

July 1, 2104

Thomas Potter, Clean Energy Development Coordinator
MassDEP, Bureau of Waste Site Cleanup
One Winter Street
Boston, MA 02108

Subject: Greener Cleanups, WSC#14 – XXX, Public Comment Draft

Dear Mr. Potter:

The LSP Association (LSPA), a professional non-profit association of nearly 900 LSPs and other environmental professionals, appreciates the opportunity to provide comments on the above-referenced draft guidance document. As you know, several LSPA members have been actively involved with the MassDEP Bureau of Waste Site Cleanup’s “Green Remediation” workgroup; they have followed the development of and provided input to this draft guidance as it has proceeded.

Overall, the LSPA supports MassDEP efforts to promote more sustainable approaches to the assessment and remediation of OHM disposal sites. Indeed, LSPs are now required to evaluate such approaches under the newly amended MCP as part of Response Action Performance Standards and when evaluating remedial action alternatives. As such, this draft guidance is an important tool for assisting practitioners with approaches to meeting those requirements.

We recognize that the draft guidance document relies on and references the ASTM Standard Guide for Greener Cleanups (ASTM E2893-13, now 13e1, aka “the ASTM Guide”). While the ASTM Guide provides a useful baseline, the LSPA believes there are some revisions that might be made to the document itself to further clarify the guidance and assist practitioners with implementation at MCP sites. These include:

- Including in this guidance document specific reference to other guidance documents and BMPs (bibliographic reference including title, author, etc.), in addition to the ASTM Guide, that are more readily available than is the ASTM Guide. One of the most concerning aspects of the draft guidance is the fact that the ASTM Guide is not freely available and cannot be copied.
- Providing a few examples from hypothetical sites to demonstrate how the ASTM BMPs might be evaluated and described to meet the appropriate MCP requirements.
- Providing further clarification on acceptable ways to document assessment and implementation of BMPs. Doing so would assist LSPs in better understanding and documenting when an appropriate/acceptable level of BMP assessment/implementation has been achieved. This might include, in a future revision, MassDEP developing and providing its own forms/templates for LSPs to use to document that the intent of the guidance has been met.

- Emphasizing, more specifically and explicitly, that implementing the Greener Cleanups guidance and ASTM guidelines during Emergency Response or Immediate Response Actions at MCP sites is likely untenable, and articulating that practitioners will likely be unable to abide by this guidance in those situations. The Applicability section states that the guidance and use of the ASTM Guide “applies to all assessment and remedial actions conducted at disposal sites...” Later in the same section, that is qualified by acknowledging that greener cleanup considerations “may not be used to override any requirement to implement a remedy to achieve the timely elimination, mitigation, or prevention of certain conditions.” Specific conditions are then listed. The LSPA thinks that the guidance can more specifically call out that adhering to the guidance will be difficult in such situations.
- Clarifying to whom the guidance applies. The reference in Scope, B. Section 4.2, Professional Experience, *Lead Environmental Professional* is to “a *Licensed Site Professional* or other person with relevant credentials and experience as defined in the **Attached Table 1.**” Table 1 (page 6) then presents several categories of professionals to whom the guidance could apply; including non-LSPs as well as an LSP who may not be the LSP of Record. There is concern within the LSPA that this language could cause people to be held accountable who might not otherwise be held accountable under the MCP. The LSPA suggests that, when pertaining to MCP response actions, the term *Lead Environmental Professional* apply only to the LSP of Record for the site in question. Without this, the ultimate responsibility for this aspect of a response action could become diffuse and in conflict with the role of the LSP of Record as it currently stands.

In addition, we believe there is a typo on page 6 under the Definition/Explanation of “Lead Environmental Professional” in section (d): Replace “Most” with “Must”.

We understand that this guidance is the first step in a new direction: supporting MCP requirements to incorporate greener cleanup standards during remedial action. As practitioners begin to work with the new regulations and guidance, we expect that both MassDEP and the LSPA will gather more information about creative approaches, acceptable and appropriate documentation, and other ways to successfully achieve the intent of this new direction. The LSPA looks forward to working with MassDEP on this topic, through the Green Remediation workgroup as well as other avenues.

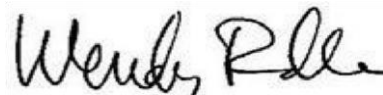
Thank you again for the opportunity to provide comments on this draft guidance.

Sincerely,

LSP Association, Inc.



Matthew Hackman, P.E., CHMM, LSP
President



Wendy Rundle
Executive Director