

**From:** Jon Simpson [jsimpson@charter.us]  
**Sent:** Tuesday, June 16, 2015 3:59 PM  
**To:** Locke, Paul (DEP)  
**Subject:** RE: DRAFT Interim Reclamation Soil Policy

**Few more Questions:**

Q1 – Why was a date line added as the “Applicability” of this Policy and how was May 1<sup>st</sup> 2015 determined to be that date?

Q2 - With the date line for the Applicability of this Policy being “any project commenced or expanded after May 1<sup>st</sup>, 2015”, has MADEP considered what benefits, or detriments, those opening after May 1<sup>st</sup> may face vs. those, without an ACO, who opened before May 1<sup>st</sup>? In other words has MADEP examined how this date line will create an unfair advantage, or disadvantage, for large reclamation projects competing for soils in the market that opened before vs. after May 1<sup>st</sup>?

Q3 - Will those facilities open before May 1<sup>st</sup>, 2015, without an ACO, be allowed to continue operation without the minimum, and very costly, requirements of those opening after May 1<sup>st</sup>, 2015 under an ACO will need to comply with?

Q4 – Will MADEP be using the ACO process to standardize the sampling frequencies and chemical acceptance criteria’s for large reclamation projects opening after the May 1<sup>st</sup> 2015 date?

Q5 – Will large reclamation projects currently accepting soils without an ACO and using differing cubic yard sampling frequencies, RCRA-8 metals, detectable VOCs, and detectable levels of PCBs be allowed to continue with this acceptance approach past the implementation of COMM-15-01 if they chose not to pursue an ACO? If not, will all large reclamation projects sampling frequency and acceptance criteria for specific contaminants (metals, VOCs, PCBs) be standardized by MADEP? If yes how will MADEP be getting the word out on this and when?

Q6 - If the acceptance criteria for Pre-May 1<sup>st</sup>, No ACO, large reclamation projects allowing for differing sampling frequencies, RCRA-8 metals, detectable VOCs, and detectable levels of PCB continue as an option unadjusted, has MADEP considered how this will create an unfair advantage, or disadvantage, for large reclamation projects competing for soils in the market that opened after May 1<sup>st</sup> and require an ACO?

Q7 - When MADEP says that this Policy is applicable to “any project commenced or expanded after May 1<sup>st</sup>, 2015” should we interpret “expanded” as being measured in 100,000 yard increments? In other words if a large reclamation project commenced prior to May 1<sup>st</sup>, 2015 and estimated its capacity at 20 million yards of material, would the project be considered expanding once it reached its 100,000 yard import of material past the date of May 1<sup>st</sup>, 2015 or is it when it reaches its overall estimated capacity of 20 million yards when it needs to consider applying for an ACO?

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**From:** Locke, Paul (DEP) [<mailto:paul.locke@massmail.state.ma.us>]  
**Sent:** Wednesday, May 27, 2015 12:54 PM  
**To:** Locke, Paul (DEP)  
**Subject:** DRAFT Interim Reclamation Soil Policy

Greetings!

MassDEP has prepared a DRAFT Interim Policy on the Re-Use of Soil for Large Reclamation Projects and the Department seeks your review and comment on this proposal by June 17, 2015. We anticipate finalizing the Interim Policy by June 30, 2015 in accordance with Section 277 of Chapter 165 of the Acts of 2014.

The DRAFT Policy describes an interim approach for obtaining site-specific Department approval for the reclamation of quarries, sand pits and gravel pits using more than 100,000 cubic yards of soil. The approach institutionalized in this policy has been successfully implemented on a case-by-case basis to allow operations to begin accepting large volumes of soil as fill. The policy provides clarity on the types of locations that would require approval and the nature of the documentation/information necessary for DEP to sign-off on the reclamation project. The policy would remain in effect while the Department continues to work with stakeholders to develop a comprehensive approach to implement Section 277

The draft policy is now available on the Department's Reclamation Soil blog ([www.ReclamationSoil.org](http://www.ReclamationSoil.org)) and later today on Mass DEP's webpage (<http://www.mass.gov/eea/agencies/massdep/> - see "Additions & Updates").

We look forward to any comments and suggestions you may have – both for improving the interim policy AND as we move ahead to develop a comprehensive approach for quarry reclamation projects. Comments on the draft policy should be sent to [Paul.Locke@state.ma.us](mailto:Paul.Locke@state.ma.us) by June 17, 2015. If you have any questions during your review of this material, please feel free to email ([Paul.Locke@state.ma.us](mailto:Paul.Locke@state.ma.us)) or call (617-556-1160).

Thank-you for your continued participation in this important project!

- Paul Locke

P.S. The draft policy will likely be an agenda topic for a Waste Site Cleanup Advisory Committee meeting on Thursday, June 25, 2015 (rescheduled from 6/17/15 for those of you following along.) All are welcome to attend and participate in the meeting either live or on-line. Agenda will be posted at <http://www.mass.gov/eea/agencies/massdep/news/advisory-committees/waste-site-cleanup-program-advisory-committee.html> as the meeting date approaches.

P.P.S. – You are receiving this email because you have, in the past, expressed interest in MassDEP's work on soil management. If this is not correct, or if you have subsequently reevaluated your life interests and now would like your name removed from our mailing list, simply reply to this email with some sort of "unsubscribe" message and we'll take care of it.

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