



EBC Site Remediation Program MassDEP Interim Policy on the Re-Use of Soil for Large Reclamation Projects

CDM Smith
Boston, Massachusetts

Friday, September 25, 2015

Sponsoring Organization



AGENDA

- 8:00 a.m.** **Welcome: Daniel K. Moon, President, EBC**
Introduction: Michelle N. O'Brien, Program Chair and Moderator
Partner, Pierce Atwood LLP
- 8:10 a.m.** **MassDEP's Interim Policy on the Re-Use of Soil for Large Reclamation Projects**
- Sarah Weinstein, Deputy Assistant Commissioner, Bureau of Air and Waste, Massachusetts Department of Environmental Protection
 - Paul Locke, Acting Assistant Commissioner, Bureau of Waste Site Cleanup, Massachusetts Department of Environmental Protection
- 9:00 a.m.** **Panel Discussion: Project Review and Approval Under the Policy**
Moderator: Michelle N. O'Brien, Pierce Atwood LLP
Panel Members:
- Sarah Weinstein, MassDEP
 - Paul Locke, MassDEP
 - Kevin Francis Gervais, Lighthouse Environmental Management LLC
 - Kevin Hardiman, P.E., Town of Tewksbury Dept. of Public Works
- 10:00 a.m.** **Questions & Answers**
- 10:30 a.m.** **Adjourn**

PROGRAM CHAIR

Michelle N. O'Brien, Partner
Pierce Atwood LLP
100 Summer Street, Suite 2250, Boston, MA 02110
(617) 488-8146 // mobrien@pierceatwood.com

Michelle N. O'Brien, Esq., is a partner at Pierce Atwood LLP, where she practices environmental and land use law and related litigation. Prior to joining Pierce Atwood in January 2015 Ms. O'Brien spent 15 years at an environmental boutique firm and was an assistant attorney general in both the environmental protection and trial divisions of the Massachusetts Attorney General's Office.

Ms. O'Brien handles environmental and land use permitting and related litigation for various types of development. She defends companies in environmental enforcement matters at the federal, state, and local levels. Ms. O'Brien also represents private parties in cost recovery and property damage claims involving releases of oil and hazardous materials and assists clients with real estate transactions involving contaminated properties.

Ms. O'Brien is an appointed member of MassDEP's Waste Site Cleanup Advisory Committee. She is actively involved in, and is a frequent speaker at, various industry organizations including the Boston Bar Association, LSP Association, and the Environmental Business Council of New England.

Ms. O'Brien has been listed in The Best Lawyers in America® for environmental law and environmental litigation since 2006. She was named one of Massachusetts Lawyers Weekly's "Top Women of Law" for 2015 and is listed in the Bar Register of Preeminent Women Lawyers. Ms. O'Brien is also recognized by Chambers USA, publishers of America's Leading Lawyers for Business, and has been named a Massachusetts Super Lawyer by Boston Magazine each year since 2006.

SPEAKERS

Kevin Francis Gervais, Owner
Lighthouse Environmental Management LLC
The Green Building, 184 Stone Street, Clinton, MA 01510
(978) 706-1782 // Cell: (617) 699-5245 // kevin@lighthousegmt.com

Kevin Francis Gervais and his affiliated companies have been in the environmental business for nearly 15 years. The companies' primary focus has been on brownfields redevelopment and fill management. Mr. Gervais has managed the re-use of more than one million cubic yards of soil for numerous projects including the construction of golf courses, a golf community, housing developments, and farms, primarily in the Central Massachusetts area. His company is currently managing the re-use of soil for the reclamation of previously eroded silage-producing fields at Jordan Overlook Farm in Rutland, Massachusetts.

Kevin Hardiman, P.E., Town Engineer
Town of Tewksbury Department of Public Works
1009 Main Street, Tewksbury, MA 01876
(978) 640-4440 x239 // khardiman@tewksbury-ma.org

Kevin Hardiman is the Town Engineer for the Town of Tewksbury, Massachusetts. He has more than 15 years of civil engineering experience with residential, commercial, institutional, municipal, energy and utility projects. Prior to his employment with the Town Mr. Hardiman worked as a private consultant. Mr. Hardiman holds a Bachelor of Science degree in civil engineering from Worcester Polytechnic Institute, is a

Registered Professional Engineer in the Commonwealths of Massachusetts and Pennsylvania, and is a Certified Professional in Erosion and Sediment Control (CPESC).

Paul Locke, Acting Assistant Commissioner

Bureau of Waste Site Cleanup, Massachusetts Department of Environmental Protection
One Winter Street, Boston, MA 02108
(617) 556-1160 // Paul.Locke@state.ma.us

Paul W. Locke is currently the Acting Assistant Commissioner for the Bureau of Waste Site Cleanup, overseeing implementation of the Massachusetts Contingency Plan (including audits, compliance & enforcement and data management systems) as well as the Federal Sites section. Mr. Locke has been with the Massachusetts Department of Environmental Protection since 1987. From 2002 to 2015 Paul was the Director of Policy and Program Development for the Bureau of Waste Site Cleanup, during which time MassDEP promulgated significant revisions to the MCP and first-in-the-nation standards for perchlorate. Before joining Waste Site Cleanup in 2002, Paul was head of the Risk Analysis Group within the MassDEP Office of Research and Standards, where he participated in environmental policy development, review of site specific reports, and provided technical assistance to MassDEP staff and the regulated community.

Mr. Locke has participated in numerous revisions to the Massachusetts Contingency Plan (310 CMR 40.0000), including the development of the privatized program. He is the primary author of the MCP Subpart I regulations on human and environmental risk characterization and is co-author of the Department's Guidance for Disposal Site Risk Characterization. Mr. Locke holds a Bachelor's degree in Chemistry from Harvard College and a Master's degree in Civil Engineering from the Tufts University program in Public Health.

Sarah Weinstein, Deputy Assistant Commissioner

Bureau of Air and Waste, Massachusetts Department of Environmental Protection
One Winter Street, Boston, MA 02108
(617) 574-6862 // sarah.weinstein@state.ma.us

Sarah Weinstein has been a Deputy Assistant Commissioner in MassDEP's Bureau of Air and Waste since 1999. She coordinates policy development on a wide variety of pollution control and prevention issues, and oversees Bureau strategic planning, communications, and clean energy work. In previous positions at MassDEP, Ms. Weinstein directed the Division of Planning and Program Development in the MassDEP Bureau of Waste Site Cleanup, chaired the Board that licenses "LSPs", private sector experts in site assessment and cleanup, and was a lead author of the Massachusetts Brownfields Law (enacted in 1998). Ms. Weinstein holds a Bachelor of Arts degree from the University of Pennsylvania, and has done graduate work in community planning at the University of Rhode Island.

Upcoming EBC Programs

- September 29: PCB/TSCA Program – Managing PCB Impacted Building Materials
- September 30: Evening Program with MassDOER Commissioner Judith Judson
- October 1: Dam Management and Climate Change Program – Flood Control
- October 1: Site Visit – Muddy River Restoration Project

Environmental Business Council of New England, Inc.
375 Harvard St, Suite 2 Brookline, MA 02446
617-505-1818 // ebc@ebcne.org // @ebcne // www.ebcne.org