

The Proposed MCP Reforms: Potential Impacts to You and Your Business
Roundtable Discussion, UMASS Club, May 10, 2013

Public comments collected by VERTEX

NOTE:
Name: NO NAME PROVIDED
Company: NO COMPANY NAME PROVIDED
Date: 5/10/13

NOTE:
[This was a participant at the Roundtable Discussion posted by Vertex. This was ~~not~~ a Vertex employee.]
AMC/Slone

Please consider the following MassDEP requests when providing comments on the proposed amendments:

- Consider proposals with your current and past sites in mind
- Does it raise any unforeseen issues that should be addressed/clarified?
- Does it make sense/help/hurt – be specific
- Provide site examples

Questions and/or Comments on Proposed MCP Amendments (use back or additional pages as needed):

Tier I classification proposed is overinclusive. There is a stigma associated with Tier I sites and many sites to be included which often don't have a high level of risk. For example, many sites where IRA is needed to address/remove a historic UST ~~may~~ will ~~be~~ automatically be Tier I. Typically (not always) these sites are relatively easy to remediate and don't warrant a Tier I label.

Vapor Intrusion (VI) related amendments remove discretion and tools from LSPs.

Permit requirements for active SSD systems are over the top. Remote sensing and notification requirements

Permanent solution with conditions → in many cases this will serve to restrict sites and put a stigma upon them (which inhibits lending, development leasing etc.) when Method 3 risk assessments indicate a level of No Significant Risk is present.

"Transparent Terms" → Now that the entire nation knows our system (e.g. New Jersey has just adopted regs where RAOs are filed) we are changing it?!? People aren't idiots. Practitioners know the nomenclature and by MassDEP assuming we need more simplified terms, they are just trying to fix something that's not broken.

Source control definition proposed takes discretion ~~away~~ away from LSPs. LSPs are able to make determinations and DEP doesn't need to rework the MRP to take the risk-based decision process away (it's worked for years). For example, what if other plumes are expanding and naturally attenuating and not posing a risk? Why will these sites now not be able to get closure?

Strongly agree with Dot's comments on active SSDS permit requirements being too harsh and the negative implications of AUL violations = invalidation of closure (I think the AUL violation provision should be completely removed)

Overall, regulations proposed will stifle development and construction at Brownfields.