

LIMITED REMOVAL ACTIONS (310 CMR 40.0318)

In most cases, the Massachusetts Department of Environmental Protection (MADEP) requires notification of the detection of a release of oil or hazardous materials (OHM) to soil and groundwater. Notification deadlines vary from 2 hours to 120 days based on the concentrations and nature of the release.

However, regulations established by the MADEP state that under certain circumstances, a limited cleanup can be performed when contamination is identified in soil and the remediation can be performed before the notification deadline (120-day notifications only). Under these circumstances a Limited Removal Action (LRA) is allowed by the MADEP. Thus, these actions expedite the clean up process, saving the property owner money, and do not involve the MADEP in the process.

On sites where the 120-day notification requirement is triggered due to a release to soil, the MADEP allows a Limited Removal Action in which contaminated soil can be removed by excavating and disposing of up to 100 cubic yards of petroleum contaminated soil without notifying the MADEP. However, the removal action must be performed within 120 days of the discovery. Soil contaminated with other contaminants such as metals or solvents can be excavated and transported to a disposal facility in quantities up to 20 cubic yards as an LRA. Under an LRA, soil disposal must be documented in accordance with MADEP requirements, but notification to the MADEP is not required.

Standard field testing of soils and laboratory confirmation testing are required to document completion of soil removal actions. A report is usually completed for submittal to the client to document all testing and disposal methods.

If the site is not remediated within the LRA allowable time period of 120 days, the MADEP must be notified and the issue would need to be resolved under an alternative remedial measure such as a Release

Abatement Measure. These remedial actions require submittal of proposed work plans to the MADEP prior to their approval.

For example, oil contaminated soil was detected during a recent assessment of a commercial property. The assessment was performed in preparation of a pending real estate transaction. Initial findings of a subsurface investigation determined that the amount of contaminated soil was below 100 cubic yards and contamination was limited to #2 fuel oil. Under the LRA provisions of MADEP regulations, the contaminated soil was excavated and transported to an asphalt batching plant for recycling into asphalt road base. After confirmatory soil testing documented that remaining soil met applicable Reportable Concentrations of the MADEP, the affected area was back-filled with clean soil to original conditions. Our report was submitted to the purchaser and lending institution, which allowed the real estate transaction to be completed.