



Message from the Commissioner: Great Successes in 2011 and Big Plans for 2012

A Look Back at 2011

The year 2011, my first as head of MassDEP, has been a challenging, but very exciting and productive year. I am extremely proud of the accomplishments our agency has made to continue to protect the people and the environment of the Commonwealth. Through the hard work of our dedicated staff, and our important partners in many sectors outside of the agency, we have achieved numerous important accomplishments. We have continued a vast array of vital work to protect the environment and public health; initiated major changes to make the agency better and smarter; and halted a serious, multi-year downward budget and resource trend. Here are some highlights from the year.

Innovation and Reform: Last year presented another difficult budget, which in turn demanded change. We rose to the challenge by launching some far-reaching initiatives. We collaborated with businesses, municipalities, and advocacy groups to identify a list of 21 potential reforms to

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how we do our permitting and compliance work. The final group of reforms will be implemented in 2012, and will allow us to keep our strong level of environmental protection with our current reduced resources, while also satisfying the 2010 Act Relative to Economic Development Reorganization, which requires Massachusetts state agencies to review existing regulations for efficiency improvements. We developed a roadmap for overhauling our information technology capabilities, which – if funded – will help us vastly improve services like online permitting, point-and-click tools for citizens to check local environmental conditions, and new capabilities to increase agency efficiency, such as remote monitoring of compliance status and improved hand-held

technologies for field staff. Amidst these changes, some of the most senior members of our leadership team retired, and we have been rebounding by bringing aboard truly first-rate talent to our leadership team.

Air Quality, Climate & Clean Energy: In October 2011, we launched a major new partnership with the Massachusetts Department of Energy Resources (DOER) to harness MassDEP's regulatory efforts and expertise to facilitate clean energy projects that will yield substantial air quality and climate protection benefits. Progress by year's end included helping advance more than 100 clean energy and energy efficiency projects at wastewater and drinking water treatment plants, Brownfields and closed landfills, and other locations with potential for future generation of more than 75 megawatts of renewable energy. In 2011, we played a leadership role in the continued success with the Regional Greenhouse Gas Initiative (RGGI), the nine-state initiative which has capped and is on track to reduce harmful CO₂ emissions from the power sector 10 percent by 2018. The now-completed three-year MassCleanDiesel School Bus Diesel Retrofit Program provided \$16.5 million to 300 communities (serving 310,000 students) to retrofit more than 2,100 school buses, reducing emissions of dangerous air pollutants by more than 27 tons per year. MassDEP completed a study showing that mercury emissions within the state have fallen by 91 percent since 1996, greatly exceeding MassDEP's original goal of 75 percent. These reductions were accomplished through a series of state rules over the last 10 years targeting mercury pollution from incinerators, coal-fired power plants, mercury-added products and other sources.

Clean & Safe Water: We continued to make strides addressing the state's aging water infrastructure by administering more than \$400 million in low-interest loans for wastewater and drinking water infrastructure upgrades to municipalities statewide via the State Revolving Fund. We also provided more than \$200,000 in water quality assessment and stormwater management grants to communities and watershed groups. MassDEP, along with the Executive Office of Energy and Environmental Affairs (EEA), the Department of Conservation and Recreation (DCR), and the Division of Fish and Game (DFG) and many thoughtful stakeholders, continued the two-year effort to develop predictable, science-based, and protective standards for large withdrawals. This effort work culminated in early 2012 with development of a draft Sustainable Water Management framework that consists of a stream and river basin categorization, minimum stream flow criteria, a revised "safe yield" formula, and an approach for incorporating these guidelines into the Massachusetts Water Management Act regulations.

Spill & Disaster Response, Site Cleanup, and Hazardous Waste Management: In 2011, we had a number of very serious natural disasters, most significantly the tornado in western Massachusetts and Hurricane Irene. The agency played a key role in the effective emergency response to these, assisting communities with damage assessments, debris management, and addressing flooding. Working with U.S. EPA, MassDEP also conducted time-critical removal of hazard-

ous materials at a number of priority residential and populated locations statewide abating contaminants like lead, arsenic, hydrocarbons, and PCBs. MassDEP continues to play a key role in the GE site Housatonic River cleanup by developing a new cleanup option that has broad local support, and we are now working with U.S. EPA to select a workable option that protects public health and the extremely valuable ecological resources downstream. We continued to advance Superfund site cleanups by completing work at the Hathaway & Patterson site; taking over long-term groundwater treatment at the Groveland Wells site; and helping advance cleanup at the Creese & Cook Tannery site in Danvers. As a member of the Commonwealth's multi-agency Brownfields Support Team, we provided targeted support for six priority sites statewide, including technical and financial assistance to sites in Brockton, Attleboro, Somerville, Chicopee, Gardner and Chelmsford. MassDEP also assumed management of the state's Natural Resource Damages Program, providing funds for a variety of restoration and land acquisition activities.

Solid Waste: Regarding support for municipal recycling efforts, we issued more than \$280,000 in recycling grants to communities across the Commonwealth. MassDEP also played a critical role in building support for expanding the state's bottle deposit law to include bottled water, sports drinks, teas and other non-carbonated beverages. If passed in 2012, this will significantly boost recycling and reduce litter, while also creating jobs in our "green" business sector and saving communities millions of dollars annually. We also took major steps to meet our goal of diverting 350,000 tons per year of organic materials, including new regulations to clarify the siting process for anaerobic digesters, recycling and composting facilities.

Compliance & Enforcement: A primary role of MassDEP is to be a strong "cop on the beat" to prevent, identify and stop environmental violations. This was another effective year, highlighted by assessing the largest-ever environmental violations penalty of \$7.5 million to the Wheelabrator trash-to-energy facilities in Saugus, North Andover, and Millbury for toxic ash disposal violations. Of this penalty, \$4.5 million will be paid to local communities for environmentally-beneficial activities. Our compliance and enforcement personnel also conducted more than 6,640 inspections, issued nearly 3,000 violation notices and enforcement orders, assessed more than \$3.4 million in administrative penalties in addition to the Wheelabrator case.

Permitting: In an effort to provide even better permit coordination and assistance, we established the Permitting Assistance and Management Office within the Commissioner's Office. This new office offers targeted help on large and complex projects, assists customers wanting to take advantage of MassDEP's "Fast Track" accelerated permit program, and provides impartial ombudsman services. Meanwhile, the agency has continued to meet Governor Patrick's permit review goals by meeting our new reduced permit review timelines (that were cut 20 percent across-the-board), and by issuing 97 percent of permit decisions within 180 days. We have also continued to issue 90 percent of wetlands appeal decisions in less than 90 days.

Given that these are just highlights of the most notable MassDEP successes of 2011, I am sure that you are as impressed as I am by the many important things this dedicated agency has accomplished.

Looking Ahead to 2012

I want to briefly mention some of my top priorities for the coming year, focusing on agency-wide projects that will involve a collaborative effort across the department. Of course, these priorities are only a small slice of all the work we do at MassDEP, and within each of our programs and regional offices we have many other priorities that are extremely important.

Budget: It is a top priority that MassDEP be successful again this year in securing the resources to maintain our workforce. The Governor's budget for FY 2013 places us in a far better position than last year, and if it passes as proposed, we would be able to fully maintain our current staffing levels – and could perhaps even begin to fill critical vacancies that occur. The budget proposal includes a \$2.5 million cost-of-living fee increase, with the increase going to a DEP retained revenue account. I am hopeful that our external stakeholders and our legislature will support a strong FY13 budget that will enable us to continue to serve the people and natural resources of the Commonwealth.

Information Technology Overhaul: Energy and Environment Secretary Sullivan and I have just requested the significant capital funding needed for the multi-year overhaul of IT systems that we outlined last year. As described above, this initiative will transform the way we do our work, and become the nation's leader in using advanced technologies to protect the environment in a better, smarter, more transparent and accessible manner. These improvements are absolutely vital to achieving our mission under the current era of severely constrained resources, and they are also needed to keep the agency relevant in the digital age.

Regulatory Reform: As mentioned above, we were highly successful last year in performing a top-to-bottom review of our regulatory processes, and identifying more than 20 reforms that will enable MassDEP to more efficiently protect the environment using smarter regulatory approaches and by eliminating unnecessary duplication. We will shortly issue an action plan outlining the final list of reforms to be undertaken this year. To make good on the promise of reform, it is a high priority to complete the rewriting of regulations needed to implement the final action plan. Our aim is to have the new regulations in place by the start of the next fiscal year, so we can reap the benefits of the time savings and efficiency gains.

Sustainable Water Management Initiative: 2012 will be the year that MassDEP and our sister agencies finalize science-based stream flow standards that will properly balance human con-

sumption of water with the protection of aquatic habitat. We recently presented a comprehensive package of draft standards to a large advisory committee. After receiving feedback on these draft ideas, we will seek to modify the Water Management Act regulations to incorporate these new ideas. This will be a paramount achievement, comparable in importance to other major rulemaking successes such as the issuance of the Wetlands Protection Act regulations in 1983 and the Waterfront Protection Act (Chapter 91) regulations in 1989.

Clean Energy Results Program: In 2011, we secured the funding for the MassDEP/DOER Clean Energy Results Program (CERP) and devised the program's organizational structure and goals, and began implementation in earnest. For the year ahead, it is a top priority that we meet our short-term goals and make continued progress in meeting our long-term goals. I want to particularly focus upon the transformation of organic waste, through our proposed regulation changes and the identification of sites for anaerobic digesters on public lands. I also want to continue our remarkable progress on siting solar facilities at landfills and Brownfields sites, and making drinking water and wastewater facilities more energy efficient. Finally, we need to do all we can to make wind energy facility siting possible in appropriate locations with public education and greater attention to noise impacts.

I know that this year will be full of successes at MassDEP, and I thank all of our external partners for helping us do the work we do. I hope you will continue to follow our initiatives and accomplishments in the months ahead through this eNewsletter, following MassDEP on Twitter, and regularly visiting us on the web.

Best regards,
Kenneth Kimmell
Commissioner

More information on MassDEP's Successes and On-Going Achievements

- On the Web: www.mass.gov/dep/
- On Twitter: www.twitter.com/massdep
- Free e-Newsletter: www.mass.gov/dep/public/publications/enews.htm

Independent Science Panel Report on Wind Turbine Health Impact Released; Public Comment Period Open until March 19

MassDEP launched the Clean Energy Results Program in November 2011, and one of its goals was to advance public understanding of renewable energy sources. As one step in fulfilling that goal, on January 17, MassDEP – in collaboration with the Massachusetts Department of Public Health – release a report by an independent panel of experts studying potential health impacts

from wind turbines. The panel was composed of physicians and scientists with broad experience in areas including acoustical noise/infrasound, public health, sleep disturbance, mechanical engineering, epidemiology, and neuroscience.

The report, *Wind Turbine Health Impact Study: Report of the Independent Expert Panel*, was sought to help address questions raised by the public about potential human health impacts associated with proximity to wind turbines. The panel was asked to identify any documented or potential human health impacts or risks that may be associated with exposure to wind turbines, in order to facilitate discussion of wind turbines and public health based on the best available science. The panel was also asked to offer suggestions relative to best practices.

The report can be viewed at this link: <http://www.mass.gov/dep/energy/wind/panel.htm>
Among key panel findings are:

- There is no evidence for a set of health effects from exposure to wind turbines that could be characterized as “Wind Turbine Syndrome.”
- Claims that infrasound from turbines directly impacts the inner ear system have not been demonstrated scientifically.
- The weight of evidence suggests no association between noise from turbines and psychological distress or mental health problems.
- There is limited evidence that turbines can cause annoyance due to noise.
- There is limited evidence from epidemiologic studies suggesting an association between noise from wind turbines and sleep disruption. So, it is possible that noise from some turbines can cause sleep disruption.
- Scientific evidence suggests that shadow flicker does not pose a risk for eliciting seizures.
- The panel also recommends consideration of noise standards and ongoing noise measurement, as well as measures to encourage public participation in wind turbine siting.

MassDEP is currently reviewing the report and receiving public comment as it considers next steps.

Electronic comments from the public on the panel report may be submitted by Monday, March 19 at 5 p.m. to: WindTurbineDocket.MassDEP@MassMail.State.Ma.US

Written comments can be sent to: MassDEP Wind Turbine Docket, 1 Winter Street, Boston, MA 02108.

A public meeting to solicit comments will be held on Tuesday, Feb. 28, from 5-8 p.m. at the Lee Middle and High School Auditorium, 300 Greylock Street, Lee. Snow date is Feb. 29th. Public meetings were also held in Boston (Feb. 14) and in Bourne (Feb. 16).

Update on MassDEP's Action Plan for Regulatory Reform

Since April 2011, MassDEP has been working on a broad Regulatory Reform Initiative. The goal of this far-reaching effort is to maintain the agency's high standards of environmental protection with the present level of staff – which has been reduced by more than 30 percent during the last decade. This initiative also complies with the 2010 Act Relative to Economic Development Reorganization, which requires Massachusetts state agencies to review existing regulations for efficiency improvements.

MassDEP Deputy Commissioner Alicia McDevitt last year led a major effort to solicit regulatory reform ideas from environmental advocates, business leaders, and municipal officials, in addition to MassDEP staff. This effort included the establishment of an external Regulatory Reform Working Group to serve as key advisors, as well as the solicitation of input from many of MassDEP's other standing stakeholder groups. The best of the ideas were proposed for implementation in a Draft Action Plan for Regulatory Reform at MassDEP that was released for public review and comment in October and November of 2011.

MassDEP received very useful public input on the Draft Action Plan – which was primarily positive and endorsed the reform proposals contained within it. Those public comments have led to consideration of a few important adjustments to the scope of some of the reforms. The final action plan will remedy duplicative or redundant permitting, encourage environmentally beneficial projects, pare down MassDEP oversight of low-impact activities, and free up staff to focus on high priority items, including water body monitoring, inspections and enforcement, and implementation of the federal Clean Air Act.

In recent months, MassDEP has been actively engaging with key stakeholder groups for each of the targeted reforms in order to address stakeholder concerns and draft the necessary changes to agency regulations to implement the plan. MassDEP expects that the final Regulatory Reform Action Plan, including adjustments resulting from public input, will be made widely available and posted on the agency website in late February or early March 2012. Commissioner Ken Kimmell is eager to see implementation of the full suite of reforms near the end of fiscal year 2012.

MassDEP is proud to be the first agency in the Commonwealth to perform the retroactive review of its regulations called for by the legislature and Governor Patrick in the recent Economic Development law.

More information on MassDEP's Regulatory Reform Initiative is available at: <http://www.mass.gov/dep/about/priorities/regreform.htm>

MassDEP Issues Site Cleanup Guidance for Indoor Air Vapors

MassDEP recently released guidance for parties conducting cleanups of waste sites where contamination may include harmful vapors entering the indoor air of nearby buildings. This new guidance is protective of public health and provides clear and predictable guidelines for parties conducting or responsible for the cleanup to facilitate economic development at "Brownfields" sites.

This "Interim Final Vapor Intrusion Guidance" is available on MassDEP's website at: <http://www.mass.gov/dep/cleanup/laws/vifin.pdf>.

Soil and groundwater contamination by substances known as volatile organic compounds (VOCs) is a well-documented problem throughout the United States. In Massachusetts alone, the soil and groundwater at thousands of sites has been impacted by releases of VOC-containing contaminants such as petroleum products, dry cleaning fluids, and industrial solvents. These chemicals can, in some cases, move up through the soil as vapors into nearby buildings, contaminating indoor air. Although vapor intrusion has been a concern at only a small percentage of the sites that have been reported to MassDEP, in those cases where it is a concern it can be challenging to address.

MassDEP's recently released Vapor Intrusion Guidance provides the technical and regulatory approaches recommended to address the vapor intrusion pathway at residences, schools and day-care facilities, as well as commercial and industrial sites, in conformance with the state regulations governing site cleanups.

The specific purpose of this document is to: clarify when evaluation of the vapor intrusion pathway is required; provide guidance on conducting assessments to determine if the vapor intrusion pathway is likely to be of concern; provide guidance on conducting exposure and risk assessments at sites where called for; recommend mitigation strategies; and outline the regulatory requirements that must be addressed. MassDEP worked with many program stakeholders during the development of this important guidance, and is thankful for the valuable input received.

In the course of developing this guidance, MassDEP and external stakeholders have identified provisions in the regulations that could be revised to enhance, expedite and more efficiently assess, mitigate and close disposal sites with vapor intrusion concerns. MassDEP intends to amend

its regulations by the fall of 2012. Following the promulgation of those amendments, the agency will revisit this guidance and update it to reflect the regulatory changes, as well as other changes that may be helpful based on the experience gained in applying the guidance to sites.

Good News for Air Quality in Massachusetts

Late 2011 and early 2012 have so far come with some good news for the quality of the air in Massachusetts. Four recent developments are worth noting: 1) significant gains in reducing mercury pollution were recently documented here in the Commonwealth; 2) the U.S. Environmental Protection Agency (EPA) finalized new rules that would limit pollution coming to Massachusetts from power plants from upwind states (although a lawsuit has stopped implementation of this rule for now); 3) new rules are coming that will increase the number of cleaner cars in Massachusetts; and 4) MassDEP has just updated its risk evaluation guidelines for human exposure to air pollution.

Toxic Mercury Air Emissions Fall by 91 Percent

MassDEP recently released a new study that showed how successful the Commonwealth's efforts have been to reduce mercury emissions in-state.

The new study finds that mercury emissions have fallen by 91 percent since 1996, greatly exceeding MassDEP's original goal of 75 percent. These reductions have been accomplished through a series of state rules over the last 10 years targeting mercury pollution from incinerators, coal-fired power plants, mercury-added products and other sources. All of these actions were implemented under the New England Governors' and Eastern Canadian Premiers' Mercury Action Plan, and also the Massachusetts Zero Mercury Strategy. Since 1996, annual mercury emissions from waste incinerators declined by 96 percent, emissions from medical waste incinerators were completely eliminated, and regulations on coal-fired power plants require 95 percent of mercury emissions to be controlled within a year.

MassDEP routinely monitors the mercury levels in fish tissue from ponds and lakes across the state. Since these actions were put into place, there has been a significant decline in mercury in the state's freshwater game fish. Despite those declines, mercury levels in many fish remain too high, and limits on human fish consumption continue. Mercury emissions coming to Massachusetts from coal-fired power plants in upwind states are now the largest source of mercury pollution in the Commonwealth. In order to resolve the problem here, further mercury pollution reductions from upwind sources in the Midwest and Southeast are necessary. That's a big reason why MassDEP strongly supports the new U.S. EPA rule that would require significant reductions nationally.

In mid-December 2011, the Boston Globe published an opinion column by MassDEP Commissioner Kenneth Kimmell about the importance of EPA's mercury and air toxics rule; you can see it here: <http://www.mass.gov/dep/about/clnair.htm>

For more information on MassDEP's efforts to reduce mercury pollution, see: <http://www.mass.gov/dep/toxics/stypes/hgres.htm>

EPA's Federal Cross-State Air Rule

Massachusetts has some of the strictest air quality programs in the nation. Under Governor Deval Patrick, the Commonwealth has led the nation in reducing pollution from power plants, cars and trucks, industrial sources and consumer products. Yet, despite these efforts, the state still has too many days each year of unhealthy air. Again, one of the main reasons for unhealthy air in Massachusetts is the pollutants that are produced by power plants in upwind states in the Midwest and Southeast, and carried by prevailing winds into our backyards.

New rules finalized by the U.S. EPA require upwind power plants to cut pollution the way we have done here, which will level the playing field and ensure that Massachusetts reaps the benefits of its own clean air rules. The EPA's Cross-State Air Pollution Rule would require power plants to reduce emissions that cause ozone and fine particulates that can be drawn deep into one's lungs. This new federal rule would cut down on the number of days that MassDEP needs to warn residents that our air is unhealthy, something that happened 10 times during the summer of 2011.

Despite our best efforts, we still live with pollution crossing our borders daily from upwind sources. It's time for other states to take similar steps to address pollution they export, and EPA's new rules will help make this happen. Opponents of the new rule have filed suit and implementation has stopped for now, but DEP will continue to support EPA's efforts to eventually put this important rule into place.

For general information about air quality in Massachusetts and MassDEP's air programs, go to: <http://www.mass.gov/dep/air/community/cleanair.htm>

Cleaner Cars Coming to Massachusetts

In early 2012, California's air quality regulatory agency – the California Air Resources Board – approved a suite of regulations affecting new cars sold between 2017 and 2025. Because Mas-

sachusetts and many other northeastern states have auto emission rules that must keep pace with those in California, these new California regulations will ensure the expanded placement of battery electric and plug-in hybrid cars in the northeast states, including in Massachusetts.

The goal of California's new clean car regulations package is to guide the development of environmentally advanced cars. As a result, the number of plug-in hybrid cars and zero-emission vehicles (such as electric cars) on the market will increase, and clean fuels, such as electricity and hydrogen, must be readily available for these new vehicle technologies. DEP worked with other northeastern states to ensure that the number of advanced vehicles required by the program to be placed in the Northeast increased significantly.

To complement this, EPA's forthcoming new vehicle standards will require cleaner cars and light trucks beginning with model year 2017. We also expect EPA to propose reducing the sulfur content of gasoline, which alone would dramatically reduce smog-forming emissions at a cost of less than a penny per gallon.

For additional information on transportation and air quality in Massachusetts, go to: <http://www.mass.gov/dep/air/transport.htm>

MassDEP Releases Updated Health-Based Air Values

Allowable Ambient Limits (AALs) and Threshold Effects Exposure Limits (TELEs) are health-based ambient air guidelines that are used by MassDEP to evaluate potential human health risks from exposure to chemicals in ambient and indoor air. MassDEP uses AALs and TELEs primarily in its air pollution control permitting program. The agency also uses AALs and TELEs to evaluate the potential for health effects from chemicals present in ambient and indoor air. These guidelines are set at concentrations intended to protect the general population, including sensitive populations such as children, from adverse health effects over a lifetime of continuous exposure.

MassDEP updated its methods for deriving AALs and TELEs in 2011 following a scientific peer review of the new updating methodology. The new method makes use of existing peer reviewed air guidance levels developed by the U.S. EPA, California Environmental Protection Agency, and other entities. These air guidelines continue to consider cancer and non-cancer health effects. New air guideline values for an initial group of six chemicals have been finalized and others will be finalized in groups of five or six over the coming months.

For more information about these new air guideline values, please visit: <http://www.mass.gov/dep/toxics/stypes/aboutaal.htm>.

For a complete list of chemicals and their values, please visit: <http://www.mass.gov/dep/toxics/stypes/aboutaal.htm>

News Briefs

Update on the Sustainable Watershed Management Initiative

There's been an ongoing debate in the Commonwealth about water withdrawals that, at times, has flared into open disagreement and costly litigation. However, over the last two years, MassDEP, along with the Executive Office of Energy and Environmental Affairs (EEA), the Department of Conservation and Recreation (DCR), and the Division of Fish and Game (DFG) and many thoughtful stakeholders, has gone a long way towards balancing the various water interests by issuing predictable, science-based, and protective standards.

These agencies recently presented a draft framework, called the Sustainable Watershed Management Initiative (SWMI), which consists of a scientific categorization of 1,400 stream and river basins, criteria to ensure adequate stream flow, a revised formula to calculate safe yield, and concrete proposals to embody this work into regulations under the Water Management Act. The framework was presented at the SWMI Advisory Committee meeting, kicking off the start of the process of receiving comments. From here, MassDEP will offer a Q&A session with technical staff and a second advisory committee meeting for further discussion. Written comments will be accepted until March 9, 2012.

“Governor Patrick spoke of our generational responsibility in his recent State of the Commonwealth address,” MassDEP Commissioner Ken Kimmell told the Advisory Committee. “This is our chance to fulfill our generational responsibility with a comprehensive reform package that marries science to good public policy to balance water use with watershed protection.”

Moving forward, the agencies will meet with many stakeholders over the next few months to hear comments on the framework, followed by finalizing the framework and drafting regulations to implement it. MassDEP hopes to put into place comprehensive regulations that support the key components of the framework: safe yield, biological categorization of streams, stream flow criteria, water management act permits, and redundant wells.

Next steps will also include conducting pilot projects to evaluate how the SWMI framework will be applied to a diverse and select group of communities so that costs and benefits of potential actions will be better known to the communities and agencies. The process of developing regulations will occur on a parallel track. In this way, the pilot analyses will serve to inform and guide the development of those regulations.

Governor's Budget Proposal Pegs MassDEP Funding at \$50.2 Million

Governor Deval Patrick filed his fiscal year 2013 budget in January, and it contained good news for MassDEP. The Governor proposed approximately \$50.2 million in funding for MassDEP starting July 1, which includes a \$2.5 million across-the-board fee increase that will be placed into a retained revenue account within MassDEP. This budget is an approximate 10 percent increase over the current DEP budget. This proposal essentially provides DEP with a maintenance budget, meaning it will sustain the agency's current staffing levels for the next fiscal year.

The Governor's budget also includes an additional \$5.25 million to MassDEP for recycling programs to be paid for by an expanded bottle bill. If the bottle bill were to pass, this would put DEP's budget at approximately \$55 million, or a 20 percent increase over the current budget.

This proposal is a significant improvement from last year, when the agency faced a large deficit and the prospect of significant layoffs. This budget also provides the agency with the opportunity to continue to make progress on key initiatives.

The budget will now go to the House of Representatives, and it is anticipated that its version will be approved in April. The House version then goes to the Senate, where a vote is expected by June. A joint House/Senate conference committee will then hammer out the differences in each version before it is sent to the Governor by July 1 for his approval. MassDEP intends to work with environmental and business stakeholders, as well as reach out to key legislators, to garner support for continued funding of MassDEP at a level sufficient to ensure that it continues to be a national leader in environmental protection.

New Permitting Assistance Office Continues MassDEP's Commitment to Customer Service

A new Permitting Assistance and Management Office (PAMO) was recently unveiled to sharpen MassDEP's commitment to continued timely permitting, to ensure that permits achieve high levels of environmental compliance, and to provide consistent interpretations of the agency's laws and regulations across MassDEP regions. Assistant Commissioner Philip Weinberg will direct the new office, which will operate with existing staff and will not require any new employee hires.

"The Patrick-Murray Administration is committed to maintaining our strict environmental standards while conducting permitting at the speed of business," MassDEP Commissioner Ken Kimmell said. "This new office will help MassDEP in achieving these two important goals."

In pursuit of protecting the environment, MassDEP needs to constantly avail itself of new science, new data, and therefore improving its permitting outreach to the regulated community is

an intrinsic part of that mission. MassDEP was the first agency of its kind in the nation – and remains one of the few today – to offer applicants the guarantee of a timely permit decision or their money back. Starting in 2007, MassDEP met Governor Patrick’s charge to improve permitting performance by reducing most permitting decision timelines by 20 percent, while issuing 90 percent of all permit decisions within 180 days.

PAMO builds on these efforts, and will provide additional assistance in navigating the MassDEP permitting process or expediting a decision that is business-critical.

There is a dedicated phone line, 617-654-6650, and e-mail inquiries can be sent to: MassDEP.PermAssistance@massmail.state.ma.us. More information on PAMO, click here: <http://www.mass.gov/dep/service/online/gettings.htm>.

Clean Energy Results Program Makes Remarkable Progress in First 6 Months

MassDEP and the Massachusetts Department of Energy Resources (DOER) recently launched the new Clean Energy Results Program. This first-of-its-kind program builds on MassDEP’s unique regulatory expertise to promote the siting of clean sources of energy across the Commonwealth. Ambitious program goals are to promote renewable energy and efficiency in the following key program areas: organics to renewable energy; clean energy at environmentally challenged land (landfills and brownfields); upgrades to drinking and wastewater utilities to offset energy use and costs using clean and efficient sources power; and support to DOER in providing assistance to communities and other stakeholders.

In a short amount of time, this unique partnership has already resulted in the following early successes:

- Advanced 100 clean energy and energy efficiency projects totaling 75 megawatts of clean energy production
- Permitted 17 solar projects on closed landfills with a post-construction potential of 34 megawatts of clean energy generation (nine in December alone!)
- Issued draft regulations to streamline permitting for converting organic wastes to renewable energy (final regulations expected spring 2012)
- As a result of low-interest financing through the MassDEP-administered State Revolving Fund, witnessed 10 megawatts of new clean power being generated at 24 municipal wastewater and drinking water facilities that will reduce town energy costs by up to \$2.6 million
- Received a final report from an independent expert panel that provides scientific review of potential health impacts from wind turbines, and launched an extensive public comment period on the findings to help shape future environmental and public health policy.

These accomplishments and many more are outlined in the first progress report of the Clean Energy Results Program. This progress report is available at: <http://www.mass.gov/dep/energy/quarterlyreport.htm>

Wetlands Loss Slows Dramatically in the Commonwealth

In the environmental protection business, sometimes all you need is the right tool. Massachusetts recognizes the intrinsic value of wetlands and the Commonwealth has long been a “no-net-loss” state. Wetlands provide many services to the public, including tourism, flood prevention, and ecosystem support. But wetlands can be lost to illegal development activity. MassDEP began the aerial flyover program in 2000 to help combat wetlands loss. The program generated new maps of wetlands that could be compared to older maps from the early 1990s.

The early returns were daunting. MassDEP learned that more wetlands had been lost than expected, and over half of the wetlands lost were lost due to unpermitted activities with no hope of mitigation. But there was also good news. The new maps and aerial tools allowed the Department to conduct enforcement where development had illegally altered wetland. The word soon spread that MassDEP had a new wetlands enforcement tool. This has translated into impressive results.

From 2001 through 2005 the Commonwealth lost on average 152 acres of wetlands every year. But from 2005 through 2009 the average amount of wetlands lost plummeted to just 37 acres a year. That 75 percent drop is due to strong compliance and deterrence efforts by MassDEP and other regulatory agencies, and has complemented MassDEP enforcement efforts that have helped restore lost or degraded wetlands. From Fiscal Year 2006 through Fiscal Year 2011, MassDEP actions helped restore more than 15 acres of wetland and nearly 3,000 linear feet of bank annually. To learn more about wetlands loss and MassDEP wetlands enforcement results, please see the MassDEP Wetlands Progress Report at: <http://www.mass.gov/dep/water/priorities/wethome.htm>

Getting the Job Done in Middleboro

High concentrations of chemicals contaminated the soil at the Rockland Industries site in Middleboro, with some chemicals acting as a source of contamination to groundwater discharging to nearby wetlands. MassDEP had set numerous deadlines for the property owner to address this contamination and remove the threat, but those deadlines lapsed and the problem persisted... until MassDEP stepped in to get the job done.

During a November 2011 public meeting, MassDEP Commissioner Ken Kimmell said that the removal of the contaminated soil was a high priority for DEP, and if the responsible party was unable to perform the soil removal by the December 31, 2011 deadline, then DEP would com-

plete the work. When the property owner indicated that they did not have the resources to conduct the work, MassDEP jumped into action.

DEP hired a contractor and site excavation work began on December 27. The excavation was completed and the soil removal area back-filled with clean fill by December 30 – meeting the Commissioner’s deadline. Approximately 344 tons of soil was excavated and stockpiled on the site. Once the soil contaminants were characterized for disposal, it was shipped as a hazardous waste to a disposal area in Quebec, Canada. MassDEP is now proceeding with cost recovery from the property owner for this priority project.



A worker for a state contractor secures the polyethylene sheeting over contaminated soil after it was removed from the former Rockland Industries site in Middleborough. The soil has since been properly removed and disposed.

MassDEP Opens State-of-the-Art LEED-Certified Environmental Laboratory

MassDEP’s newly expanded and renovated Senator William X. Wall Experiment Station (WES) in Lawrence is fully operational following a \$30 million upgrade that transformed the facility into a state-of-the-art environmental laboratory and “green” building. The new facility is equipped to handle the complex testing protocols required by today’s environmental science and is also designed as a Leadership in Energy and Environmental Design (LEED) building.

Founded in 1887, The Wall Experiment Station is one of the first laboratories of its kind dedicated to environmental research. The work conducted here laid the foundation for modern methods of wastewater treatment and drinking water purification used throughout the world. It is currently Massachusetts’ principal drinking water laboratory and annually performs 15,000 lab analyses of contaminants in water, wastewater, air, soil, hazardous wastes and fish. It also certifies more than 126 commercial and municipal labs for compliance analysis of both potable and non-potable water.

The new, expanded WES includes laboratory facilities and analytical instrumentation critical to the safe handling and testing of homeland security samples, and testing of emerging environmental contaminants, such as pharmaceuticals and personal care products. The facility also now houses the state occupational safety laboratory, a unit of the Massachusetts Department of Labor Standards.

The green upgrades include: a 52.5-kW solar photo-voltaic system for on-site renewable energy production; use of the existing site as a Brownfield redevelopment, while maximizing open



The interior of the Wall Experiment Station

space; use of rain gardens and detention basins for improved environmental management of storm water; water-efficient landscaping; a high-performance green roof to reduce the heat-island effect; a rain-water reclamation system for reuse to flush toilets and operate the cooling tower; water-efficient plumbing system with 40 percent water savings; optimized energy performance with 21 percent reduction in energy use over the LEED building baseline and estimated annual savings of more than \$50,000; windows that allow daylight to 75 percent of the space; and plug-in charging stations for two electric vehicles.

The WES has a long history of excellence in the protection of public health and the environment, and this new laboratory will allow MassDEP to test for an expanding suite of chemicals and emerging contaminants, as well as serve as a critical link in the Commonwealth's disaster preparedness efforts. In addition, its green building upgrades are in line with the Patrick-Murray Administration's efforts to build cutting-edge, energy-efficient buildings that will provide significant cost savings to the Commonwealth. For more information on WES and its renovations, turn to: <http://www.mass.gov/dep/about/organization/wes.htm>

Two Long-time Senior Officials Retire from MassDEP

As 2012 started, MassDEP was dealing with the retirement of two long-time senior staff members who have been an integral part of DEP's success over the past 25 years – Ed Kunce and Bill Harkins, who left the agency on Feb. 3.

Ed Kunce had been with DEP since 1986 when he was named the Regional Director at the Northeast Office, a job that he filled for five years. In 1991, he became the Deputy Commissioner for Operations in Boston, serving in that capacity for more than 17 years – making him the longest reigning deputy commissioner in DEP history, and serving under six different commissioners. He was also the Acting Commissioner four different times. For the past three years, Kunce had been Director of Environmental Response and Technical Support.

Over the years, Kunce has been deeply involved in a host of DEP success stories, including 21E program development, the Lead Shot Initiative, perchlorate and emerging contaminants, the “Filthy Five” regulation development, the Big Dig mitigation process, emergency response and preparedness, and building the DEP relationship with local boards of health and the Massachusetts Health Officers Association.

Bill Harkins started working at DEP in 1985, serving as the Deputy Division Director for Program Development and Administration in the Division of Solid and Hazardous Waste. He moved to the Bureau of Waste Site Cleanup when it was formed in the early 1990s as the Division Director for Fiscal Management, Cost Recovery and Administration. He was appointed as the Acting Budget Director for DEP in 1994 and has been in some variation of that position ever since.

Harkins was one of the initial state sponsors for EPA’s Performance Partnership Grant Program in the mid-90s and developed and implemented a prototype PPG grant agreement in 1996. He worked on many budget, legislative and program initiatives over the years, ranging from the redesign of the Waste Site Cleanup Program, Vehicle Inspection and Maintenance Program, the rehabilitation of the Wall Experiment Station, and the Department’s critical fee programs. He also tackled numerous information technology initiatives, ranging from the purchase of DEP’s first two personal computers to the Department’s current information technology initiative.

MassDEP staffer Kristin LaCroix has been named as Acting Chief Financial Officer until a permanent replacement for Harkins can be appointed.

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