

September 22, 2014

Margaret Shaw
MassDEP, Bureau of Waste Site Cleanup
One Winter Street
Boston, MA 02108

Subject: Guidance on Implementing Activity and Use Limitations – Policy #WSC14-300

Dear Ms. Shaw:

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900 LSPs and other environmental professionals, appreciates the opportunity to provide comments on the above-referenced draft guidance document. The LSPA adhered to its typical process for collecting and submitting comments to MassDEP on technical issues: we solicited comments from the membership at large; the LSPA Regulations Committee then drafted a set of comments based on those submitted and those from Regulations Committee members; and finally, the LSPA Board vetted the draft comments to develop this final document (attached).

Overall, LSPA comments on the draft guidance document identify areas needing additional clarification, note areas of inconsistency, and suggest specific language changes where appropriate. We feel that we have been as thorough as possible given where the guidance development process is at MassDEP and where the guidance review process is at the LSPA.

As noted in the attachment, the LSPA is providing these comments with the understanding that additional comments on the AUL guidance may be warranted after our additional review of the draft LNAPL guidance and after our review of MassDEP's forthcoming draft Vapor Intrusion guidance document. We appreciate that MassDEP is supportive of the need to review these documents vis-à-vis one another and is cognizant of their interdependencies.

At the July 31, 2014 Advisory Committee meeting, you stated that MassDEP is considering easing the survey plan requirement in favor of a detailed sketch plan to show areas within the AUL area with different barriers (i.e., pavement versus building footprint). This would entail a change in language in many places in the guidance, but especially in Section 4.3: Plans Describing the Land Covered by an AUL. The draft guidance does not convey this. The LSPA urges MassDEP to adopt language that allows a detailed sketch plan instead of a survey.

Thank you again for the opportunity to provide comments on this draft guidance.

Sincerely,

LSP Association, Inc.



Paul McKinlay, LSP
President



Wendy Rundle
Executive Director

Attachment:

Attachment to LSPA September 22, 2014 Cover Letter: LSPA Comments on 2014 MassDEP Draft AUL Guidance