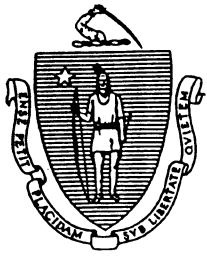


US EPA ARCHIVE DOCUMENT



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

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Lieutenant Governor

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MAY 21 1999

OFFICE OF THE REGIONAL ADMINISTRATOR

BOB DURAND  
Secretary

EDWARD P. KUNCE  
Acting Commissioner

CERTIFIED MAIL: P 547 107 605

May 18, 1999

Ms. Peggy Hegarty-Steck  
Lead-Safe Cambridge  
Cambridge Community Development Department  
57 Inman Street  
Cambridge, MA 02139

Re: Residential Lead Soil, Clarification under COMM-97-001 and Approval.

Dear Ms. Hegarty-Steck:


This letter is the Massachusetts Department of Environmental Protection's (Department) response to your March 24, 1999 letter. In your letter you request that the Department clarify the application of Department policy COMM-97-001 Reuse and Disposal of Contaminated Soil and Sediment at Massachusetts Landfills to the management of approximately one hundred twenty (120) tons of residential lead soil you are generating. Your letter also provided the sampling and analytical data for the soil. This soil is being generated from beneath the drip line, play areas, and gardens of approximately fifteen (15) low-income residences in Cambridge as part of Lead-Safe Cambridge's deleading assistance program.

You identify three facilities that you are considering for disposal of the soil. Two of these are located in Massachusetts, the Westminster/Fitchburg Landfill in Fitchburg and the BFI Landfill in Fall River; the third is the Turnkey Landfill located in Rochester, New Hampshire. You pose the following questions:

1. Is any additional sampling or analysis of the soil necessary?
2. Is a special waste determination necessary for disposing of the soil at either the Fitchburg Landfill or Fall River Landfill?, and
3. How does DEP Policy COMM-97-001 apply to management of the soil going to an out-of-state landfill?

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(1) Is Additional Sampling Required?

Lead-Safe Cambridge has provided the Department with a copy of its soil sampling protocol and the characterization data for the soil. The soil sampling protocol identifies the proper sampling locations and provides detailed instructions on collecting the samples. The Department has reviewed both the sampling protocol and the characterization data including the results of over 30 analytical samples from the residences. The Department determines that the sampling satisfies the requirements of Section 5.0 Testing and Characterization of Department policy COMM-97-001. Therefore, no additional characterization or testing is required for disposing of this soil at the two Massachusetts landfills you are considering.

(2) Is A Special Waste Determination Required for Disposal?

Section 9.4 "Disposal of Residential Lead Soil at Lined and Unlined Landfills" of COMM-97-001 provides that a Special Waste Determination (BWP SW 14 or BWP SW 31) or "other Department approval" shall be obtained prior to the disposal of Residential Lead Soil at a lined or unlined landfill. This provision allows the Department to determine whether residential lead soil may be accepted for disposal by a specific landfill and if it requires handling as a special waste. In instances where the Department determines because of the quantity of waste, physical, chemical and biological properties of the waste that special handling is required to ensure protection of the public health, safety or the environment, a Special Waste Determination (BWP SW 14 or BWP SW 31) is required. The Department determines that the residential lead soil described above does not require handling as a special waste for purposes of disposal at the two Massachusetts facilities Lead-Safe is considering. Therefore, a Special Waste Determination is not required.

This letter constitutes an **approval** by the Department, as provided in COMM-97-001, for either the Fall River Landfill or Fitchburg Landfill to accept for disposal as a solid waste up to one-hundred seventy-five (175) tons of residential lead soil from the residences identified in Lead-Safe's March 24, 1999 correspondence. These locations include the residence at 13 Sixth Street for which you provided analytical data to the Department on April 7, 1999. Should these residences generate less than one hundred seventy-five (175) tons of soil, then residential lead soil from other residences may be included up to this total amount. Provided that such other soil is characterized in accordance with Lead-Safe's soil protocol and there is no knowledge or physical evidence that other contaminants are present. In addition, the disposal of the residential lead soil must comply with the requirements of the local siting authority (Board of Health) that apply to the facilities.

(3) How does COMM-97-001 Apply to Residential Lead Soil Shipped to Out-of-State Landfills?

COMM-97-001 describes the requirements for and provides guidance on the management of contaminated soil and sediment intended for reuse or disposal at Massachusetts landfills. Portions of the policy, such as the characterization and transportation provisions, may be applicable to contaminated soil that is generated in Massachusetts and intended for management at out-of-state facilities (landfills etc.). Other provisions of the policy, such as the reuse and disposal criteria and use of a Material Shipping Record may not be directly applicable to an out-of-state receiving facility. The authority that regulates the receiving facility establishes the requirements that apply to its receipt of contaminated soil. In the case of the Turnkey Landfill, the State of New Hampshire prescribes these requirements. Correspondence between U.S. EPA

Region I and the State of New Hampshire concerning the management of residential lead soil at New Hampshire facilities is attached for your information.

Please note that the provision of Section 6.0 "Transportation, Shipping Documentation, Record Keeping and Reporting" of COMM-97-001 apply to the management of residential lead soil. This requires the use of a Material Shipping Record (MSR). As you have discussed with Mr. Carrigan of my staff, a single MSR may be used for the soil generated by each contractor, with a list of the generating locations appended, rather than a unique MSR for each location. In addition, a representative of Lead-Safe may sign the Qualified Environmental Professional Opinion in Section G of the MSR.

Should you have any question regarding this letter please contact Mr. John A. Carrigan by telephone at (617) 292-5584 or email at [John.Carrigan@State.ma.us](mailto:John.Carrigan@State.ma.us).

Sincerely,



Steven A. DeGabriele, Director  
Bureau of Waste Prevention  
Business Compliance Division

(Enclosures)

cc: Rose Capone  
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1 Government Center  
Fall River, MA 02722

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Acting Commissioner

CERTIFIED MAIL: P 547 107 606

May 18, 1999

Westminster Board of Health  
3 Beacon Street  
P.O. Box 456  
Westminster, MA 01473

Gentlemen:

This letter is in response to your May 4, 1999 correspondence to Mr. John A. Carrigan of my staff regarding Lead-Safe Cambridge's proposal to dispose of residential lead contaminated soil at the Fitchburg landfill. I would like to thank you for taking the time to comment on the proposal and raising your issues of concern.

As you know residential lead soil is soil from household locations contaminated with lead derived from weathering and maintenance of lead paint on the exterior of homes. Lead from both lead paint and residential lead soil poses a significant public health threat to children, particularly in the older urban neighbors of many towns and cities in the Commonwealth. It is a particular problem for low-income homeowners who may lack the resources and knowledge to effectively address it. Landscaping measures are primarily relied on to mitigate exposures to residential lead soil. These generally involve isolating the contaminated soil by covering it either with clean soil or more often paving. However, often it is necessary to remove some limited volumes of soil in order to perform the landscaping measures. This soil is not considered by EPA or the Department to be a hazardous waste because the soil is being generated from residential locations and the lead is derived from residential lead paint and not industrial sources.

Recognizing the need to provide some limited capacity for the management of residential soil, the Department developed guidance for its receipt by Massachusetts solid waste landfills in Department policy COMM-97-001 "The Reuse and Disposal of Contaminated Soil and Sediment" at Massachusetts Landfills" (enclosed). This policy provides guidance on the requirements for the acceptance of contaminated soil and sediment by Massachusetts's landfills, for either reuse or disposal.

Primary considerations in developing the policy were that the management of the material be protective and not significantly impact the existing Municipal Solid Waste (MSW) disposal capacity. This is why the policy provides for the maximum use, in a protective manner,

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of contaminated soil and sediment as daily cover and structural fill/grading and contouring material beneath the final cap in solid waste landfills. The policy also allows for the controlled disposal of some soil.

The concern expressed in your letter regarding the potential impact of the disposal of contaminated soil at Massachusetts's landfills on MSW capacity was specifically considered by the Department in developing the policy. This is why the disposal of any contaminated soil or sediment requires the review and approval of the Department. In approving the disposal of the Lead-Safe Cambridge soil at either the Fitchburg or Fall River landfills, a primary factor was the limited volume of the material involved. The Department would not have allowed disposal of this material at either landfill were it to have resulted in displacement of any significant MSW capacity. Further with regard to the Fitchburg landfill, it is the Department's understanding that the volume of Lead Safe soil will be accepted within the current disposal limit imposed by you on the landfill and it will not be accepted at the expense of any MSW generated by Westminster or Fitchburg.

Finally, a large number of comments on the MSW capacity issue have been submitted to the Department as part of the public comments on the proposed solid waste site assignment regulations. The Department is currently considering these comments and will include your capacity concerns as well. The Department recognizes the impact of both the reuse and disposal of non-traditional MSW, such as residential lead soil, is a significant issue in planning future waste management options.

Another basic tenet of the policy is that residential lead soil be managed in a manner that is protective of the public health and the environment. For this reason the Department has restricted the disposal of such soil to lined landfills like the Fitchburg and Fall River landfills. In the development of the policy the type of lined facilities the Department considered were those currently in operation in Massachusetts, the majority being ones with composite liner systems such as the Fitchburg landfill.

I hope this letter addresses the concerns you raised about capacity and the technical requirements for landfilling this material. I also hope this clarifies that the intent of Policy Comm-97-001 is to provide some capacity for residential lead soil without significantly impacting MSW capacity or adversely impacting the receiving landfill. Should you have any questions please feel free to contact Mr. John A. Carrigan of my staff by telephone at (617) 292-5584 or by the Internet at [John.Carrigan@state.ma.us](mailto:John.Carrigan@state.ma.us).

Sincerely,



Steven A. DeGabriele, Director  
Business Compliance Division  
Bureau of Waste Prevention

(Enclosure)

SAD/JAC/jac

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