

Safety Committees, Massachusetts Contingency Update & More



Do You Have a Highly Effective Safety Committee?

Currently, not all companies are required to have safety committees. However, employers meeting certain criteria in some states must establish a committee to help improve worker safety. Additionally, some states provide incentives – such as reductions in workers' compensation premiums – for organizations with established safety committees. Research has shown that organizations with a higher percentage of its workforce on safety committees have lower injury and illness rates! Check out [this link](#) (page 54) for additional information on effective safety committees.

Massachusetts Department of Environmental Protection Updates the Massachusetts Contingency Plan



If you are undergoing an environmental cleanup project, you may want to familiarize yourself with revisions to the Massachusetts Contingency Plan (MCP 310 CMR 40) that the Massachusetts Department of Environmental Protection (MADEP) will adopt on June 20, 2014. The focus of these changes was to simplify and streamline the cleanup and closure process. The following is a brief overview of the revisions. For a more detailed explanation, you can review the updated regulations on the [MADEP website](#).

Non-aqueous phase liquids - One long standing environmental issue, now addressed with more clarity and scientific rigor, relates to contamination that does not mix with groundwater (non-aqueous phase liquids). New definitions allow environmental approaches that are more precisely tailored to real-world environmental conditions, focusing remediation where it is likely to be effective.

Vapor intrusion - Prior to the MCP amendments, active vapor migration systems to prevent vapor migration into buildings did not qualify for a permanent solution. This limitation has been removed by the amendments. However, the amendments impose substantial new financial assurance, automated monitoring and reporting, stakeholder notification, and certification requirements for such systems. There are also additional notification obligations for closure with active treatment systems.

New MCP outcomes - The MCP no longer uses the term "response action outcome" (RAO). MCP endpoints now will be known as "temporary solutions," "permanent solutions with no conditions" or "permanent solutions with conditions." Permanent solutions with conditions include sites that have activity and use limitations (AULs), recommended best management practices for home gardening or historic fill. They also include vacant land where construction of a new building would trigger more stringent groundwater cleanup standards to protect against vapor intrusion.

Streamlining - MADEP has streamlined some MCP requirements. For example, Tier I permits have been eliminated. Sites will be classified by inclusionary criteria rather than a numerical ranking process. These criteria include the need to conduct response actions to address vapor intrusion. Requirements and forms for AULs have been simplified, and AULs now may be used at Superfund sites. A new requirement has been added, requiring notice to MADEP whenever title to property subject to an AUL is conveyed.

Method 1 Standards - MADEP has updated the toxicity and background numbers it uses to calculate risks for several chemicals. As a result, the criteria for cleaning up groundwater, soil and indoor air have changed. Also, cleanup standards for two common contaminants - trichloroethene and lead - are now more stringent.

For additional changes to the MCP and more detailed information please contact **Michael Scherer** at (508) 471-9624 or MJScherer@TigheBond.com.

REMINDER

Environmental Compliance Deadlines on the Horizon

Source Registration Emissions Status: June-August (Minor sources)

Toxics Use Reduction Reporting & Planning: July 1st

Toxic Release Inventory: July 1st

SURVEY

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Safety Specialist Spotlight - Timothy Keefe



Compliance Specialist **Timothy Keefe** is a member of Tighe & Bond's Regulatory Compliance Services Group. He has a solid understanding of OSHA standards and a focus on safety training, as well as program development and regulatory compliance audits. He also manages environmental compliance inspections and assessments in accordance with EPA and state regulations. Tim holds a Bachelor of Science in Safety Studies from Keene State College.

You can reach Tim at 413-572-3282, or TSKeefe@TigheBond.com. Feel free to introduce yourself to Tim, or let him know if you have any safety related questions!



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