



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT

STATE HOUSE, BOSTON 02133 1053

June 16, 2015

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

RE: Interim Policy #COMM-15-01

Dear Mr. Locke:

We would like to take this opportunity to commend you and your colleagues for presenting the Interim Policy on the Re-Use of Soil for Large Reclamation Projects, developed pursuant to Section 277 of Chapter 165 of the Acts of 2014, M.G.L. c. 21E, Section 6, and M.G.L. c. 111, Section 150A. This policy represents ideas and comments advanced by elected officials, industry representatives, and the general public in furtherance of the goal of addressing issues surrounding reclamation soil projects in our community and the best way to ensure that there is no significant risk of harm to health, safety, public welfare, or the environment.

We, as elected officials representing communities with active or inactive quarries, would like to offer several comments relative to the new interim policy and impending regulations that will be set forth in the near future:

1. The testing of soil and air quality remains a top priority. Any and all testing should be conducted by an independent LSP at the receiving site. This testing should be conducted on a regular basis and should be, at times, unannounced. We believe LSP or DEP should make all results public, to include notices of the testing results being sent to abutters of the receiving site. Pre-testing must be part of any sustainable plan to establish a baseline for nuisance, dust, and grade of soil.
2. Any Soil and Fill Management Plan must address, in detail, a traffic and transport plan to minimize impacts upon local communities, both with regard to the number of vehicles traversing the area daily and air impacts from materials, exhaust, and other pollutants or impurities.
3. Each public official on the federal, state, and local level who represents a location where a large reclamation soil project has been proposed should receive timely notice from DEP after an application for administrative consent order is filed.

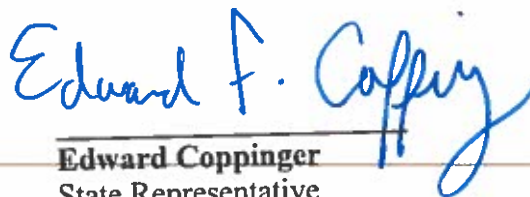
4. All reclamation and fill sites should be required to file a monthly report with DEP, containing required testing results since the last monthly report, the number of truck loads containing fill that have entered the reclamation/fill site, the amount of soil by volume that has entered the reclamation/fill site, and any other issues addressed during the monthly period of which the public should receive notice because of notice requirements articulated in Section 277 of Chapter 165 of the Acts of 2014; M.G.L. c. 21E, Section 6; M.G.L. c. 111; in the Interim Policy; in new DEP regulations; or where it would otherwise be logical to so notify.
5. All soil management plans shall be in writing and shall be approved by the local board of health in a city or town before such a plan is presented to DEP. The appropriate local government body should be empowered to conduct public hearings and hear public comment on such a plan. The public commentary shall be included in the overall application for administrative consent.
6. For large reclamation projects, defined by this policy, we believe DEP should be empowered to conduct a physical examination of the site and address potential risks of harm to health, safety, public welfare, or the environment.
7. All sites reusing reclamation soils should be required to carry liability insurance to protect the public from being impacted by a project that results in soil contamination.
8. All large reclamation projects should have a final plan for the use of the land and details on how the land will be brought back to its natural state.

We respectfully request that you review these comments thoroughly and thoughtfully as you prepare final regulations in the near future. We are available if you have any questions regarding the aforementioned points of interest.

Sincerely,



Mike Rush
State Senator
Norfolk & Suffolk District



Edward Coppinger
State Representative
10th Suffolk District



Angelo Scaccia
State Representative
14th Suffolk District

Cc:/ Matthew A. Beaton, Secretary
Martin Suuberg, Commissioner
Gary Moran, Deputy Commissioner