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October 17, 2014

Paul W. Locke, Director
Response & Remediation
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

Dear Director Locke,

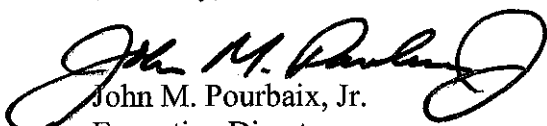
On behalf of the members of Construction Industries of Massachusetts (CIM), an association representing the heavy & highway industry, we submit to you the following comments for consideration as you begin to address the issues raised in Section 277 of the FY 2015 budget.

Prior to the enactment of Section 277, CIM reached out to members of the Legislature and expressed our opposition to the language being proposed. As we stated then, the language is unnecessary as DEP is already empowered to, and in fact does, oversee and regulate the soil management issues raised by Section 277. Additional and duplicative regulations have the potential to add layers of permitting in every municipality; invoke uncertainty and confusion into an already regulated area; delay projects, increase costs; and stall economic development projects across the state. An extensive and comprehensive regulatory framework already exists for the identification, classification, tracking and recycling or disposal of soils (310 CMR 40.0000). It is our opinion that nothing more needs to be done by DEP to address the requirements of Section 277. Current regulations are focused upon protecting the health, safety, public welfare and environment. DEP places the highest priority upon these tenets and it meets its responsibilities through the professional work of environmental scientists and public health officials. These are the very issues Section 277 seeks to address and they are the very issues DEP already oversees.

CIM fully supports and appreciates the need to regulate the management of soil and, under Federal and state laws and regulations, it is being thoroughly regulated already. Health, safety, public welfare and the environment are being protected. We caution that duplication will lead to uncertainty, project delays, increased costs, economic stagnation, job loss and other negative consequences while not realizing any additional benefit because DEP is already regulating the areas focused on in Section 277.

We thank you for the opportunity to offer these comments and we look forward to working with you and other interested groups as this process continues.

Sincerely,


John M. Pourbaix, Jr.
Executive Director