

New Hope for Massachusetts Petroleum Contaminated Sites in GW-1 Areas

On February 14, 2008, revisions to the Massachusetts Contingency Plan (310 CMR 40.0000) went into effect which, under certain circumstances, will allow the regulatory closure of petroleum contaminated sites overlying groundwater classified as GW-1, where groundwater conditions do not meet GW-1 standards.

Groundwater is classified as GW-1 when it is located within an area designated as a “Current or Potential Drinking Water Source Area.” These areas include protected areas surrounding public and private water supply wells and reservoirs, areas not serviced by public water supply, areas under local protection, and areas designated as medium or high yield potentially productive aquifers by MassDEP.



Prior to these recent revisions, groundwater in these “GW-1” areas that was contaminated by a release of oil and/or hazardous materials had to be cleaned up to levels that met MCP GW-1 standards, or current drinking water standards, in each and every well located on the contaminated site.



These new revisions take into account the widely-accepted understanding that petroleum products in groundwater degrade rapidly under natural conditions and that petroleum contaminated groundwater, if far enough away from a water supply, will not likely impact that water supply. The incorporation of this understanding into the Massachusetts regulations allows a site within a GW-1 area to be closed with petroleum product concentrations in groundwater remaining at levels exceeding GW-1 or drinking water standards. There are specific performance criteria that must be met to take advantage of these revisions to the regulations, but the end result may be a significant reduction in expense by the responsible party to close a petroleum contaminated site.

Please contact Robert H. Bird, LSP or Robert C. Atwood, PE, LSP to discuss how these regulatory changes might be applied to your disposal site.

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