

External Reporting (Cont.) – Reporting Releases of OHM to MassDEP



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Reporting Releases of Oil and/or Hazardous Materials (OHM) to MassDEP

- Releases and Threats of Release (TOR):
 - Per the *Massachusetts Contingency Plan* (MCP, CMR 40.0000), TOR means “*the substantial likelihood of a release of oil and/or hazardous material which requires action to prevent or mitigate damage to health, safety, public welfare or the environment which may result from the release*”.
 - Per the MCP, a Release means “*any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment*”. There are a handful of exemptions.



Notification Categories/When to Notify (310 CMR 40.0310 – 0317 and 40.0332)

The three MCP notification categories for TORs and Releases are:

- 2-Hour Notification
- 72-Hour Notification
- 120-Day Notification

Notification Categories/When to Notify (310 CMR 40.0310 – 0317 and 40.0332)

OHM = Oil and/or Hazardous
Material
RQ = Reportable Quantity
RC = Reportable Concentration

CATEGORY	EXAMPLE THREATS OF RELEASE	RELEASES OF OHM
2-Hour Notification	Buried or abandoned drums, tanker truck accidents, commercial/industrial fire.	<p>1) Sudden, continuous, or intermittent release to env. of OHM listed in MCP or meets one or more haz. characteristics per 40.0347 and:</p> <ul style="list-style-type: none"> Quantity of release \geq RQ, and likely occurred within 24-hour period; Quantity of release is unknown but is likely \geq RQ and likely occurred within 24-hour period; <p>2) Sudden, continuous, or intermittent release of listed oil or waste oil that results in a sheen on surface water.</p> <p>3) Release of OHM to private drinking water supply well \geq RCGW-1.</p> <p>4) A release in any quantity or concentration that poses an Imminent Hazard (as defined in the MCP). Another reporting condition applies here if discharged to env. through sanitary sewer.</p> <p>5) Any release under Item 1 above, which indirectly discharges to environment through stormwater drainage system.</p>

Notification Categories/When to Notify (310 CMR 40.0310 – 0317 and 40.0332)

CATEGORY	EXAMPLE THREATS OF RELEASE	RELEASES OF OHM
72-Hour Notification	Leak \geq 0.05 gallons per hour in a single-walled UST or from inner or outer wall of double-walled UST.	<ol style="list-style-type: none"> 1) Non-Aqueous Phase Liquid (NAPL) \geq ½-inch in GW mon. well, excavation or subsurface structure at a location greater than 30 ft. from school, daycare, childcare center or occupied residential dwelling. 2) Measurement \geq 100 parts per million by volume (ppmV) of total organic vapors within 10 ft. of exterior wall of a UST, using jar headspace method. 3) Measurement of OHM in GW \geq RCGW-1 (within Zone I of public water supply or 500 ft of private water supply). 4) Condition of Substantial Release Migration.

Notification Categories/When to Notify (310 CMR 40.0310 – 0317 and 40.0332)

CATEGORY	EXAMPLE THREATS OF RELEASE	RELEASES OF OHM
120-Day Notification	NA	<ol style="list-style-type: none"> 1) Release of one or more haz. materials in soil or groundwater \geq than RCs. 2) Release of oil/waste oil in soil \geq RCs where contiguous volume of soil is \geq 2 CY. 3) Release of oil in groundwater \geq RCs. 4) Presence of NAPL in GW monitoring well, excavation, or other subsurface structure \geq 1/8-inch < 1/2-inch.

RC = Reportable Concentration



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Who should
notify/content
of notification

Who needs to notify (310 CMR 40.0331)?

- Current owner/operator of a site or vessel where a release has occurred (both oil and hazmat);
- Anyone who caused or contributed to the release (both oil and hazmat)
- Former owner/operator of a site or vessel (hazmat only); and
- Anyone who transported, stored or disposed of hazardous waste to or at a site (hazmat only).

Notification hierarchy: local public safety → MassDEP and other state agencies → USEPA and other federal agencies.

How to Notify (310 CMR 40.0333)

For 2- and 72-Hour Notifications, call 24-hour number established by MassDEP (1-888-304-1133) and complete Release Notification Form (RNF) within 60 Days of oral notification.

120-Day Notifications, there is no oral notification. Must complete RNF within 120 days of obtaining knowledge that release meets notification criteria, and prior to remedial action (with exception of Limited Removal Actions (310 CMR 40.0318)).

May wish to obtain Licensed Site Professional (LSP) for notification but are not required to do so.

Content of Notification (310 CMR 40.0334)

- Name and contact numbers - PRP/LSP
- Location
- Existing Release Tracking Numbers (RTNs) if any
- Oil and/or hazardous material involved
- Correct legal name of Potentially Responsible Party (PRP)
- Time of knowledge (any PRP employee)
- Name of other agencies notified
- Receptors impacted or in vicinity
- Proposed response actions and schedule

TORs/Releases which pose threat of Imminent Hazard (310 CMR 40.0320)

Recall that one of the criterion for 2-Hour notification was any release (any concentration or quantity) which poses an ***Imminent Hazard***.

A few examples:

- Any release to environment with acute human health impacts.
- A release to environment which results in OHM vapors in buildings, structures, or underground utility conduits at concentration \geq Lower Explosive Limit (LEL).
- Release that causes immediate acute adverse impacts to freshwater or saltwater fish populations (*e.g.*, fish kills).

This is not a complete list of potential Imminent Hazard conditions!



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A Brief Word on UST System Compliance

Are your USTs
in compliance
with 310 CMR
80.00?

Some Considerations:

- Up-to-date UST registration info in MassDEP UST Data Management System?
- Responding to system alarms within 72 hours?
- Emergency instructions and contact info posted at UST?
- Leak detection systems being maintained/inspected as required?
- Monthly inspections of monitoring equipment/spill buckets being performed?
- Aware of MassDEP amendments to the Underground Storage Tank & Stage I Vapor Recovery Guidance During State of Emergency for COVID-19 Pandemic (4/28/2020), with regard to applicable testing, inspection and certification submittal requirements?



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Thank you!

Q & A

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