

MASSACHUSETTS ENVIRONMENTAL AND LAND USE ALERT

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Massachusetts Office

45 William Street
Suite 120
Wellesley, MA 02481-4004
(781) 416-5700

Brian C. Levey

blevey@bdlaw.com

Stephen M. Richmond

srichmond@bdlaw.com

Patricia Saint James

psaintjames@bdlaw.com

Jeanine L.G. Grachuk

jgrachuk@bdlaw.com

Marc J. Goldstein

mgoldstein@bdlaw.com

Krista L. Hawley

khawley@bdlaw.com

Alexander D. Jones

ajones@bdlaw.com

For more information about
our firm, please visit
www.bdlaw.com.

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Environmental and Land Use
Alerts, please send an e-mail
to: crudyj@bdlaw.com.

MassDEP Proposes Allowing Certain RCRA Corrective Actions under State Cleanup Program

Consistent with EPA's One Cleanup Program seeking to harmonize federal CERCLA and RCRA and state cleanup requirements, MassDEP has proposed a hazardous waste rule change that would reduce regulatory burdens by allowing interim status RCRA sites to complete corrective action under the state privatized cleanup program with the oversight of a licensed site professional.

MassDEP Proposes Series of Changes to State Cleanup Program

MassDEP has proposed a number of changes to the regulations implementing the state privatized cleanup program. Among other things, these changes would (1) provide additional flexibility for cleanup of petroleum releases in certain areas where groundwater is classified as drinking water; (2) allow MassDEP to re-set deadlines for sites when there is a new owner or tenant, and (3) modify cleanup standards for scores of chemicals.

MassDEP Reduces Need for Sewer Connection and Extension Permits

MassDEP has finally codified regulatory changes that, commencing January 12, 2007, eliminate the need for sewer connection permits for many sewer users that are otherwise regulated by publicly owned treatment works (POTWs), including sanitary and industrial dischargers, and for sewer extension permits for many applicants proposing sewer extensions of less than 1,000 feet.

Massachusetts Becomes RGGI Signatory

Massachusetts has joined the Regional Greenhouse Gas Initiative (RGGI), becoming the eighth Northeast state to commit to achieve greenhouse gas emissions reductions under a uniform set of emission cap and trade rules. The RGGI program will require the purchase of greenhouse gas (GHG) emission allowances by all power plants with an output of at least 25 megawatts.

Massachusetts Creates Permitting Session of Land Court to Expedite Judicial Review

The creation of a new Permit Session of the Land Court Department with expanded jurisdiction holds great promise for expediting review of many appeals which now serve as a roadblock to residential, commercial, and industrial developers and landowners.

[Recent Developments in Massachusetts Land Use Law](#)

Massachusetts courts have recently issued major decisions affecting a broad range of property owners and developers. Recent cases have addressed the so-called “grandfather” provision of Chapter 40A, the bases upon which abutters can challenge the issuance of a comprehensive permit under Chapter 40B, limits on the Site Plan Review process, and the award attorneys fees arising out of an appeal of a special permit.

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