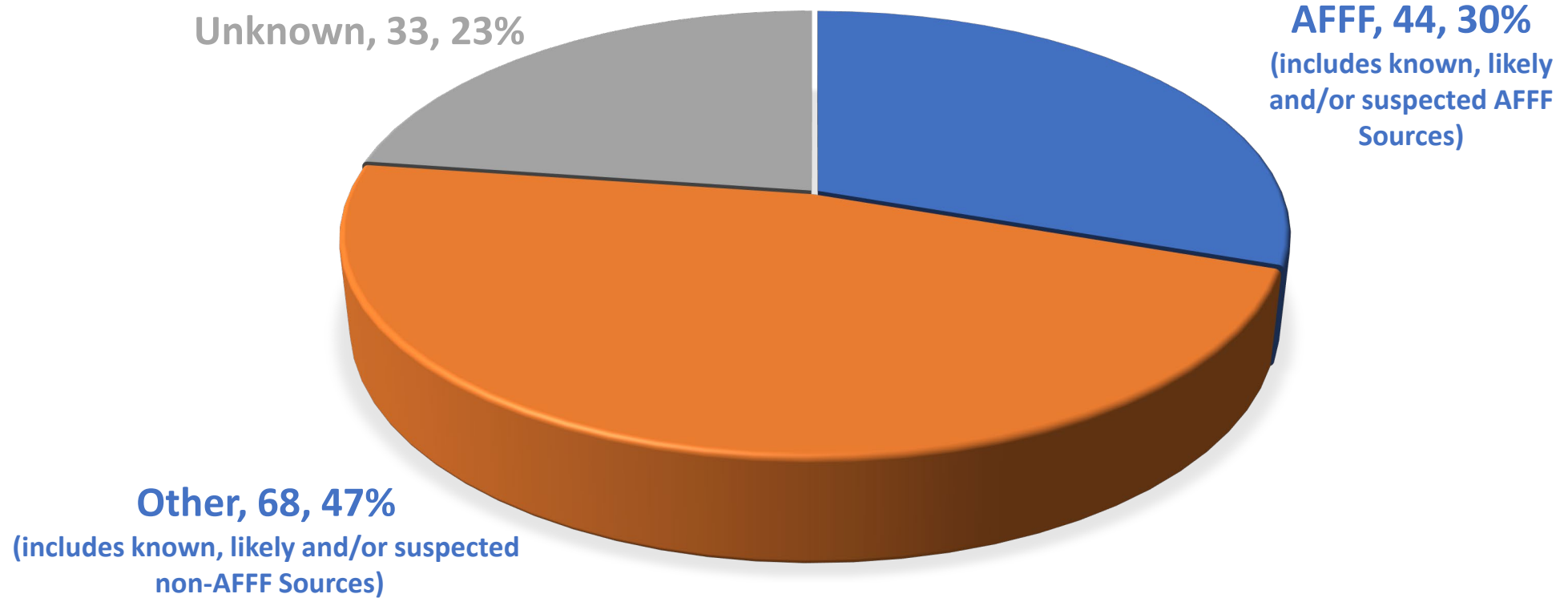
21E Program PFAS Notifications by Year



RTNs & Drinking Water Affected by PFAS



Source of PFAS Sites



PFAS – AFFF Take Back Program Continues



- Legacy foam collection & destruction began in 2018
- In FY2023, legislature provide additional \$250K
- Program continuing for legacy and modern foam (low levels of PFAS compounds)
- 148 fire department & related facilities have participated
- August 2021 MassDEP & MA Dept. Fire Service Advisory on use of foams; PFAS Omnibus legislation includes provisions for notification to MassDEP



EOEEA EJ strategy & public involvement

- The EJ Strategy a requirement of EJ Executive Order #552
- EOEEA Secretariat's workplan seeks to proactively promote environmental justice in all neighborhoods in implementing agency's mission
- MassDEP's EJ Strategy components consist of:
 - Hiring & Recruitment
 - Communication
 - Community Engagement and Public Outreach
 - Social Media/Information Technology
 - Limited English Proficiency
 - Training
 - Grants and Funding Opportunities
 - Enforcement
 - Incorporating EJ Considerations in Permit Proceedings
 - Cumulative Impact Analysis
 - Metrics
 - Planning for Additional Projects/Activities



October 2022

Executive Office of Energy and
Environmental Affairs

Environmental Justice Strategy

Secretariat and agency strategies for proactively promoting
environmental justice in the Commonwealth of Massachusetts.



Technical Assistance Grants

Supporting local involvement in contaminated site cleanups



- This year is third year of TAG program after 12-year pause
- Increasing award to \$20K, up to 10 recipients. **Application deadline October 13, 2023**
- Update Public Involvement guidance to reflect updated practice & EJ principles



MassDEP Brownfields Team

- SERO Angela Gallagher & Kathryn Carvalho
- CERO Kevin Daoust & Amy Sullivan
- WERO Caprice Shaw
- NERO Joanne Fagan

+ Project Staff!

David Foss, CPG, LSP

Statewide Brownfields Coordinator

MassDEP | Bureau of Waste Site Cleanup

David.Foss@Mass.Gov



Inter Agency Coordination - 2023



ASTSWMO

Wilmington DE April 2023

- 50 States
- District of Columbia
- 5 Territories: Guam, American Samoa, Puerto Rico, US VI, Northern Marinas

NEWMOA

NORTHEAST WASTE MANAGEMENT OFFICIALS' ASSOCIATION

NEWMOA

Boston June 2023

- 6 New England States
- EPA Updates & Priorities
- BIL Funding
- Environmental Justice



EPA –

Brownfields & LUST Programs

Boston March 2023

Brownfields National Training Conference

Detroit August 2023



BCONE

BROWNFIELD COALITION OF THE NORTHEAST

Northeast Sustainable Communities Workshop

Worcester September 2023

Outreach & Brownfields Roundtables 2023



MassDEP
Commonwealth of Massachusetts
Department of Environmental Protection



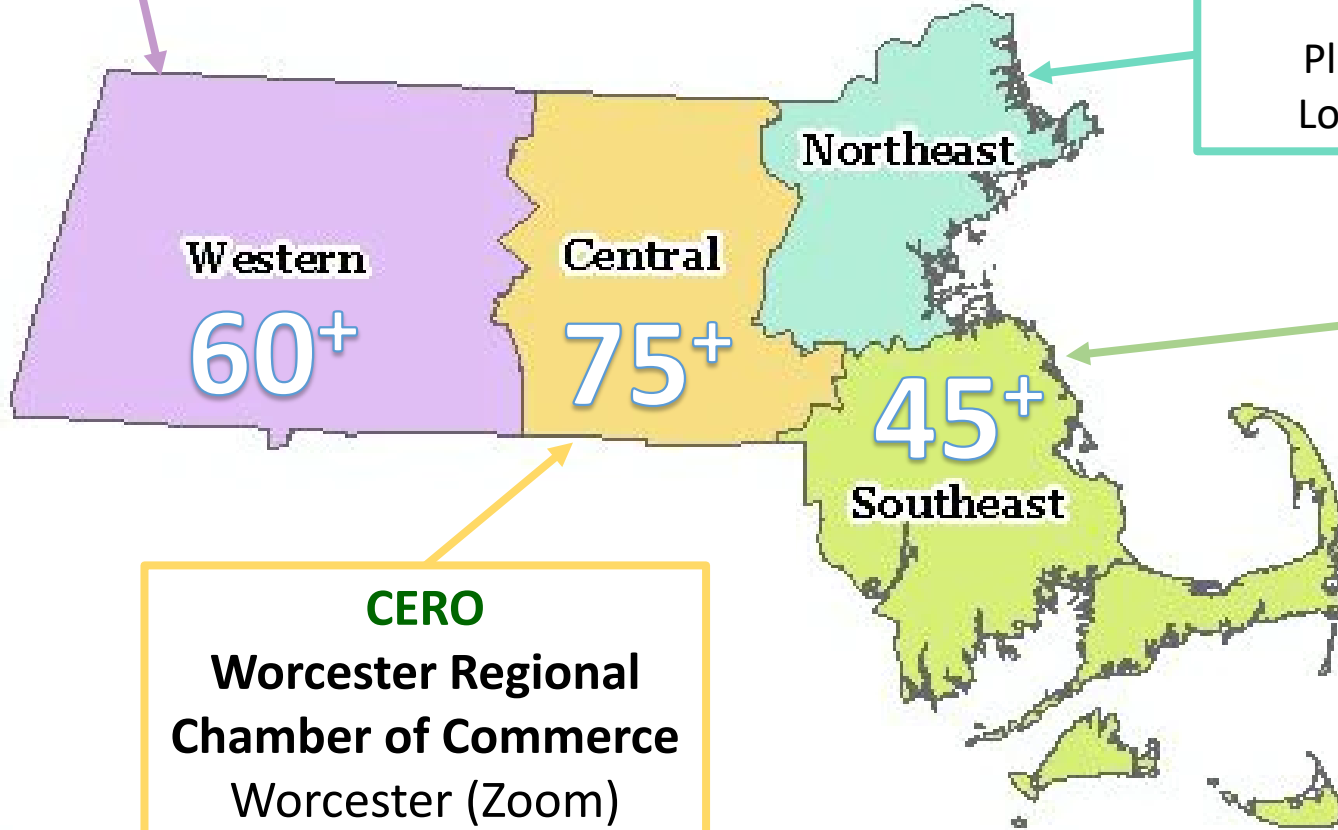
WERO
Berkshire Regional
Planning Commission
Pittsfield
September 2023

LSPA
Training Symposium
Marlboro - April 2023

NERO
Plan Fall 2023
Location: TBD

SERO
Old Colony
Planning Council
Brockton
May 2023

CERO
Worcester Regional
Chamber of Commerce
Worcester (Zoom)
March 2023



MassDEP Brownfields Program - 128a BIL

- **\$880,000** January 2023 + **\$840,000** October 2023
 - Anticipate similar funding in years 3-5 (\$4.5M over 5 years)
 - **Implemented by SARSS & IRASS Contractors**
- Sites prioritized by Regional Coordinators
Contractor Selected: **Bridgewater,* Brimfield,* Fitchburg,* Wareham***
Contract Pending: **Framingham, Southbridge, Peabody**
- 2024 Candidate sites: **Attleboro, Dalton, Leominster, New Bedford, North Adams, Seekonk, Ware**



What's Next?

MassDEP Application for EPA Brownfields CWAG-ST Grant

- \$2M Community-Wide Assessment Grant
for States & Tribes
Due November 2023

*Support other Massachusetts applicants

Implementation of 128a BIL Site Assessments & Clean-ups

Coordination with:

DEP EJ - Environmental Justice

DEP CERP – Clean Energy Results Program

DOER – SMART Program

Plan 2024 Brownfields Roundtables

Teaming with Regional Planning Agencies &
nonprofits across the Commonwealth



NEWMOA

NORTHEAST WASTE MANAGEMENT OFFICIALS' ASSOCIATION

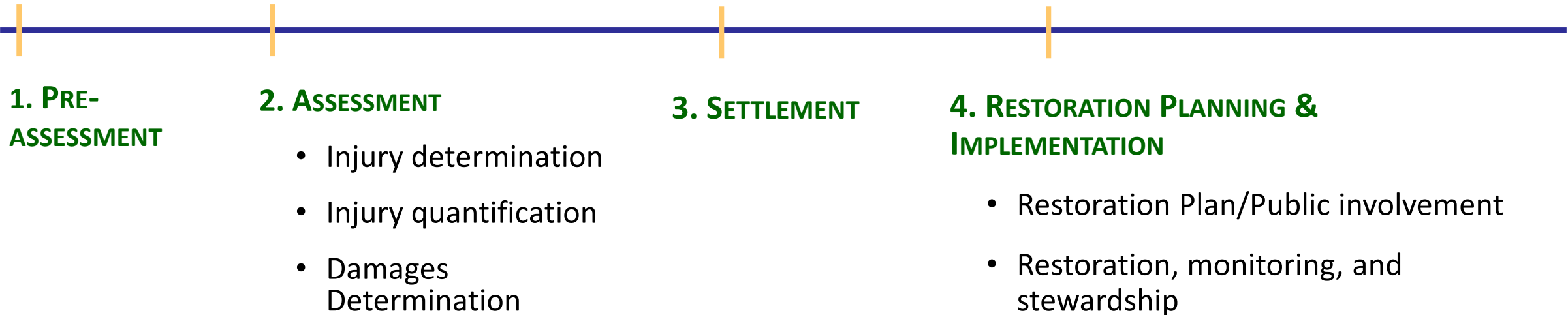


MAY 29 & 30, 2024
Holiday Inn By The Bay | Portland, ME

Call for Presentations & Sessions

Deadline: Friday October 27, 2023

Natural Resource Damages (NRD) Program



NRD AUTHORITIES:

- Chapter 21E, sections 5A and 11A
- Chapter 21A, section 2A
- Acts of 2011, chapter 9, section 22
- Various federal laws (including CERCLA & DOI Regs, OPA)

NRD Program 2023 Highlights

SETTLEMENT

- Commonwealth of MA, DOJ, NOAA & USFWS settled \$5.38M NRD claim with National Grid for injury to natural resources in Gloucester Harbor

To restore, replace, or acquire equivalent of the injured Gloucester Harbor resources - tidal waters, sediment, and wetlands

RESTORATION PLANNING

- Commonwealth of MA & USFWS released the Final Restoration Plan and Environmental Assessment (RP/EA) for the Sutton Brook Disposal Area NRD settlement

\$1.5M settlement, Selected Restoration Alternative will restore wetlands, groundwater recharge, and floodplains at 2 sites in Tewksbury



NRD Program 2023 Highlights

RESTORATION IMPLEMENTATION

- New Bedford Harbor NRD: Marsh Island Salt Marsh Restoration (begun in 2022)
 - Main channel connected to Acushnet River in May 2023, planting completed summer 2023
 - Ecological, climate change resiliency, public access, and educational benefits
- Bouchard B-120 NRD:
 - Continued restoration of loon populations via breeding and translocation. Project expanded to western Massachusetts 2023. First documented breeding pair of translocated loons was in summer 2023





Emergency Response



CERO, April 2023, spill to sensitive habitat

6800 gal peanut oil spill initially believed to be contained to building and containment systems

Impacted wetland 250' away via perimeter drain

Rare & Endangered species habit

> 5000 gal recovered from wetland & recycled for biodiesel; wildlife were assessed & no adverse impacts to wildlife observed

Ongoing monitoring

WERO, October 2022, Threat of Release

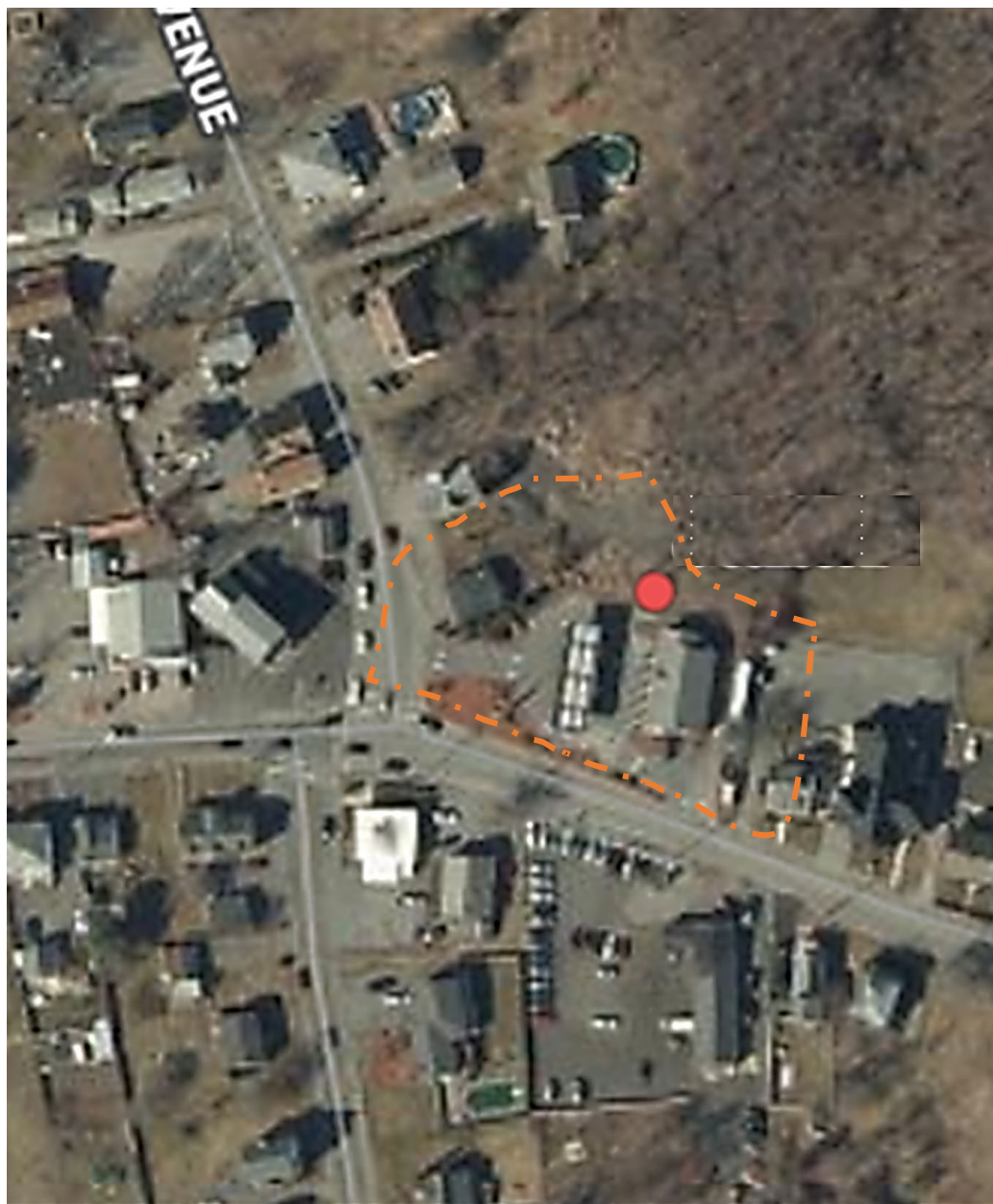
Significant quantities of chemicals and radioactive materials at residential property

Tier I Department of Fire Services hazmat response in conjunction with law enforcement, State Police hazardous devices unit and US Department of Energy

MassDEP support over multiple day assessment and state-funded contractor Overpacked 185 chemical containers and 37 low-level radioactive sources for disposal

Permanent Solution Statement to be prepared by MassDEP





SERO, August 2023, large volume gas release

MassDEP notified 8/25 of release of gasoline due to a dispenser line leak that began in early July 2023;

estimated release of 31,000 gallons impacting soil, groundwater, storm drain, indoor air, and nearby adjacent wetlands

gasoline station and store are shut down

IRA ongoing, including ambient air monitoring of nearby residences and buildings; product recovery from monitoring wells and recovery wells; product removal from nearby wetland

NERO, May 2023

NERO ER was notified of an explosion and state Hazmat Team mobilization. Initially, cause of the explosion and the hazardous materials released were unknown.

ER worked closely with the City, PCI, the LSP, and cleanup contractor to identify and assess COCs, eliminate potential threats of release, and ensure completion of time-critical remedial actions.

MassDEP FAST assisted ER with sample analysis via GC/MS, PFAS sample collection for contract lab analysis, and field screening during demolition.



OHM included acetone, Dekon 139 (end product of process), diacetyl monoxime, diethylbenzenes, d-limonene, hydraulic oil, isopropyl alcohol, and PFAS (from Ansulite firefighting foam)

BWSC Updates, cont. & Year in Review Program Stats.

Ken Marra

Acting Director – Policy & Program Development

Bureau of Waste Site Cleanup



Topics

- MCP Amendments Training
- Guidance Updates
- Soil Disposal Capacity
- BWSC Program Statistics
- BWSC Program Contacts

MCP Amendments Training

- Scheduling for staff and LSPA
- Subpart I separate module
- In person, live webinar, recorded
- Adds to available DEP reg credits



Guidance Status Updates

MCP Amendments:

- AULs
- Risk Characterization
- MCP Amendments Q&A
- Climate Q&A

Other:

- CAM
- PFAS Interim Sampling
- VPH/EPH
- Off-Gas Treatment
- Public Involvement
- UST Closure Assessment Manual
- Master Q&A
- “COMM 23”



Soil Disposal Capacity

- Soil reclamation/disposal proposals are pending
- Includes reclamation locations and existing 21E sites
- Following ACO process
- “COMM 23” Policy



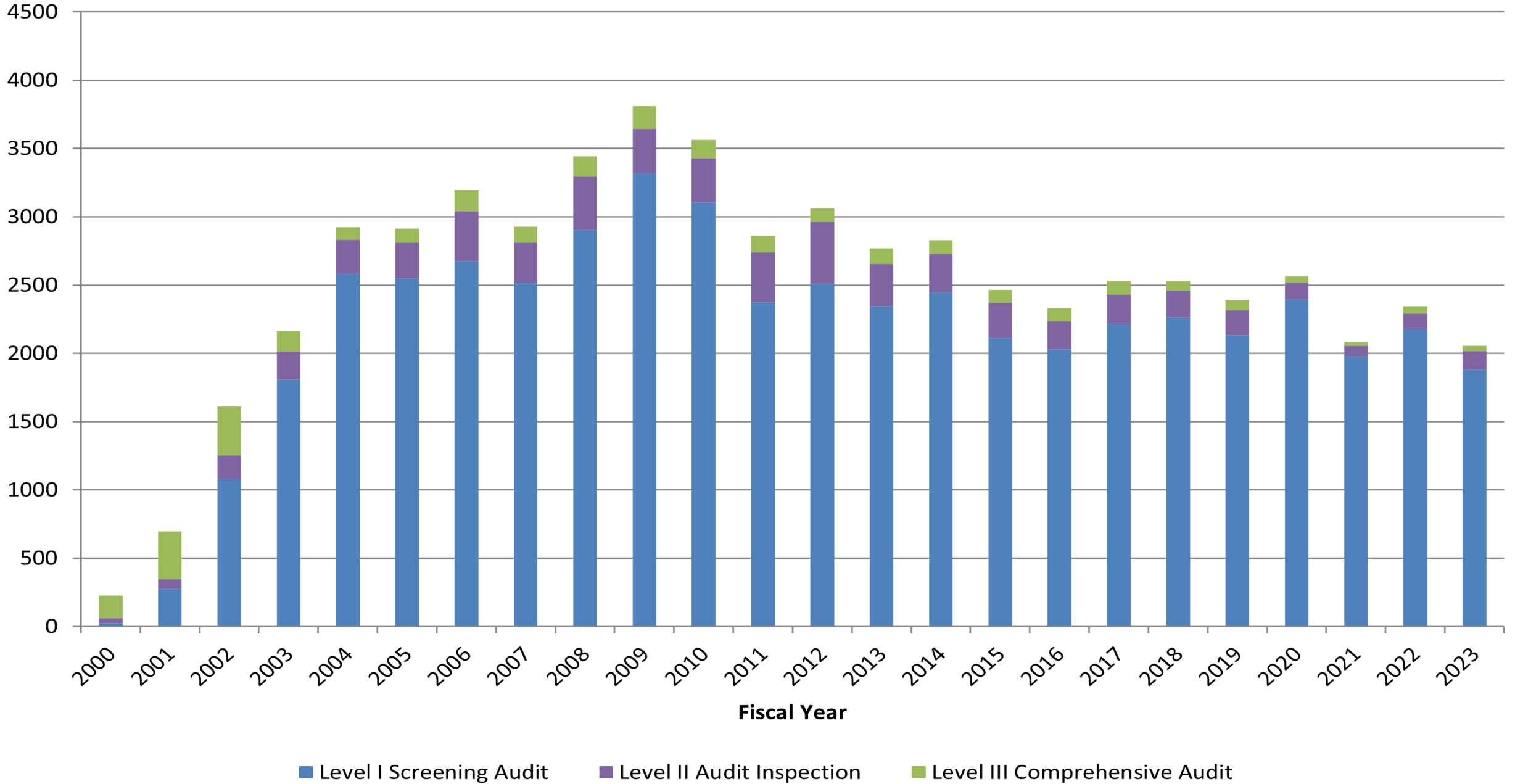
BWSC Statistics



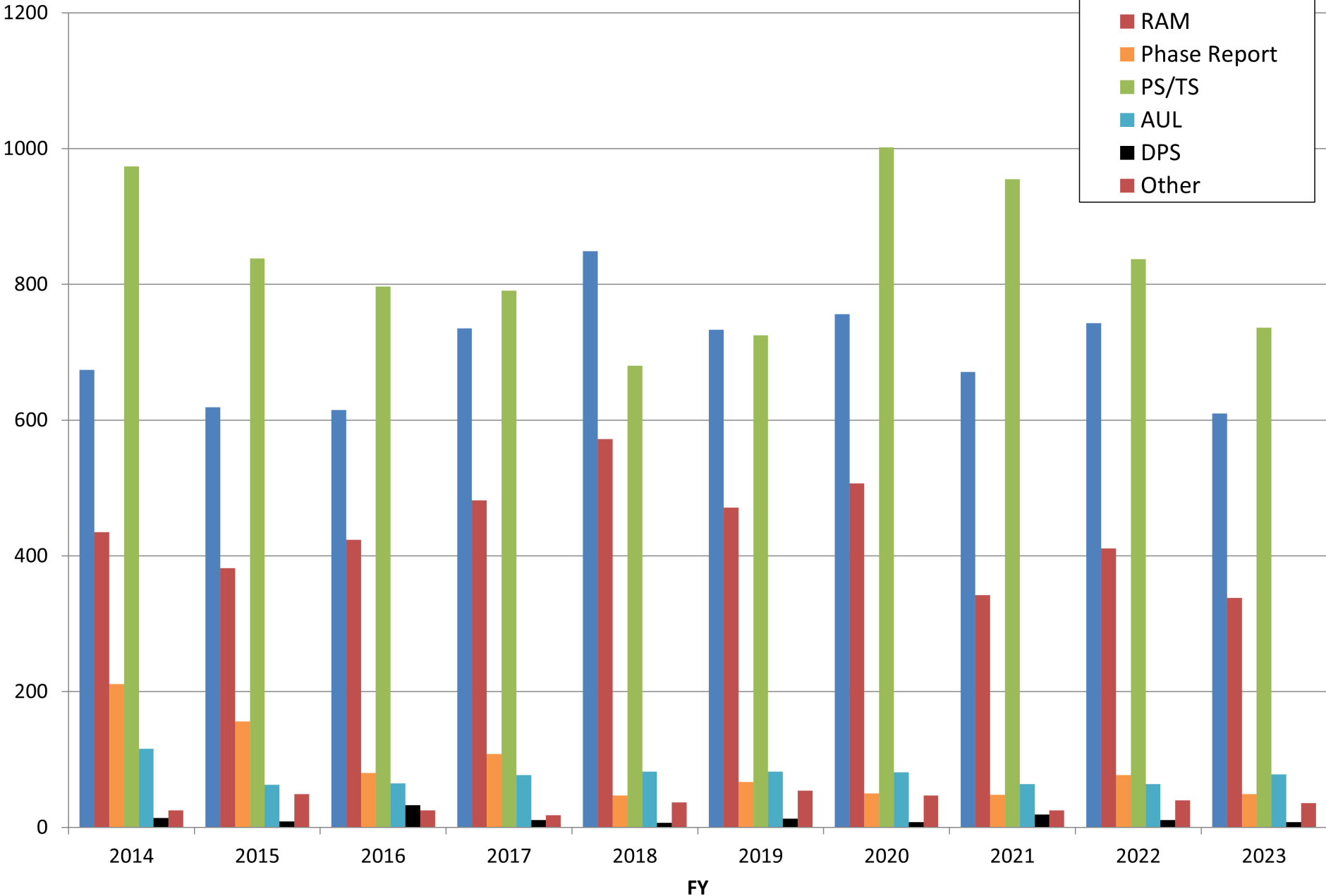
Audits

Audit Type	2019	2020	2021	2022	2023
Level I -- technical screening audit	2144	2436	2087	2062	1877
Level II – site inspection audit	186	123	78	113	138
Level III – comprehensive audit	72	46	31	51	39
Total Audits	2402	2605	2196	2226	2054

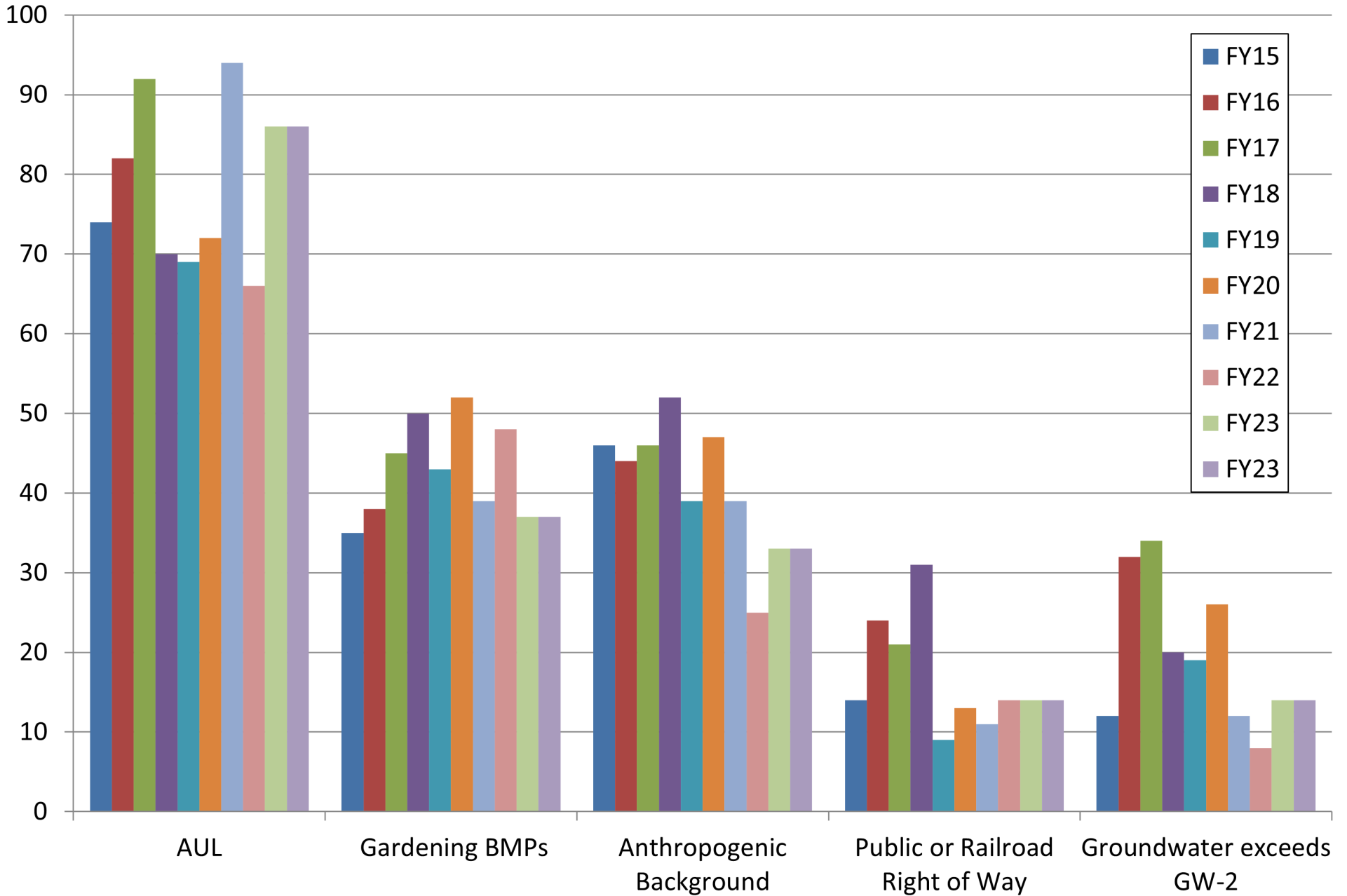
MassDEP Audits Complete by FY



MassDEP L1 Audits Complete by FY

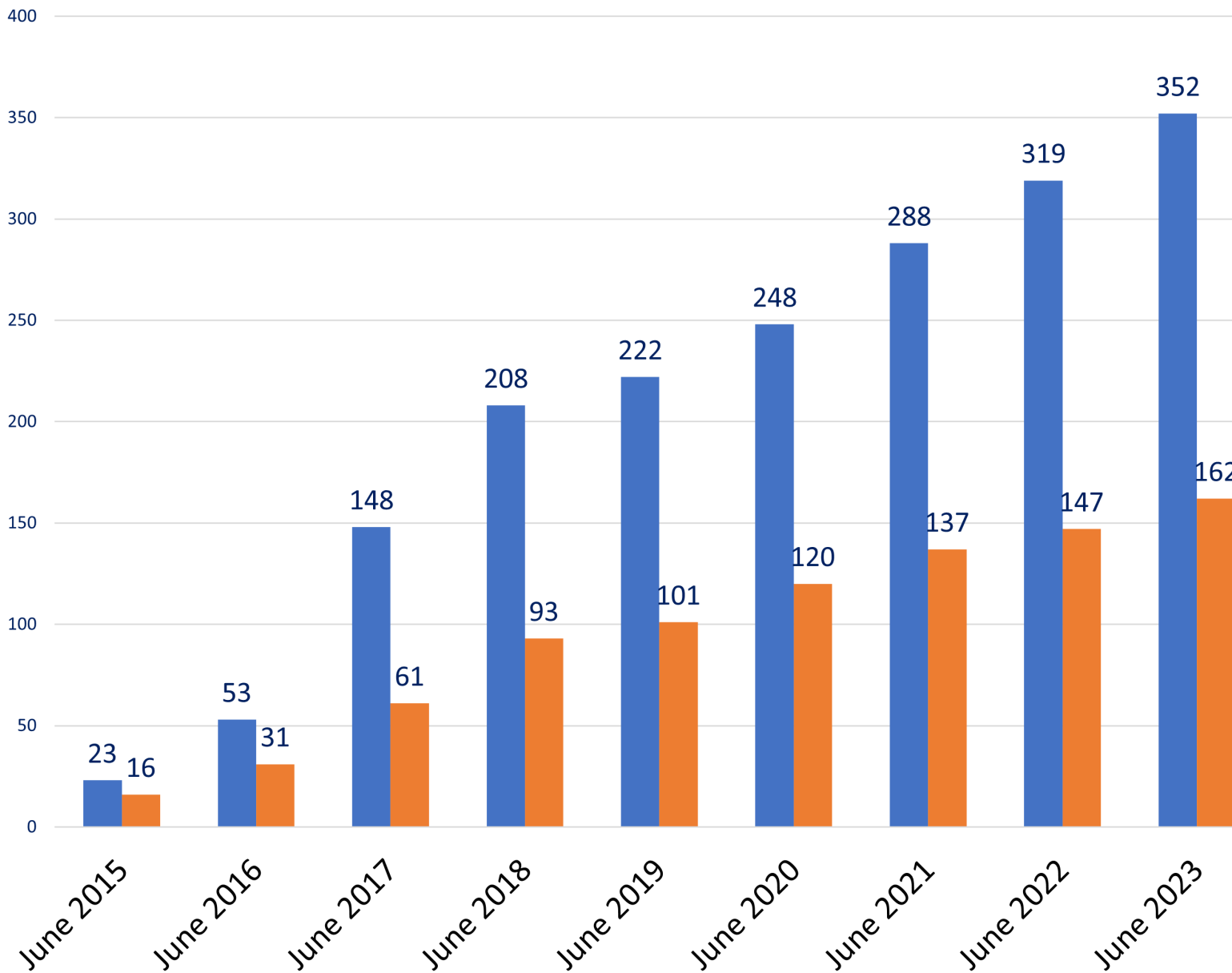


Permanent Solution with Conditions (July 2014 - June 2023)

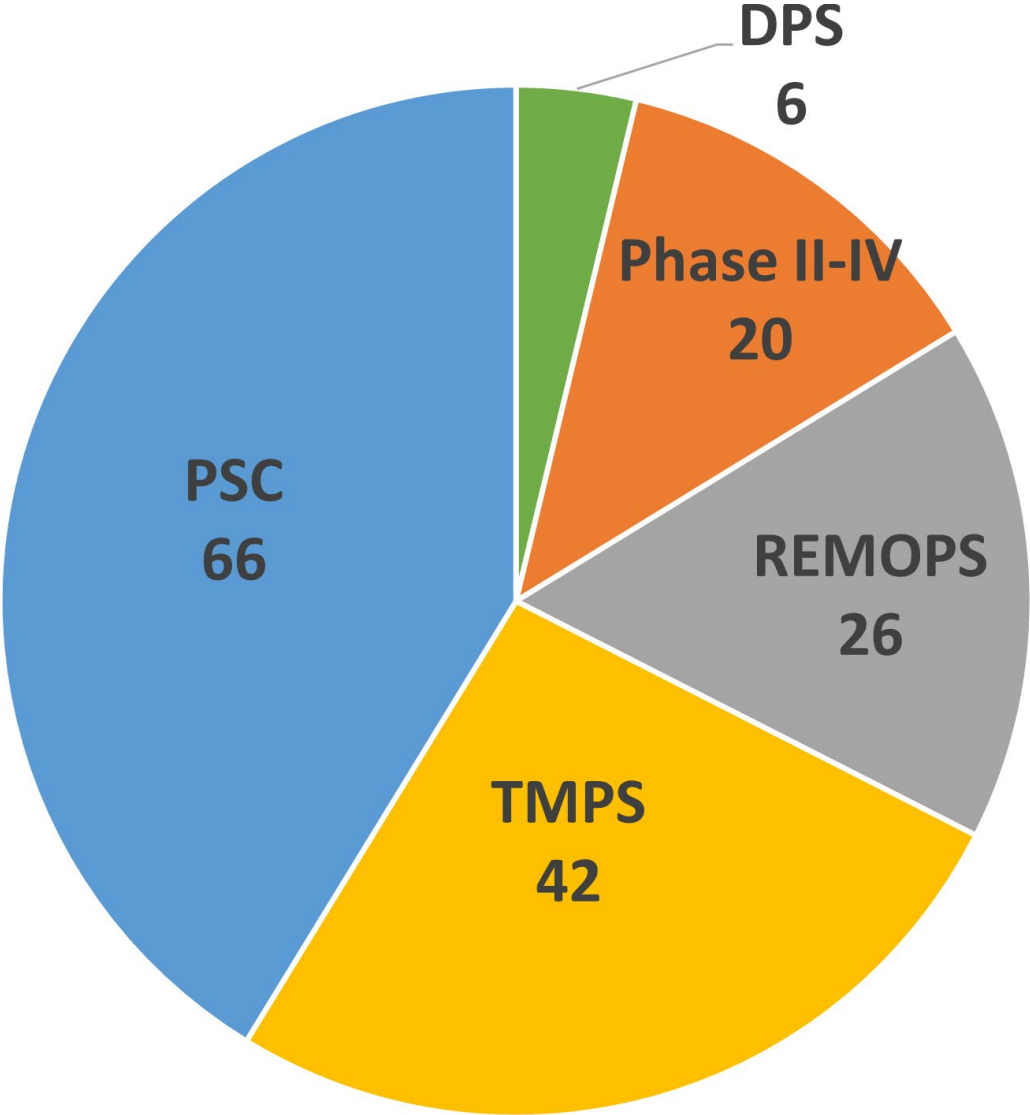


AEPMMs Registrations Over Time

■ Devices Monitored ■ RTNs



AEPMM RTNs Status

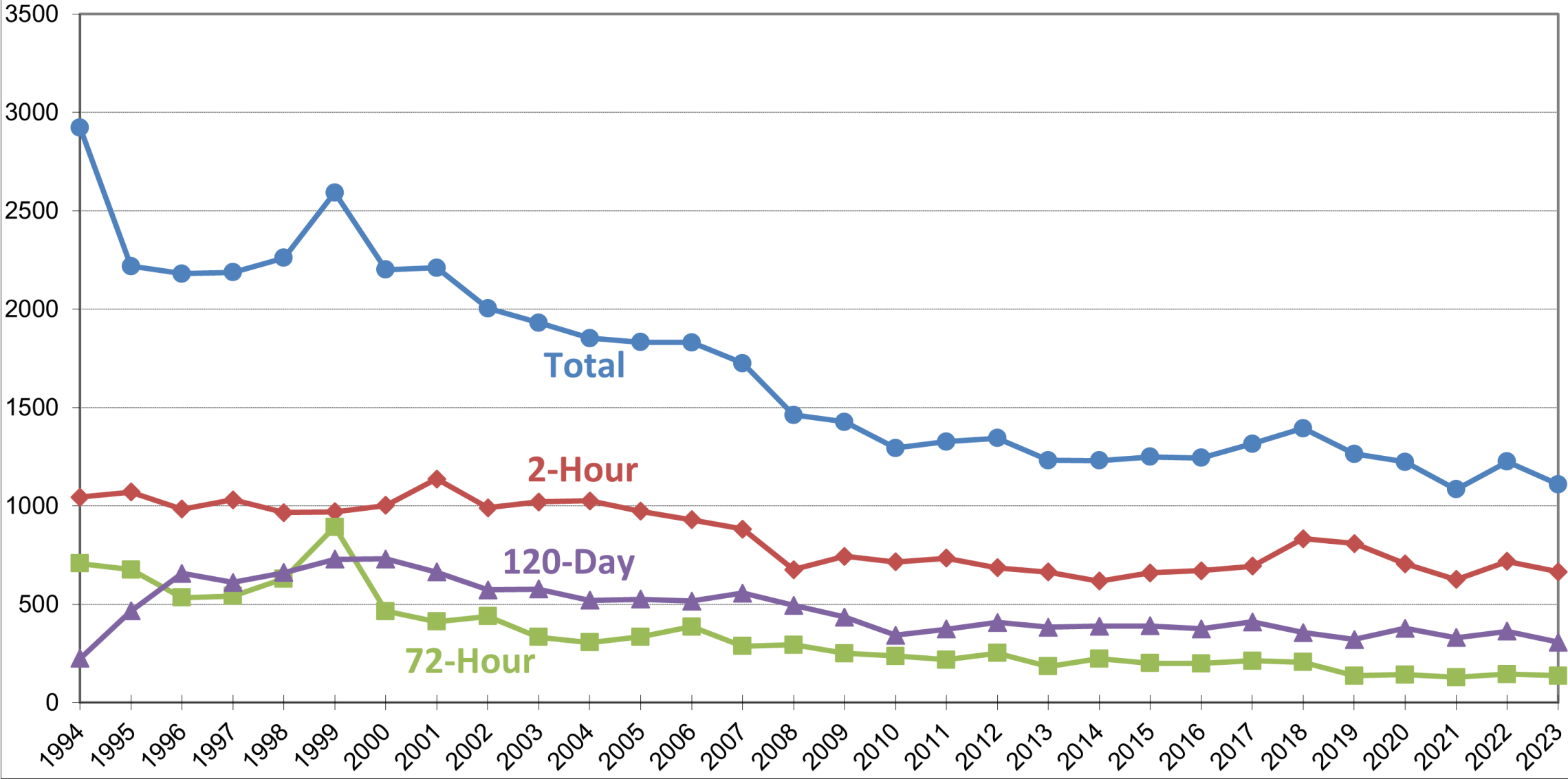


Some Other Program #s

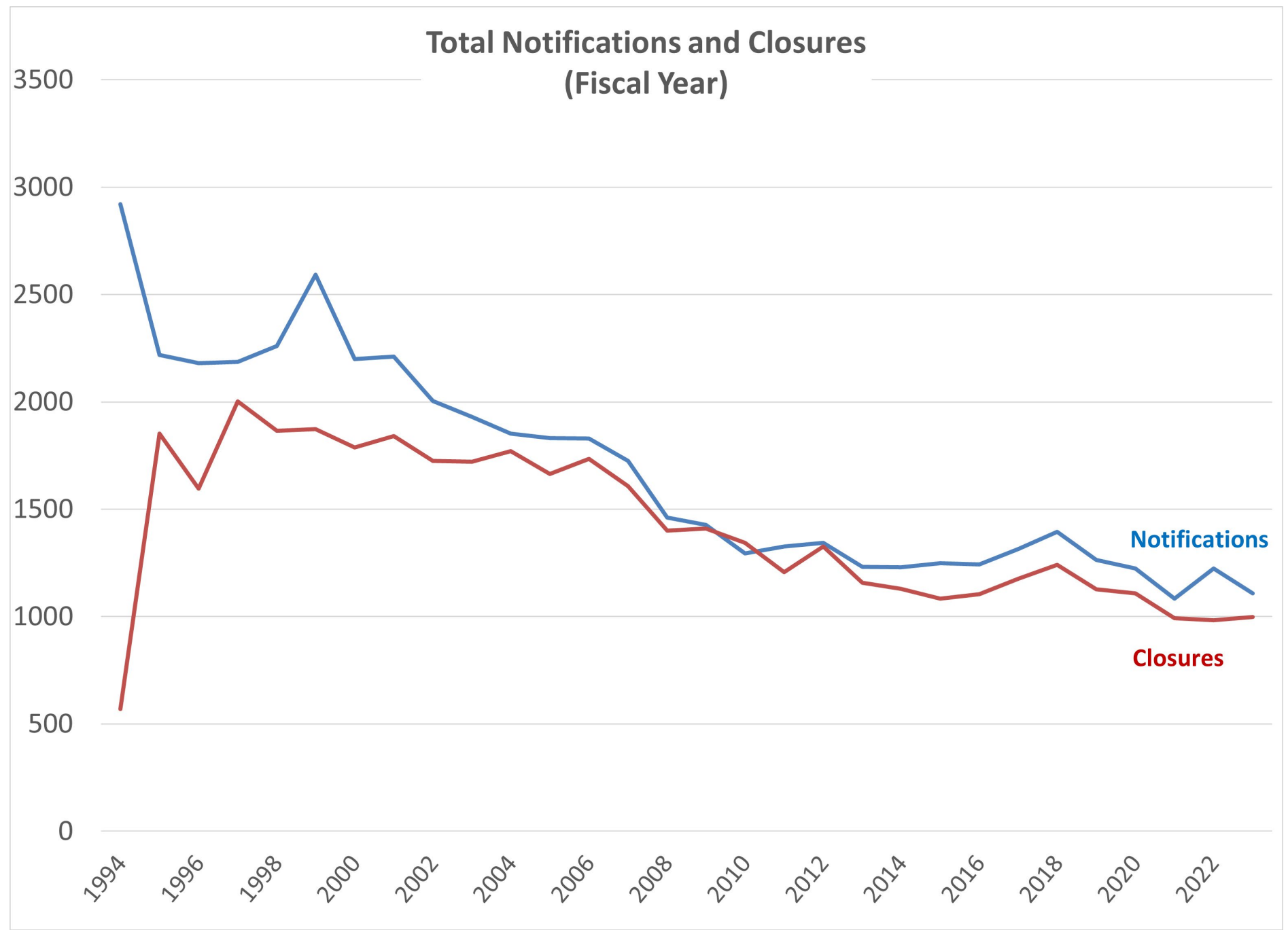


Releases by Notification Category

(Fiscal Year)

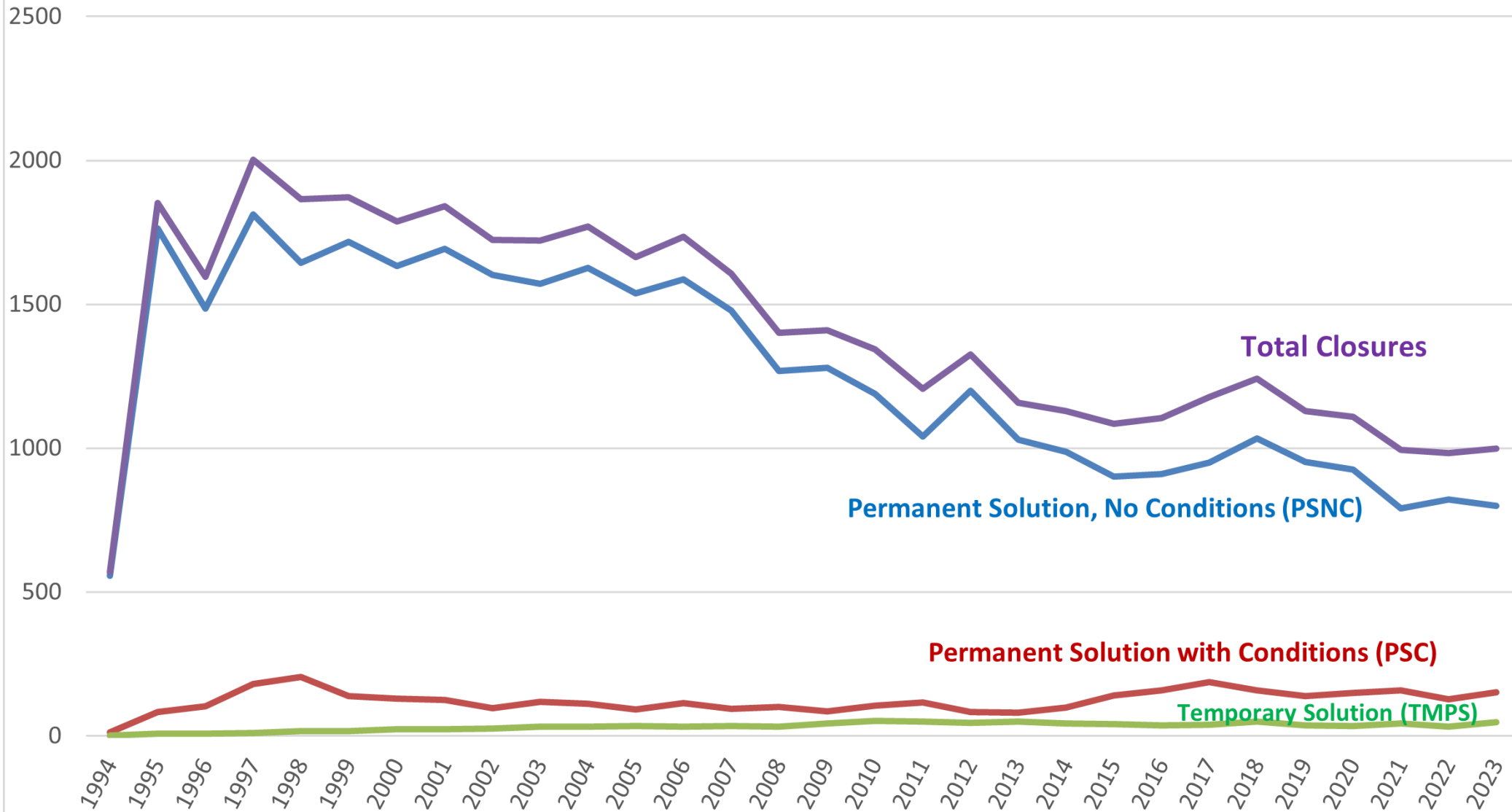


Total Notifications and Closures (Fiscal Year)

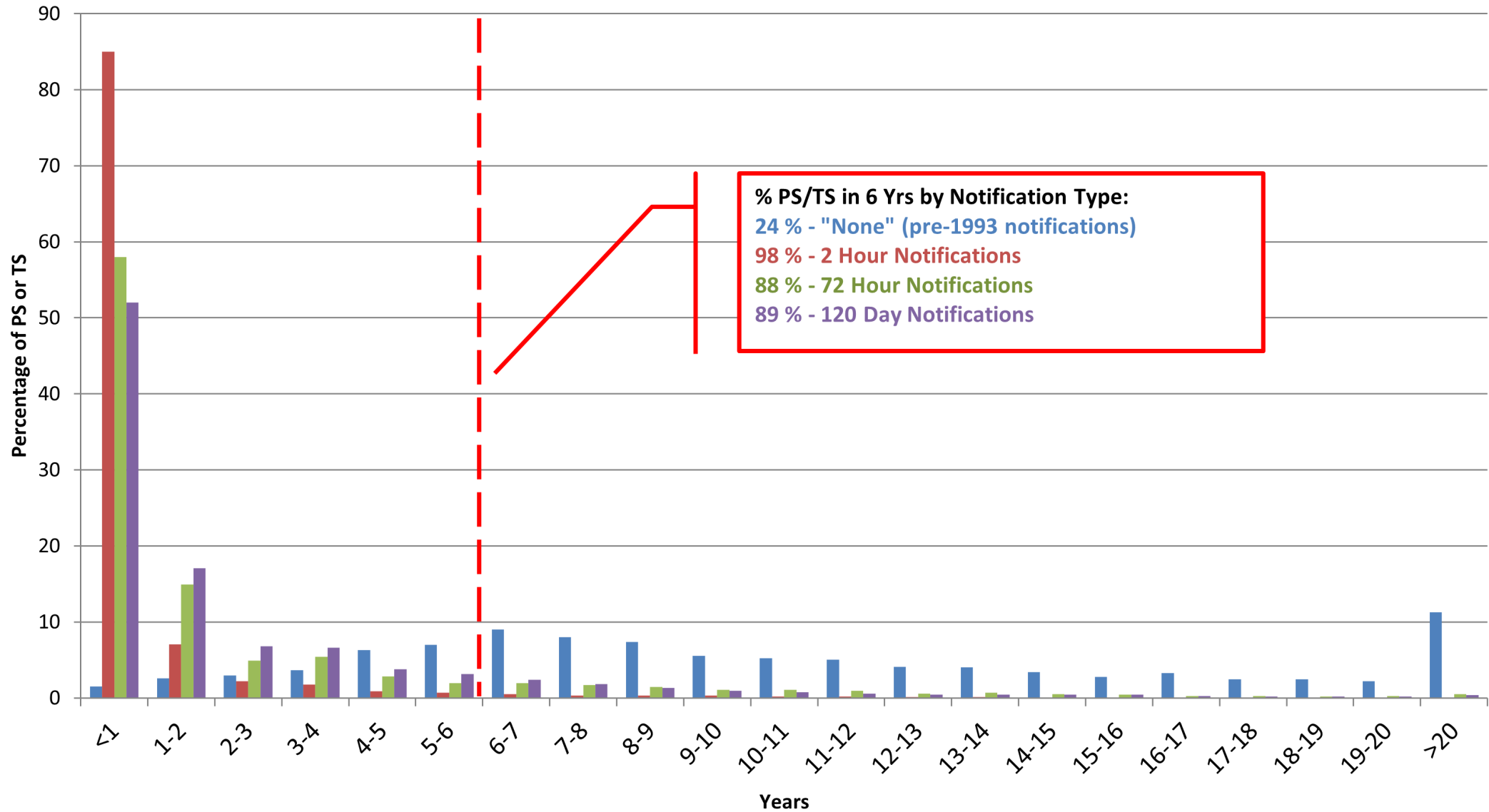


Site Cleanup & Closures by Category

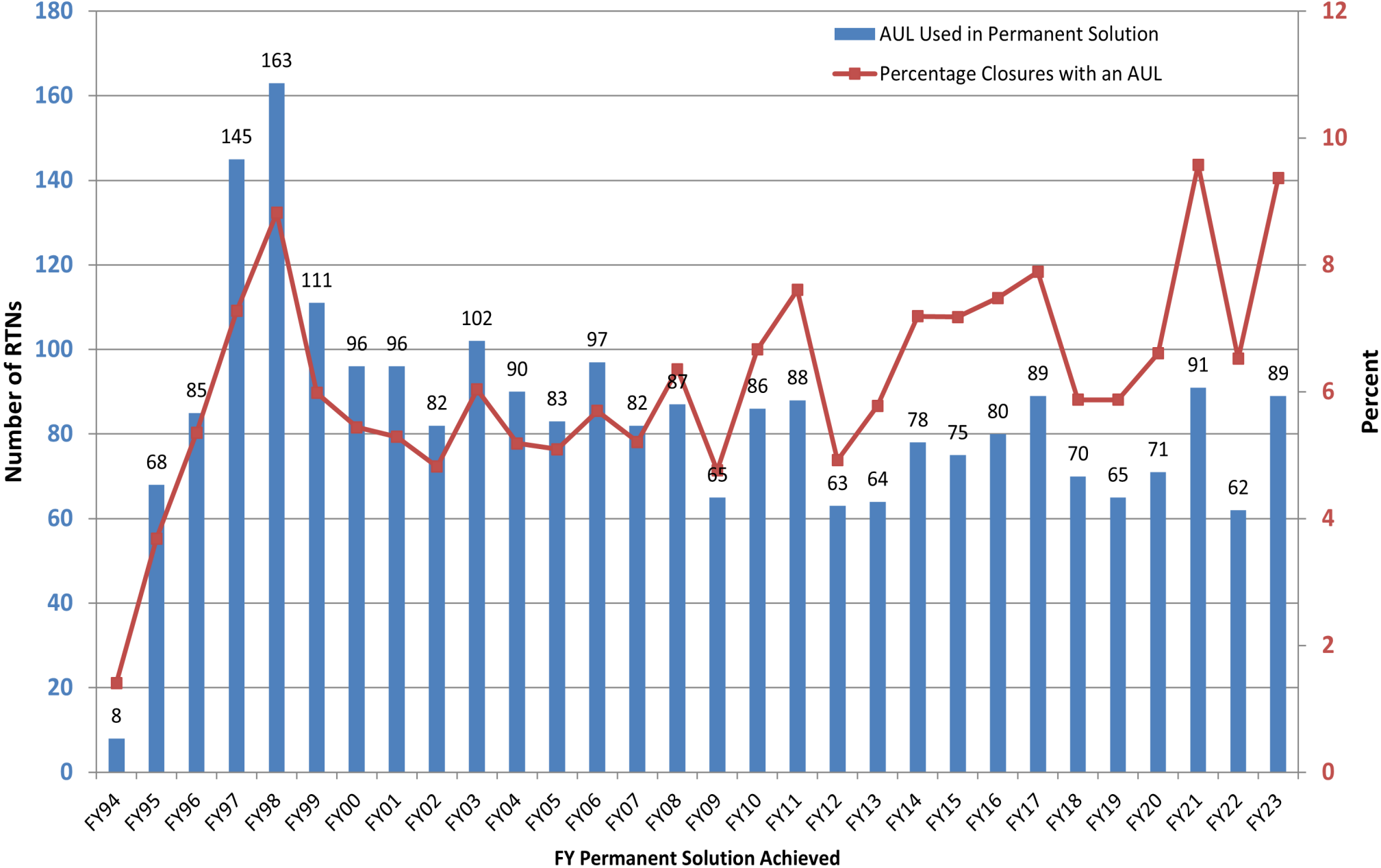
(Fiscal Year)



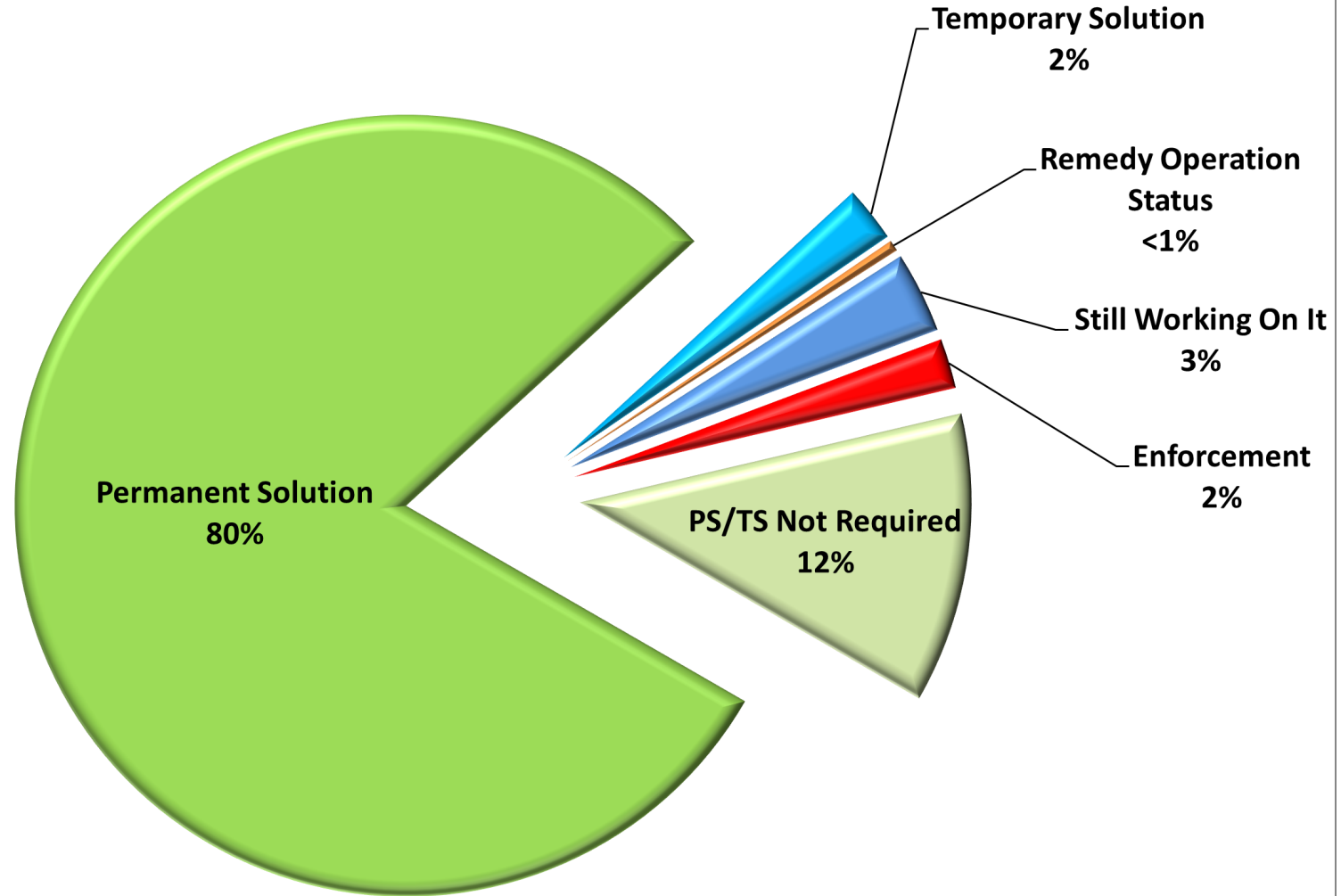
Time-to-Permanent or Temporary Solution, by Notification Category (through 6/30/2023)



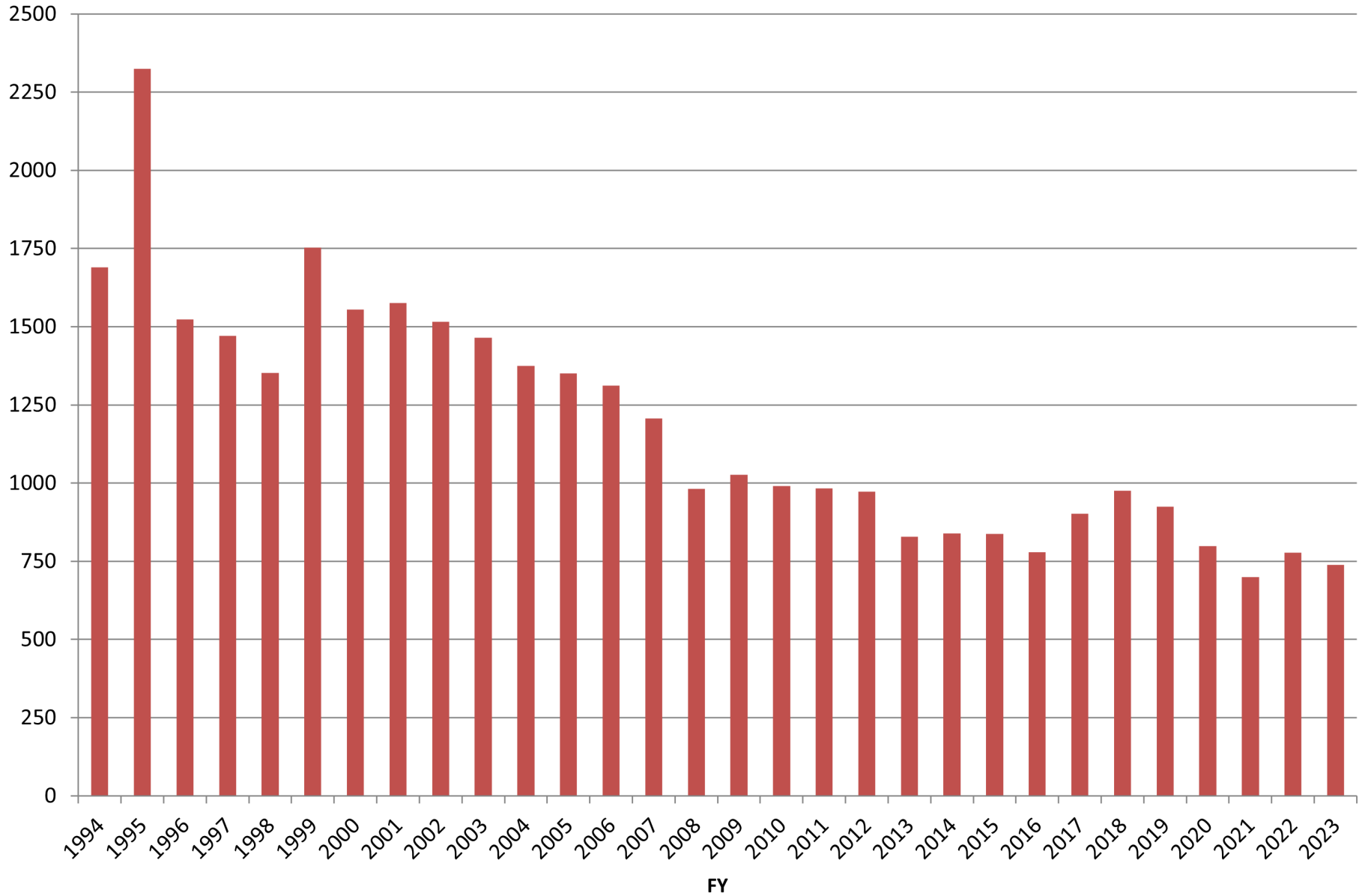
Trend in the Use of AULs



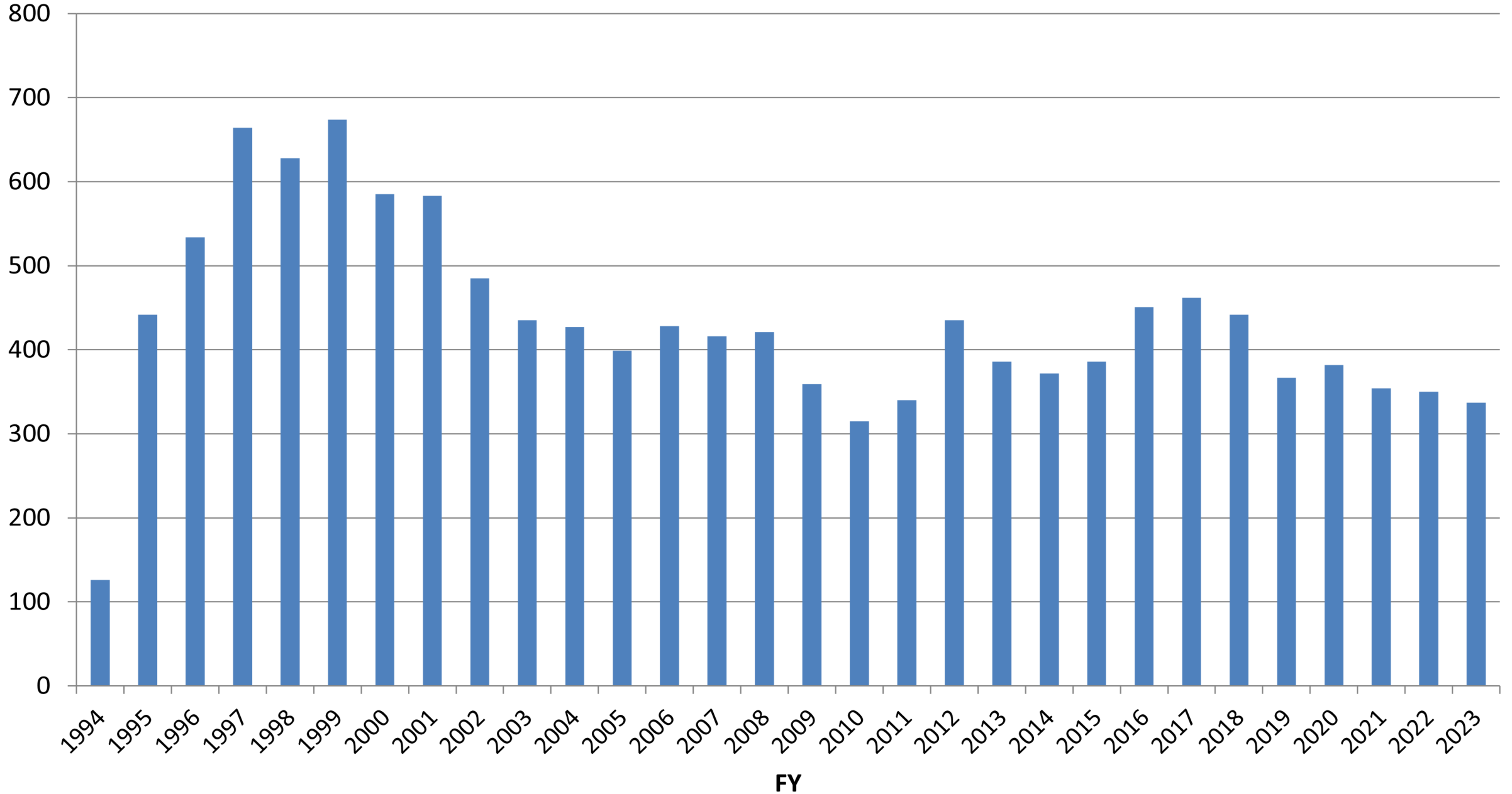
FY17 Notifications (most recent 6-yr period): Where Are They Now?



Immediate Response Action Approvals by Fiscal Year



Release Abatement Measure Plans Received by FY



BWSC Boston Program Contacts

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Ken Marra*, Acting Director, Policy & Program
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Brian Roden*, Audits & Enforcement Coordinator
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Michelle Craddock, Natural Resource Damages Program
Coordinator michelle.craddock@mass.gov

Cathy Kiley, Emergency Planning & Response
Coordinator, cathy.kiley@mass.gov

Julie Hutcheson, Marine Oil Spill Preparedness &
Response Program Coordinator
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David Foss*, Statewide Brownfields Coordinator
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Rob Lucci, Compliance Fees & Revenue Branch Chief
robert.lucci@mass.gov

(*) new to position within past year



BWSC Regional Program Contacts

WERO: John Ziegler, Acting Deputy Reg. Director

john.ziegler@mass.gov

Section Chiefs:

- David Slowick – Emergency Response
- Kimberly Longridge* – Audits (since August 2022)
- Caprice Shaw* – Site Discovery/Risk Reduction/Brownfields

CERO: Mark Baldi, Deputy Reg. Director

mark.baldi@mass.gov

Section Chiefs:

- Tony Kurpaska - Emergency Response & Risk Reduction
- Kevin Daoust - Site Management & Compliance Assistance
- Rebecca Faucher* - PFAS
- Rebecca Buswell - Audits
- Matthew Fitzpatrick - CERO Data Management

NERO: Stephen Johnson, Deputy Reg. Director

stephen.johnson@mass.gov

Section Chiefs:

- Joanne Fagan – Brownfields and Risk Reduction
- David LaPusata – Audits and Compliance
- Andy Friedmann – Site Management and Data Management
- Andrew Clark* – Emergency Response Section
- Natalie Johnson* – Technical Support and Site Discovery

SERO: John Handrahan, Acting Deputy Reg. Director

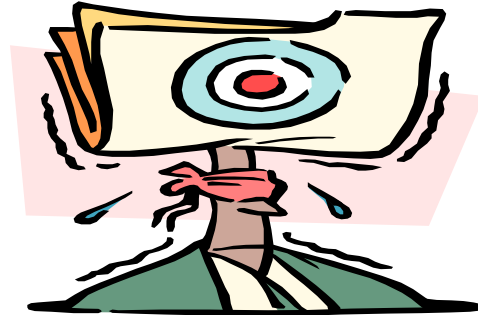
john.handrahan@mass.gov

Section Chiefs:

- Dan Crafton - Emergency Response
- Len Pinaud - Federal Facilities
- Angela Gallagher* - Sites
- TBD - Audits (to be named by 10/2)



Questions?



Ken Marra, PE

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Acting Director – Policy & Program Development
Bureau of Waste Site Cleanup