

40.0314: Threats of Release Which Require Notification Within 72 Hours

Except as provided in 310 CMR40.0317, persons required to notify under 310 CMR 40.0331 shall notify the Department not more than 72 hours after obtaining knowledge of a threat of release of oil and/or hazardous material to the environment from an Underground Storage Tank, as established by: ~~a test conducted in conformance with the methodology prescribed for that test which indicates there is a substantial likelihood of a leak equal to or greater than 0.05 gallons per hour:~~

~~(a) a test conducted in conformance with the methodology prescribed for that test which indicates there is a substantial likelihood of a leak equal to or greater than 0.05 gallons per hour:~~

~~(1)1. in a single walled Underground Storage Tank;~~

~~(2)2. in the inner wall of a double-walled Underground Storage Tank; or~~

~~(3)3. in the outer wall of a double-walled Underground Storage Tank.~~

~~(b) the presence of regulated substances or groundwater in the interstitial space of a double-walled Underground Storage Tank or line, or a significant decrease in the level of the monitoring liquid in a hydrostatically monitored double-walled underground storage tank.[CJH1]~~

40.0317: Releases and Threats of Release Which Do Not Require Notification

(18) threats of release indicated by the outcome of tank tests specified in 310 CMR 40.0314(a), where a tank test outcome has resulted from:

~~(a) a testing error, as documented within the allowable time period for notification by an additional test conducted on identical and unrepaired underground storage tank system elements; or~~

~~(b) other conditions, documented within the allowable time period for notification, that have not and will not result in a release to the environment.[CJH2]~~

~~(23) threats of release indicated by conditions specified in 310 CMR 40.0314(b), where one or more of the following conditions is documented within the allowable time period for notification:~~

~~(a) a testing or measurement error;~~

~~(b) it is determined that water entering the interstitial space is not groundwater; or,~~

~~(c) other conditions documented within the allowable time period for notification that have not and will not result in a release to the environment.[CJH3]~~

40.0441: General Provisions for Release Abatement Measures

(1) Release Abatement Measures are intended to reduce risks at a disposal site and/or increase the cost effectiveness of response actions by allowing the implementation of certain accelerated remedial actions to stabilize, treat, control, minimize or eliminate releases until such time as a Response Action Outcome is achieved, as described in 310 CMR 40.1000, or ~~to facilitate construction or site redevelopment, until Comprehensive Remedial Actions can be implemented, as described in 310 CMR 40.0800.~~ [CJH4] Release Abatement Measures may also be used to perform an additional remedial action(s) at a site for which a Response Action Outcome Statement has been submitted, in accordance with 310 CMR 40.1067.

40.1403: Minimum Public Involvement Activities in Response Actions

(2) At a minimum, the following procedures shall be followed for written and public notices required under 310 CMR 40.1400:

(a) written notices shall be made ~~either~~ by hand-delivery, electronic communications [CJH5], or first-class mail, and the date of notification shall be:

1. if served by hand, the date when delivered:

a. personally to the intended recipient;

b. personally to any officer, employee, or agent of the intended recipient authorized

by appointment of the intended recipient or by law to accept service; or

c. to an adult member of the intended recipient's household; or

2. if served by mail, the date of the postmark

3. if served by electronic communications, the date of the communication;