

The Zone II exemption, 310 CMR 40.0924(2)(b)(3), allows LSPs essentially to assume there is no exposure to groundwater contamination located within a Zone II if the “contamination is limited to Oil” and certain other criteria are met. MassDEP argued that “oil” in this provision was limited to petroleum hydrocarbons, and Peterborough Oil argued that it included leaded gasoline. In evaluating this issue, the Court started with the definition of “oil” in the statute and determined that it is ambiguous. Because the statute is ambiguous, the Court deferred to MassDEP’s interpretation, which it determined was reasonable and consistent with the legislative purpose of Chapter 21E. The decision does not address the meaning of the word “oil” as used elsewhere in the MCP.