

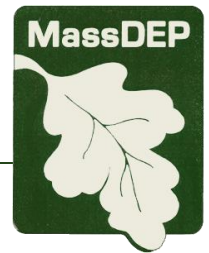
Bureau of Waste Site Cleanup: Update and Plan for FY14

Benjamin J. Ericson

Paul W. Locke

Elizabeth J. Callahan

LSPA Meeting
September 17, 2013



BWSC Leadership

Division Directors

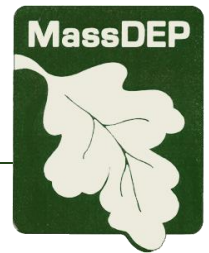
- Liz Callahan
- Paul Locke
- Deb Thomas

Deputy Regional Directors

- Millie Garcia-Serrano
- Mary Gardner
- Steve Johnson
- Eva Tor

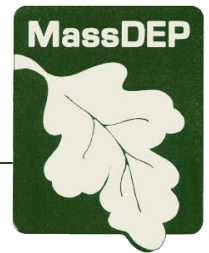
Plus

- Kerry Bowie, MassDEP Brownfields Director
- Tom Potter, Acting MassDEP Clean Energy Director

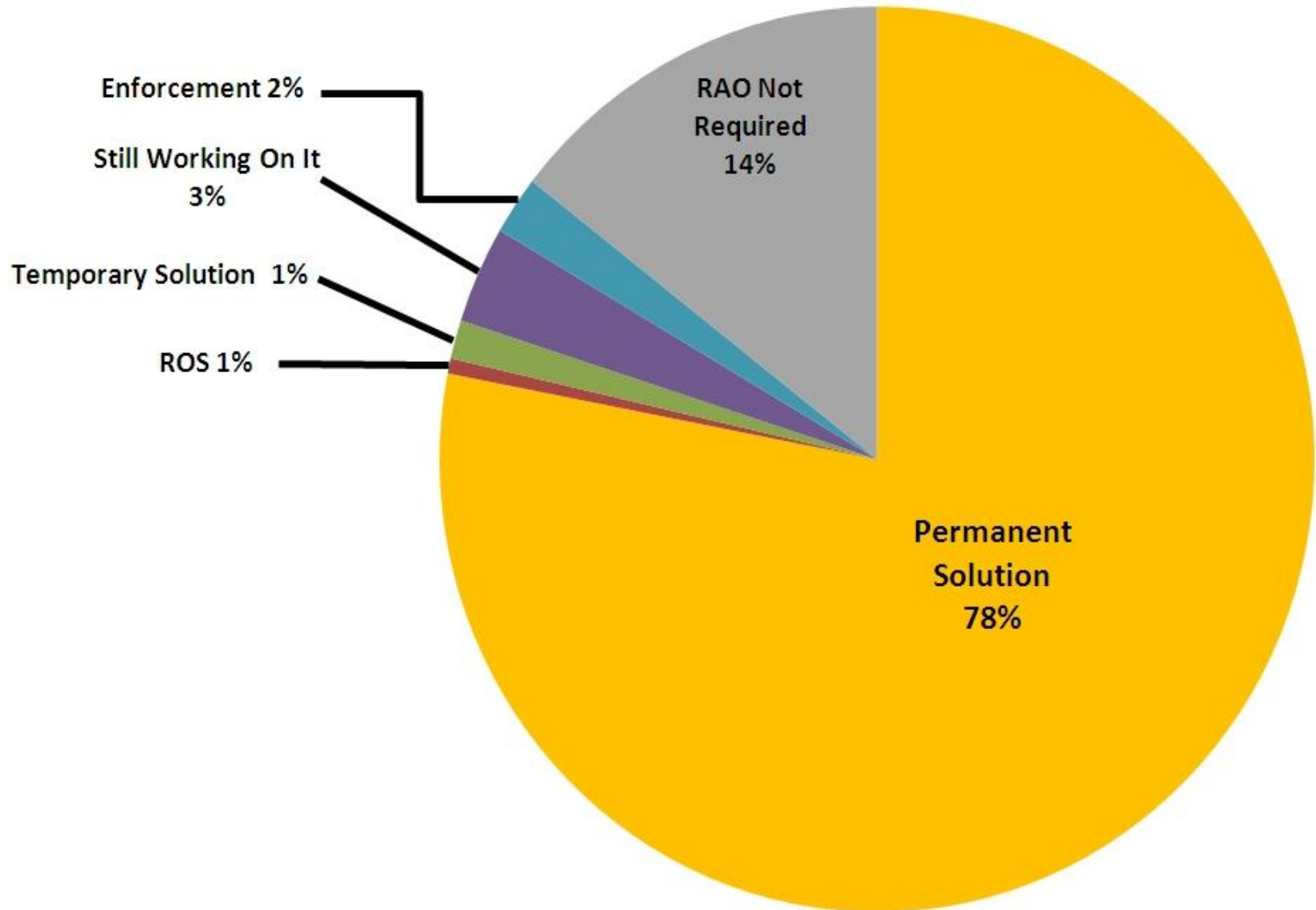


MassDEP FY13 Year in Review

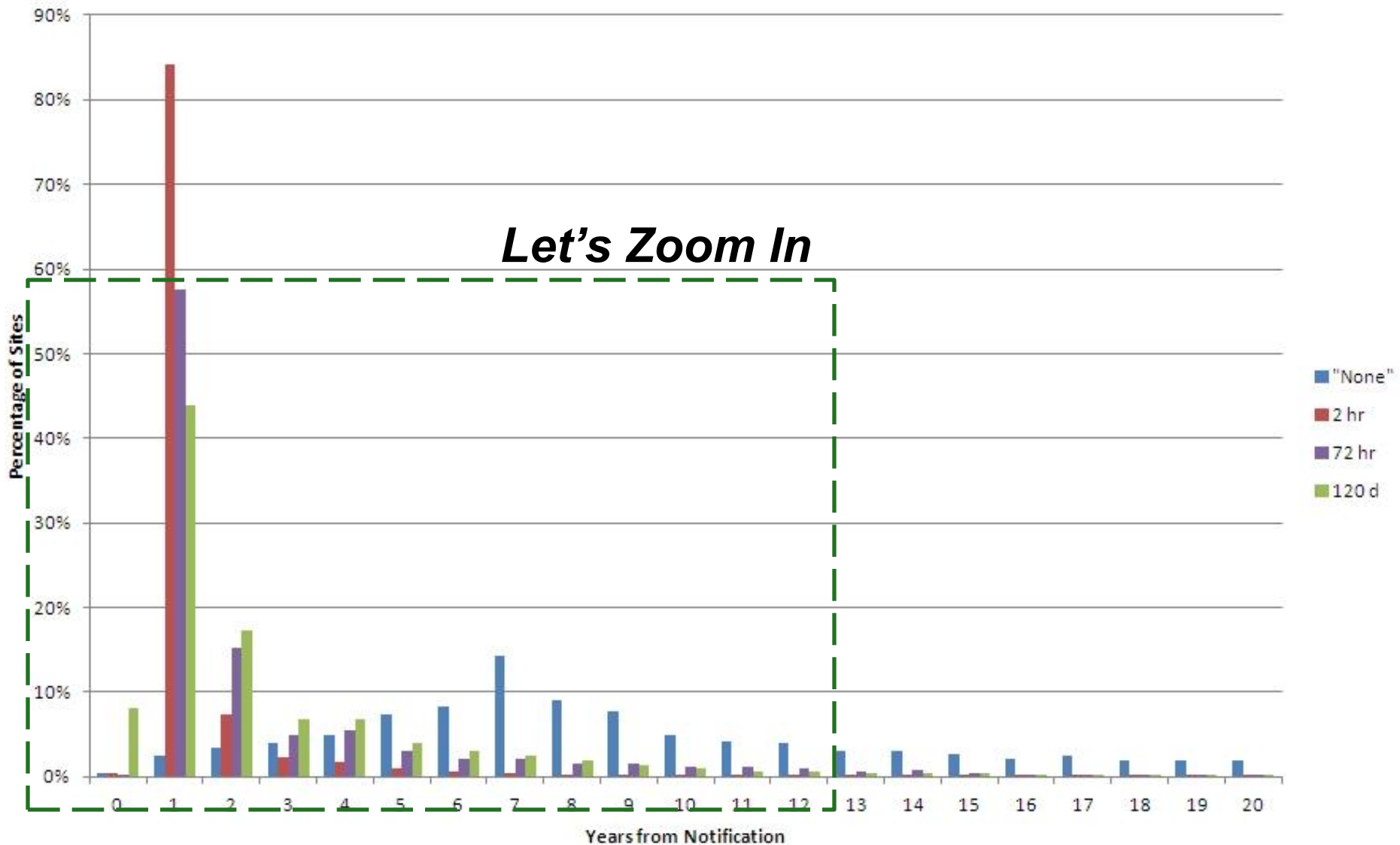
- Amending the MCP
- Developing Clean Energy Results Program
- Facilitating Soil Management
- Planning for IT Upgrades



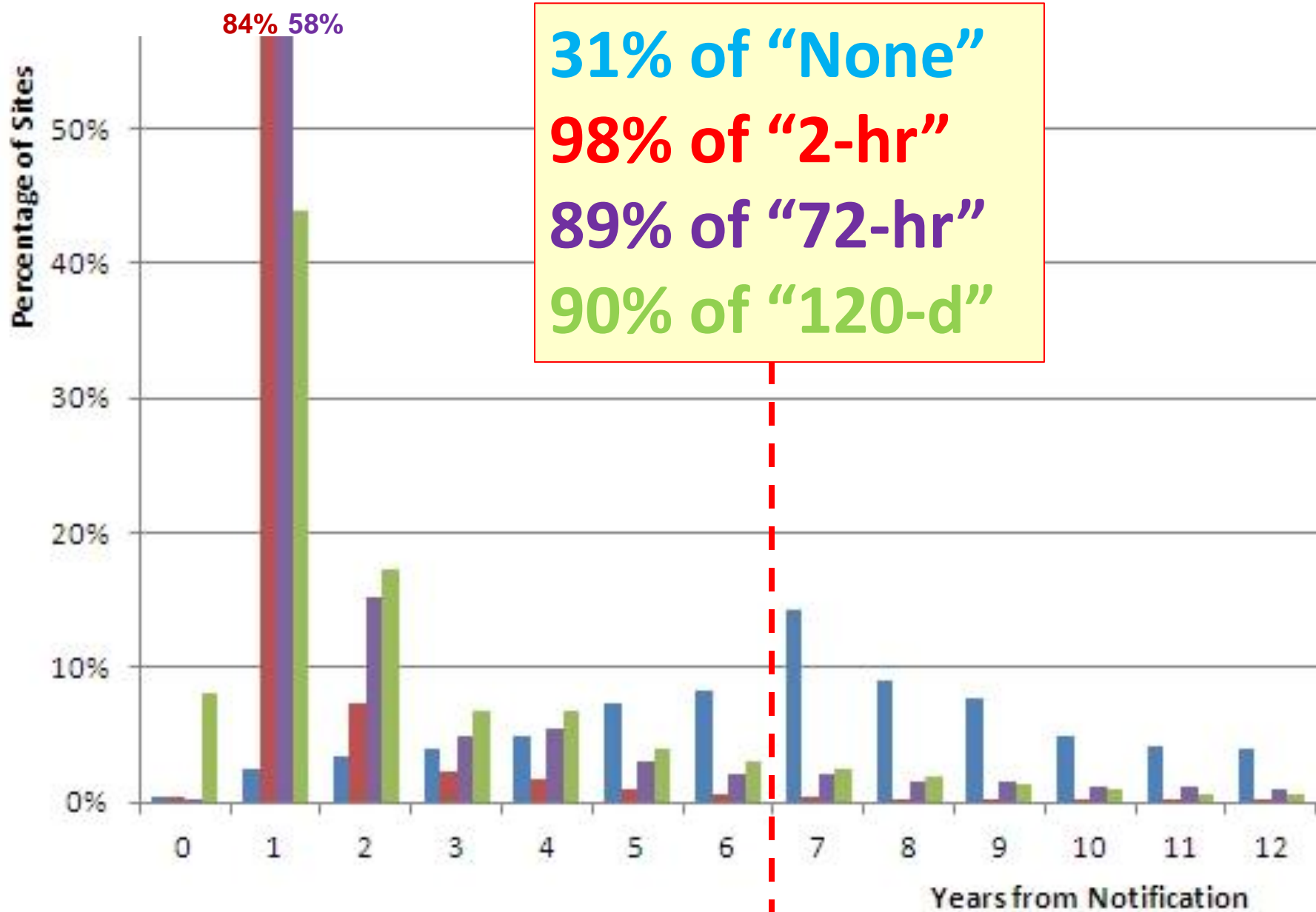
FY07 Notifications (most recent 6-yr period): *Where Are They Now?*



Time-to-RAO By Notification Category (Cumulative, 1987 - present)

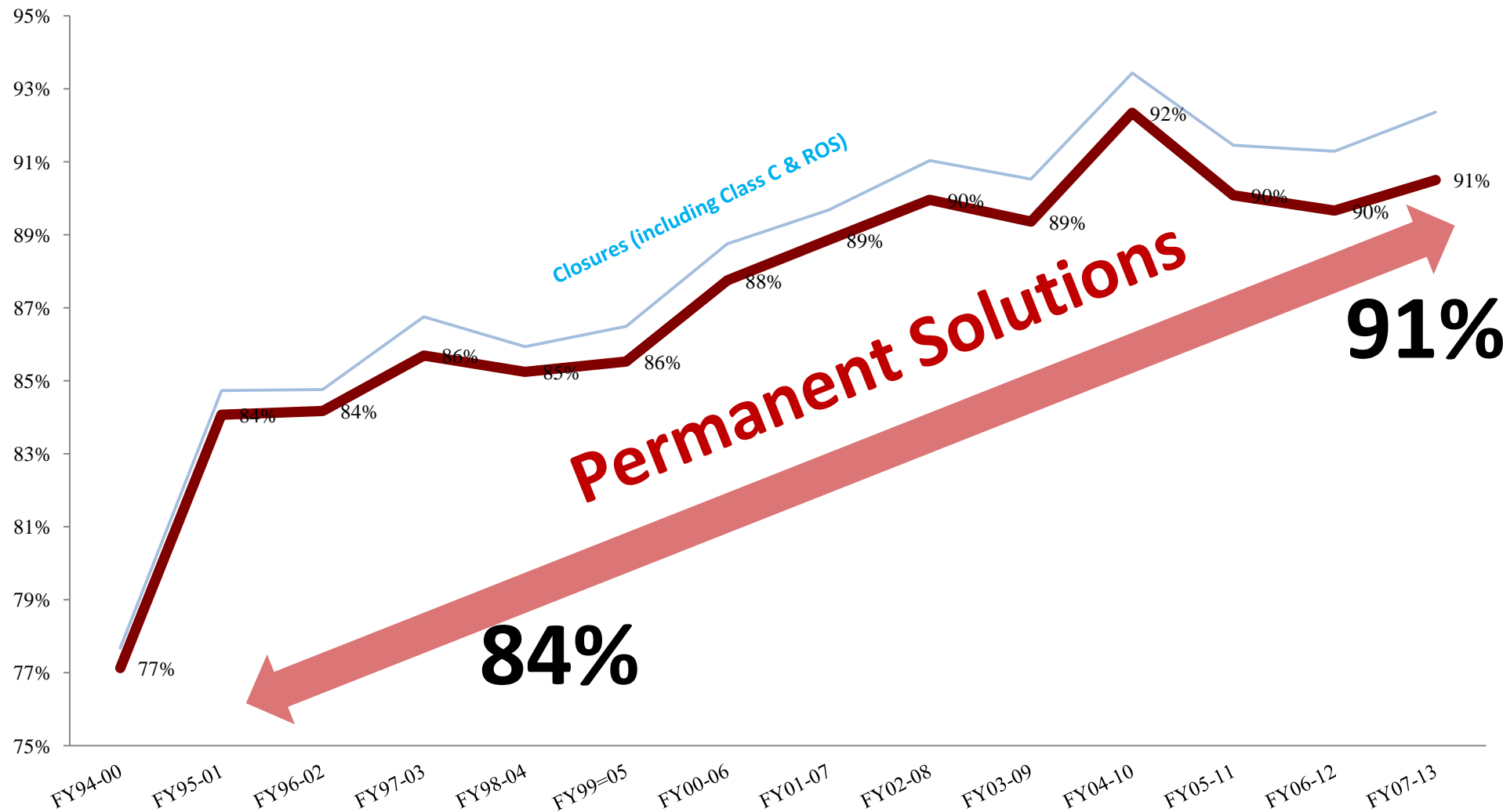


Time-to-RAO, *close-up*

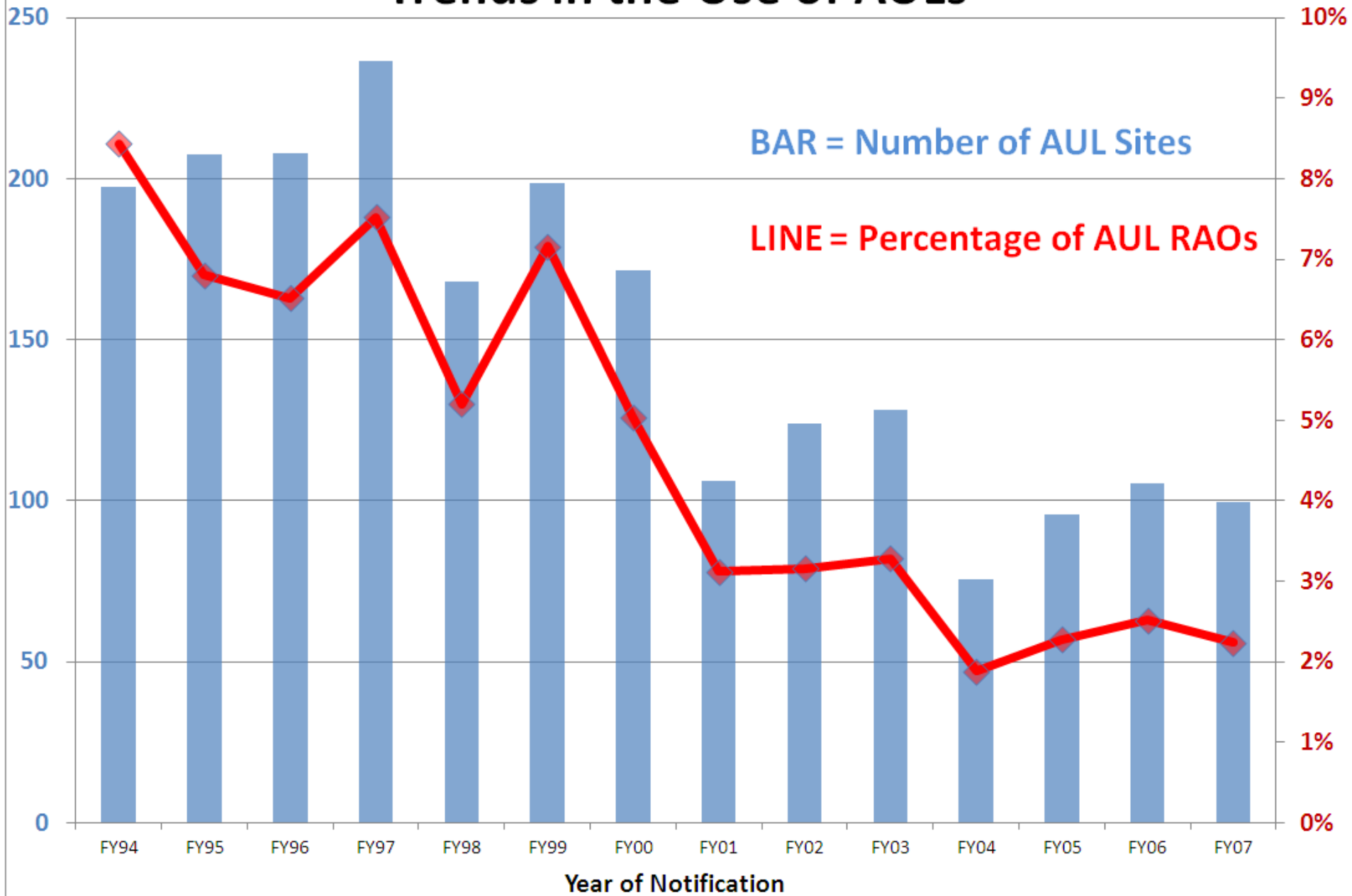


Percentage of Releases with Permanent Solutions Within 6 Years

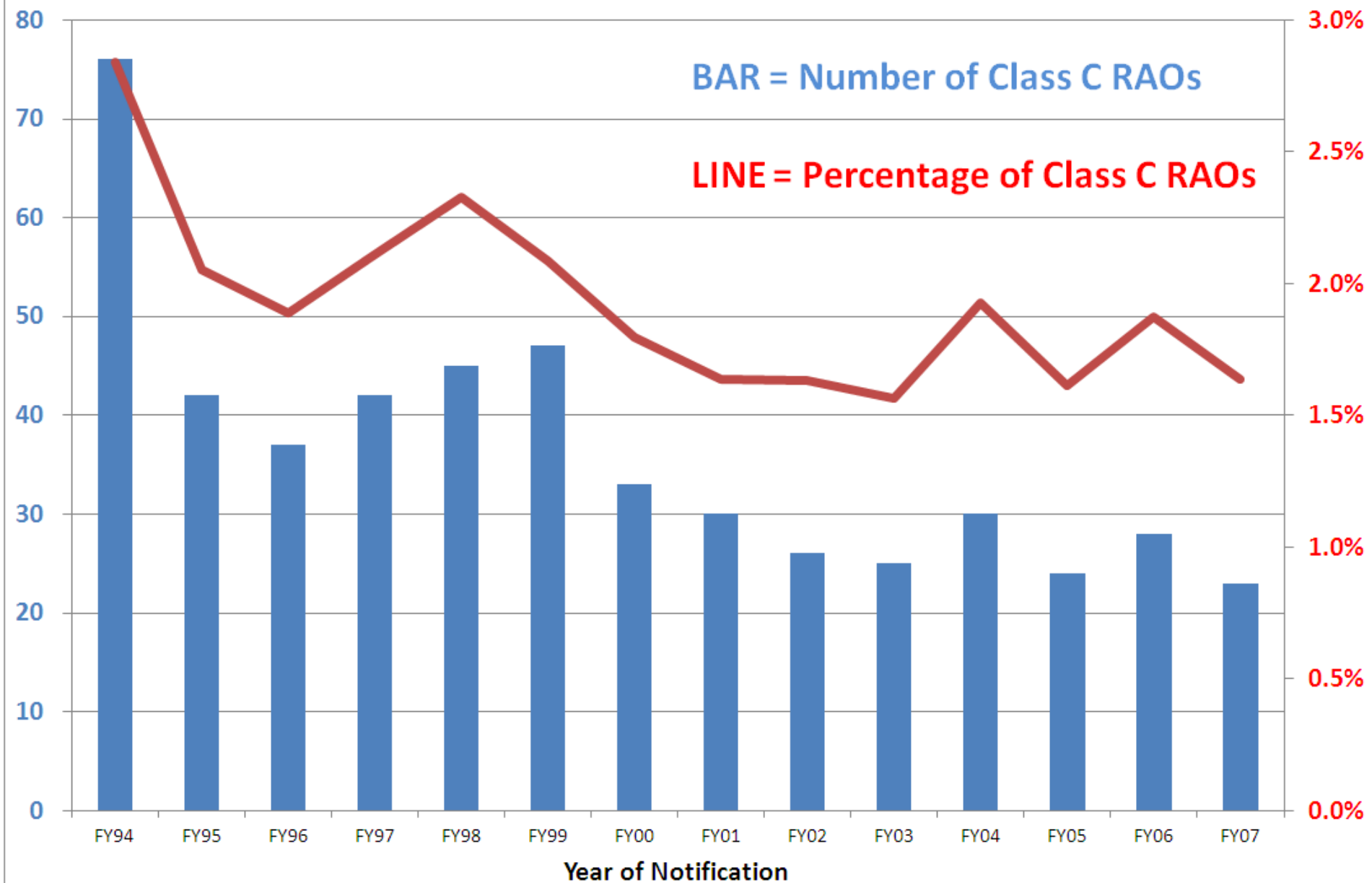
(14 Complete 6-Year Periods - FY94-FY13)



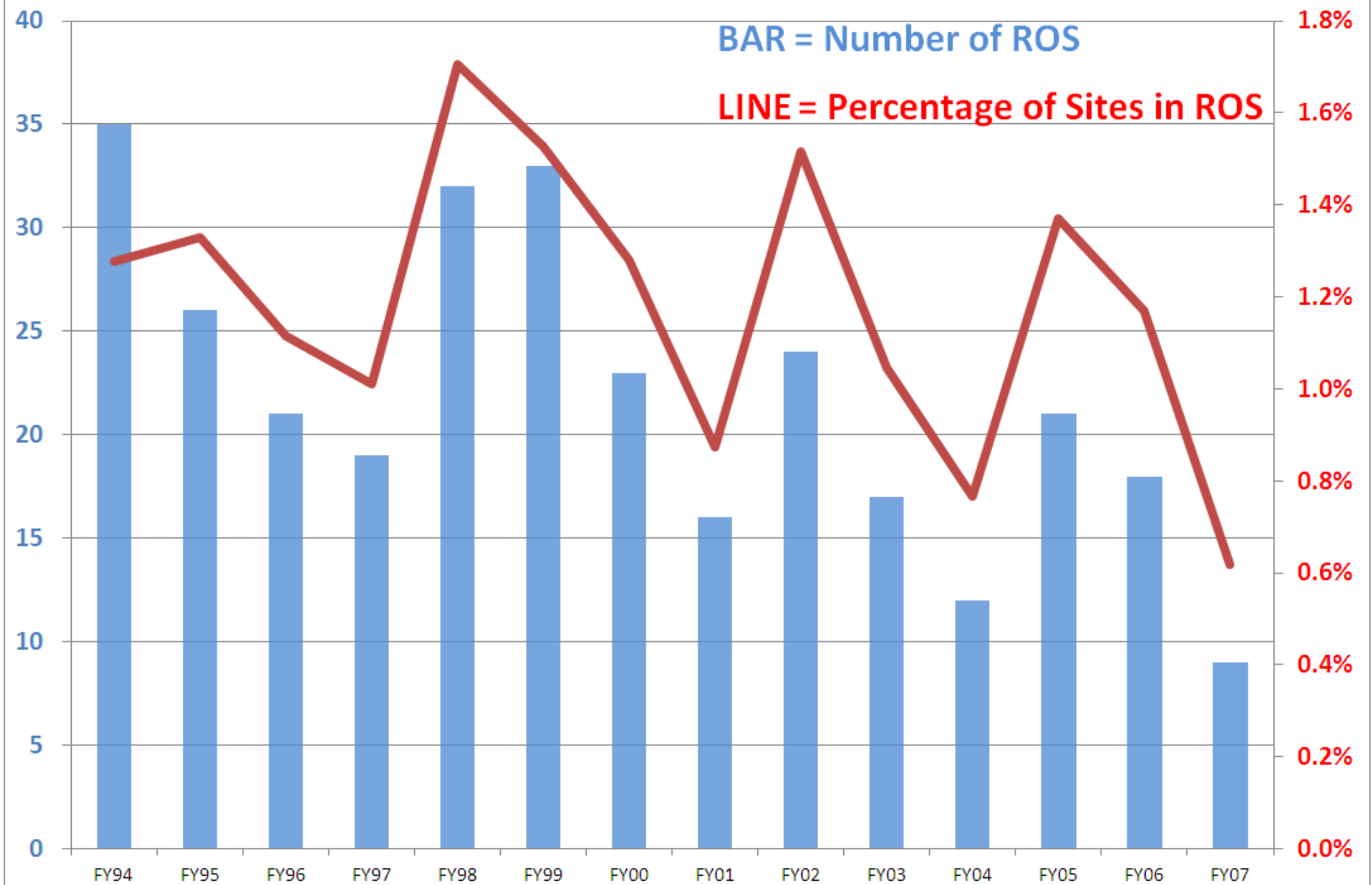
Trends in the Use of AULs



Trends in the Use of Temporary Solutions



Trends in Use of ROS



MassDEP FY14 Preview

- **MCP Amendments:** Implementation
- **Soil Management:** New guidance and policy
- **IT:** Stakeholder input on DEP website content
- **TCE:** Managing imminent hazards
- **NRD:** Regs for oil spills to surface waters

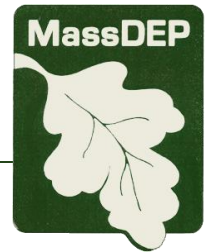


Data Systems Upgrades

1. CROMERR - EPA's Cross-Media Electronic Reporting Regulation

DEP-wide roll-out begins early-October

- Criteria for establishing a copy of record
- Integrity of electronic document
- Opportunity to review and repudiate copy of record
- Validity of electronic signature
- Determination of the identity of the individual uniquely entitled to use a signature device



Data Systems Upgrades

2. Reg Reform = Revised eDEP Forms

- Switches from PDF to Web Forms
- Fixes existing bugs
- Reflects MCP Reg Reform changes

Staggered roll-out beginning in October will pre-date effective date of Reg Reform –

Outreach & coordination needed!

(e.g., A-2 RAO → “Permanent Solution with no conditions”)

(BWSC105 coming early October!)



Data Systems Upgrades

3. *EIPAS Is Coming!! - EIPAS Is Coming!!*
Energy and Environmental Information and Public Access (EIPAS) project
- DEP-wide overhaul of data systems
 - RFI closed last Friday the 13th
 - EEA - IT sought comment on a draft RFR detailing the upcoming solicitation by the Commonwealth

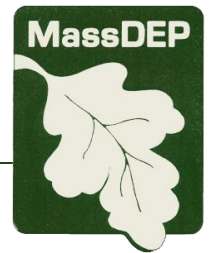


Anti-Deg Policy

Has Been Scrapped...

Well, Replaced...

Or Really, Just Renamed...



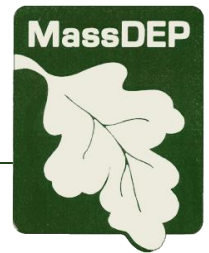
Similar Soils Policy

- BWSC's "Similar Soils Policy" is FINAL-*ish*
- Will be available online in
Site Cleanup Final Policies:
<http://www.mass.gov/eea/agencies/massdep/cleanup/regulations/site-cleanup-policies-guidance.html#1>
- Facilitates Implementation of
310 CMR 40.0032(3)



Similar Soils Policy

- When/How soil can be managed without sampling receiving location;
- Defines what it means to be “not significantly less than” (i.e., established comparison methodology including multiplying factors)
- Tables 2 & 3 list allowable concentrations for RCS-1 and RCS-2 Receiving Locations (respectively)
- Discusses sampling considerations and performance standards



So – Soil...What's Next??

We now have clarity for managing soil that:

- Is Hazardous Waste
- Contains Solid Waste
- Is Remediation Waste
- Meets “Similar Soil” Requirements

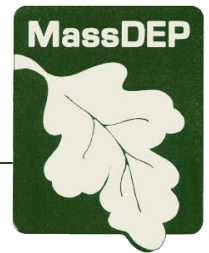
Need clarity for soil that may be safely re-used but does not meet “Similar Soil” provisions:

*Define & Describe Re-Use of
“Reclamation Soil”*



MCP Amendments

- Status/Schedule/Related Amendments
- Most Significant Changes from Public Hearing Draft to Final
- Supporting Guidance

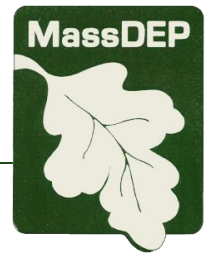


Status/Schedule/Related Amendments

- Status – in process of finalizing amendments
- Schedule – send to Commissioner’s Office in early October; aiming for promulgation in November; effective date 2 months from promulgation
- Fee amendments public hearing draft is being prepared; aiming for same effective date
- MCP trailer package is now separate from fee package

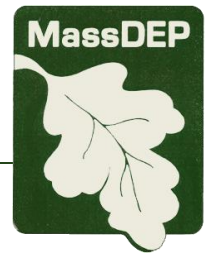


Most Significant Changes from Public Hearing Draft to Final



Tier Classification

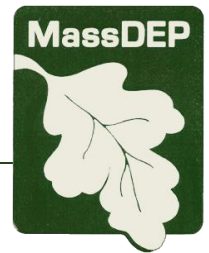
- Replacing NRS with 4 criteria, as proposed
 - RCGW-1 in a GW-1 area
 - IH
 - IRA ongoing to address CEP
 - IRA with *remedial actions* ongoing
- Grandfathering current Tier IIs where IRAs to address CEPs or IRAs with remedial actions are underway prior to effective date
- Changes to Phase deadlines, as proposed; Phase II Scope of Work becomes *Conceptual Ph II SOW*



Conditions of SRM for Vapor Intrusion

Proposed more specific SRM triggers that reflected VI guidance on when to look for vapor intrusion

- Final amendments incorporate changes with modifications
 - eliminated trigger of GW within 100' structure with OHM concentrations greater than 10 times GW-2
 - other criteria made more specific, based on comments, to narrow applicability



Active Exposure Pathway Mitigation Measure

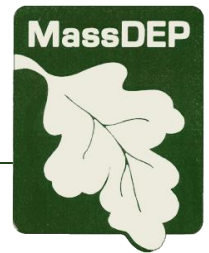
as part of a Permanent Solution with Conditions

- AUL only; no permit
- Requirements now at 40.1025 (Subpart J)
- Remote telemetry required; affected parties in buildings must be notified if shutdown extends beyond 30 days
- Would apply to both SSD systems (vapor intrusion) and point of entry/point of use systems on private drinking water supplies



LNAPL/NAPL

- LNAPL Conceptual Site Model – folded into CSM definition
- Proposed changes to the 72 hour and 120 NAPL notification thresholds not made
- Permanent Solution requirements
 - Absence of Non-Stable NAPL
 - NAPL removal to the extent feasible (clarified, does not necessarily mean attempts to remove NAPL)
 - AUL required for NAPL with Microscale Mobility



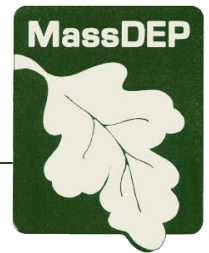
Source & Performance Standards for Perm. & Temp. Solns

- Clarified definition of **Source of OHM**
 - Addressed concern that dissolved phase was being viewed as a source
- Reworked Performance Standards
 - Source Elimination or Control
 - Migration Control
 - NAPL
- Removed 1 % Solubility Limit (DNAPL) as Perm Soln criterion



AULs

- Eliminated AUL Opinion; site information related to the need for the AUL now attached exhibit
- For Active Exposure Pathway Mitigation Measures, standardized AUL conditions
- Proposed text changes to 40.0019 and 40.0020 not included in final amendments

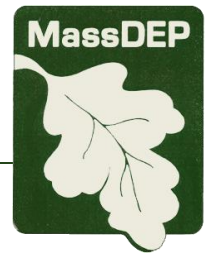


Permanent Solutions

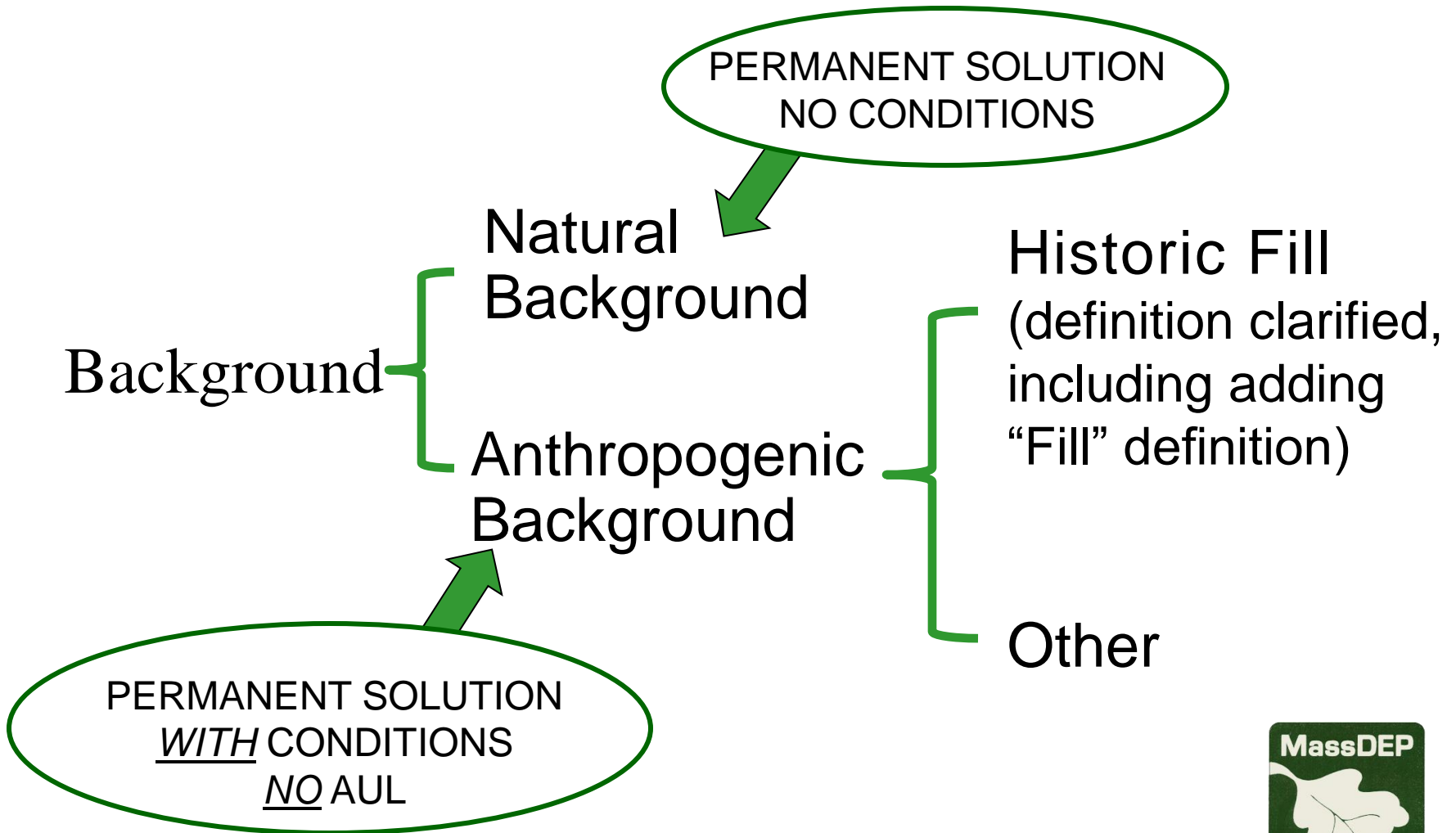
- *With Conditions*

- AUL
- No AUL
 - Anthropogenic Background
 - Gardening Best Management Practices (Gardening BMPs definition added)
 - Under roadways, rail rights-of-way
 - Above GW-2 in areas with no current/planned occupied buildings

- *With No Conditions*

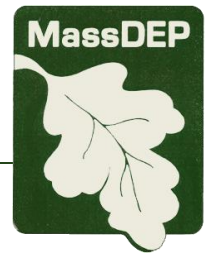


Background & Historic Fill



Numeric Standards

- Pb S-1 200 mg/kg
(*proposed* bifurcated standard 200|300 mg/kg)
- Vanadium S-1 400 mg/kg
(*proposed* 30 mg/kg)



Still working on...

- Temporary Soln Transition Provisions
 - C-1 → Temporary Soln
 - C-2 → Public hearing draft did not say
- Remedial Additives Near Sensitive Receptors Approval Process
 - Prior written approval with option for oral approval OR presumptive approval?



Guidance to Support MCP Amendments

- LNAPL, NAPL
- Vapor Intrusion
- AUL
- Supporting Q&As

