



E.O. 562 Listening Sessions

Setting the Stage

- ▶ E.O. 562 Overview
- ▶ Overview of DEP Jurisdictional Areas
- ▶ Status of DEP's Evaluation
- ▶ DEP's Preliminary Recommendations
- ▶ Comments and Suggestions



E.O. 562 Overview

- ▶ Goal: A clearer code
- ▶ Comprehensive review of every CMR regulation
- ▶ Retain, rescind, simplify or sunset by 3/31/16



Purpose and Principles of Review

▶ Purpose:

- ▶ eliminate unnecessary cost, complexity, redundancy and inconsistency
- ▶ create a code that is efficient, coherent and consistent

▶ Principles of Review at MassDEP:

- ▶ No weakening of environmental protection
- ▶ Seeking additional efficiencies & alternate models among ALL major MassDEP areas
- ▶ Not considering:
 - ▶ increases in DEP staff
 - ▶ transferring MassDEP responsibilities to already-strapped municipalities



Status of MassDEP's Evaluation

- ▶ Identified 10 regs to be rescinded
- ▶ Identified 18 regs to be amended
- ▶ Identified 58 regs to be retained in current form
- ▶ Of these 58, additional regulations to be further evaluated after March 2016.



Scope of MassDEP's regulatory programs

AIR & WASTE PROGRAMS

- ▶ Air Pollution Stationary Sources
- ▶ Air Pollution Mobile Sources
- ▶ Toxics Use Reduction
- ▶ Solid Waste
- ▶ Underground Storage Tanks
- ▶ Hazardous Waste
- ▶ Climate - GHG emissions
- ▶ Environmental Results Program Certifications
- ▶ Mercury
- ▶ Recycling Loan Fund

WATER PROGRAMS

- ▶ Drinking Water
- ▶ Wastewater / Title 5 septic
- ▶ Discharge permitting (surface and ground)
- ▶ State Revolving Loan Fund
- ▶ Monitoring and Assessment / TMDL development
- ▶ Wetlands / c.91 Waterfront
- ▶ Water Management Act
- ▶ Dredging
- ▶ Water Quality Certifications
- ▶ Well Drillers
- ▶ Underground Injection Control



Scope of MassDEP's regulatory programs (continued...)

WASTE SITE CLEANUP

- ▶ Spills of oil or hazardous materials
- ▶ Cleanup standards
- ▶ Emergency response
- ▶ Licensed Site Professionals
 - independent Board of Registration

OTHER PROGRAMS

- ▶ Board of Certification for Drinking Water Operators
- ▶ Board of Certification of Wastewater Treatment plant operators
- ▶ Laboratory Certification
- ▶ Community Right to Know



Streamlining Recommendations - Amend

REGULATION	CITATION	PROPOSED CHANGE
Waterways – Designated Port Areas (DPA) and Facilities of Public Accommodation (FPA)	310 CMR 9.00	Flexibility in DPA and FPA requirements
Laboratory Certification	310 CMR 42.00	Updates for reporting, preventing fraud and certification standards
Land Application of Sludge and Septage	310 CMR 32.00	Update of Molybdenum limits
Industrial Wastewater Holding Tanks	314 CMR 18.00	Clarification for tanks within areas served by Publicly Owned Treatment Works
Environmental Results Program Certification Regulations, Industrial Wastewater – Photo Processors and Printers and Amalgam Wastewater & Recycling Regulations for Dental Facilities	310 CMR 70.00, 71.00, 73.00	Environmental Results Program streamlining to reduce requirements for photo processors, small printers, and dentists.

Streamlining Recommendations - Amend

REGULATION	CITATION	PROPOSED CHANGE
Ground Water Discharge Permits Program	314 CMR 5.00	Add exemptions and self certification mechanism for renewals
Asbestos	310 CMR 7.15	Narrow scope: adjust training qualifications required for certain abatement work.
Air Pollution Control Regulation	310 CMR 7.00	Rescind outdated sections and update other sections to align with federal requirements; streamline/clarify certain permit and reporting requirements; establish appeal procedures.
Low Emission Vehicle Program	310 CMR 7.40	Conform Massachusetts low emission vehicle standards to the Calif. Standards in compliance with state law
Regional Greenhouse Gas Initiative (RGGI)	310 CMR 7.70	Propose allowances for facilities that provide steam in addition to electricity.



Consistency Recommendations - Amend

REGULATION	CITATION	PROPOSED CHANGE
Air Pollution - Massachusetts Motor Vehicle Emissions Inspection and Maintenance Program – For “Kit Cars”	310 CMR 60.02	Final package for “Kit car” air emission standards.
Drinking Water	310 CMR 22.00	Federal conformity required for primacy of Revised Total Coliform Rule
Underground Injection Control	310 CMR 27.00	Federal conformity required for primacy to administer this program
Clean Water State Revolving Fund	310 CMR 44.00	Required update by state statute and conformance with federal law
Drinking Water State Revolving Fund	310 CMR 45.00	Required update by state statute and conformance with federal law
Title 5	310 CMR 15.00	Adjust design flow for assisted living facilities. Required by state statute
Surface Water Quality Standards	314 CMR 4.00	Comply with federal requirement to update bacteria standards for recreational coastal waters. Associated with changes to be promulgated by the Department of Public Health. Adjust site specific criteria.



Ongoing Advisory Committee Work - Amend

REGULATION	CITATION	PROPOSED CHANGE
Wetlands Protection	310 CMR 10.000	Promulgate new standards for working in Land Subject to Coastal Storm Flowage.



Recommendations – Rescind

REGULATION	CITATION	PROPOSED CHANGE
Solid Waste Transfer Stations	310 CMR 18.00	Text was rescinded in 1990 but Title was unchanged. (To be addressed administratively by Sec. of State)
Water Supply Contamination Correction Program	310 CMR 28.00	Grant program no longer exists/not funded.
Water Conservation Grants Program	310 CMR 31.00	Grant program no longer exists/not funded.
Household Hazardous Waste Grant Program	310 CMR 35.00	Grant program no longer exists/ not funded.
Landfill Capping Grant Program	310 CMR 37.00	Grant program no longer exists/ not funded.
Solid Waste Grant & Loan Programs	310 CMR 39.00	Grant program no longer exists/ not funded.
Financial Assistance to Municipalities for Correcting Failed On-Site Disposal Systems	310 CMR 14.00	Grant program no longer exists.
Conversions to Coal	310 CMR 7.17	Superseded, outdated
Sulfur Dioxide Emissions Limits	310 CMR 7.21 and 7.22	Superseded, outdated
The Massachusetts Green Fleet Program	310 CMR 7.45	Superseded, outdated



Recommendations – Review after March 2016

REGULATION	CITATION
Ambient Air Quality Standards	310 CMR 6.00
Collection, Recycling, Labeling, & Sales Ban of Mercury-added Products	310 CMR 75.00
Irrigation System Regulations - for interruption devices	310 CMR XXX (to be developed)
Hazardous Waste Facility Siting / Waste Management / Transportation	310 CMR 30.000
Site Selection Criteria for Low-Level Radioactive Waste Management Facilities	310 CMR 43.00
Supplemental Requirements for Hazardous Waste Management Facilities	314 CMR 8.00
Massachusetts Water Resources Management Program *Ongoing evaluation, amendment if any after March 2016	310 CMR 36.00
Certification of Well Drillers and Filing of Well Completion Reports	310 CMR 46.00
Industrial Wastewater Standards for Dry Cleaners	310 CMR 72.00



Recommendations – Review after March 2016

REGULATION	CITATION
Air Pollution – Variety of topics which might include: Plan Approvals, permits by rule, and general emissions standards, including limits for fossil fuel facilities, visible emissions, stack testing requirements, monitoring devices and reports, and large combustion units, Clean Energy Standard, Regional Greenhouse Gas Initiative program review / potential Clean Power Plan	310 CMR 7.02, 7.03, 7.04, 7.06, 7.13, 7.14. 7.54, 7.70
Reduction of Single Occupant Commuter Vehicle Use	310 CMR 7.16
Municipal Waste Combustors – Air	310 CMR 7.08
Hazardous Waste Facility Site Safety Council	990 CMR 1.00- 16.00
Board of Registration of Hazardous Waste Site Cleanup Professionals	309 CMR 1.00 – 9.00



Comments and Suggestions



How to Submit Comments

- ▶ Email to

- ▶ DEP.Talks@state.ma.us

- ▶ Submit via state-wide portal

- ▶ <http://www.mass.gov/anf/regreview.html>

- ▶ Send a letter to:

EO562 Input
c/o Deneen Simpson
MassDEP
One Winter Street
Boston, MA 02108

- ▶ Come to a Listening Session:

- ▶ 9/29: Worcester, MassDEP CERO Offices, 4-6pm
 - ▶ 9/30: Springfield Central Library, 4-6pm
 - ▶ 10/1: Boston, MassDEP HQ, 4-6pm



Next Steps

- ▶ Evaluate comments received
- ▶ Public comment periods for proposed changes opening soon (sign up for our Regulatory Activities List Serve!)
- ▶ Promulgate regulatory changes





Thank you!

Recommended – Retain: No Change

(44)	RECOMMEND RETAIN REGULATIONS	CITATION
1	Administrative Penalties	310 CMR 5.00
2	Adjudicatory Appeals / Hearings	310 CMR 1.00
3	Adopting Administrative Regulations (procedures for petitions to adopt regulations)	310 CMR 2.00
4	The Prevention and/or Abatement of Air Pollution Episode and Air Pollution Incident Emergencies	310 CMR 8.00
5	Bottle Bill	301 CMR 4.00
6	Access to and confidentiality of Department records	310 CMR 3.00
7	Massachusetts Contingency Plan	310 CMR 40.0000
8	Removal & Recycling of Mercury-added Components in Vehicles	310 CMR 74.00
9	Disposal Prohibition of Mercury-Added Products in Solid Waste	310 CMR 76.00
10	Oil Spill Prevention and Response	314 CMR 19.00
11	Permitting timelines and fees	310 CMR 4.00
12	Toxics Use Reduction	310 CMR 50.00
13	Underground Storage Tanks	310 CMR 80.00
14	Certification of Operators of Wastewater Treatment Facilities	257 CMR 2.00
15	Permit Procedures	314 CMR 2.00



Recommended – Retain: No Change

(44)	RECOMMEND RETAIN REGULATIONS	CITATION
16	Surface Water Discharge Permit Program	314 CMR 3.00
17	Sewer System Extension and Connection Permit Program	314 CMR 7.00
18	Water Quality Certification (314 CMR 9.00 – NOT 310 CMR 9.00)	314 CMR 9.00
19	Reclaimed Water Permit Program and Standards	314 CMR 20.00
20	Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers	314 CMR 12.00
21	Densely Developed Areas	301 CMR 10.00
22	Adopting Coastal Wetlands Orders	310 CMR 12.00
23	Adopting Inland Wetlands Orders	310 CMR 13.00
24	Abandoned Cranberry Bogs	310 CMR 23.00
25	Site Assignment Regulations for Solid Waste Facilities	310 CMR 16.00
26	Solid Waste Facility Regulations	310 CMR 19.00
27	Recycling Industries Reimbursement Credit Grant	310 CMR 17.00
28	Source Registration	310 CMR 7.12
29	Fuels	310 CMR 7.05
30	Operating Permit and Compliance Program	310 CMR 7.00 Appendix C

Recommended – Retain: No Change

(44)	RECOMMEND RETAIN REGULATIONS	CITATION
31	Nuisance conditions, including dust, odor, construction and demolition, open burning, and noise	310 CMR 7.07, 7.09, 7.10
32	Federal Safe Drinking Water Act Assessment	310 CMR 21.00
33	General Regulations to Prevent Air Pollution	310 CMR 7.01 310 CMR 60.01
34	Motor Vehicle, Train, Aircraft and Marine Vessel Operation	310 CMR 7.11
35	Parking Freezes	310 CMR 7.30 -7.33
36	Transit System Improvements	310 CMR 7.36
37	High Occupancy Vehicle Lanes	310 CMR 7.37
38	Conformity to the State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act	310 CMR 60.03
39	City of Cambridge Vehicle Trip Reduction Program	310 CMR 60.04
40	Global Warming Solutions Act Requirements for the Transportation Sector and the Massachusetts Department of Transportation	310 CMR 60.05
41	Reducing Sulfur Hexafluoride Emission from Gas-Insulated Switchgear	310 CMR 7.72
42	General Application and Administration, Environmental Code, Title 1.	310 CMR 11.00
43	Industry Performance Standards	310 CMR 7.26
44	Emissions Standards for Power Plants	310 CMR 7.29

Review after 3/2016

(14)	RECOMMEND RETAIN NOW (BUT EVALUATE FOR AMENDMENT AFTER MARCH 2016)	CITATION
1	Hazardous Waste Facility Site Safety Council (in conjunction with EEA)	990 CMR 1.00- 16.00
2	Board of Registration of Hazardous Waste Site Cleanup Professionals (in conjunction with EEA and the Board of Registration for WSC Professionals)	309 CMR 1.00 – 9.00
3	Ambient Air Quality Standards	310 CMR 6.00
4	Collection, Recycling, Labeling, & Sales Ban of Mercury-added Products	310 CMR 75.00
5	Irrigation System Regulations – Interruption Devices	310 CMR XXXX (to be developed)
6	Hazardous Waste Facility Siting / Waste Management / Transportation	310 CMR 30.000
7	Site Selection Criteria for Low-Level Radioactive Waste Management Facilities	310 CMR 43.00
8	Supplemental Requirements for Hazardous Waste Management Facilities	314 CMR 8.00
9	Massachusetts Water Resources Management Program	310 CMR 36.00
10	Certification of Well Drillers and Filing of Well Completion Reports	310 CMR 46.00
11	Industrial Wastewater Standards for Dry Cleaners	310 CMR 72.00
12	Air Pollution – Variety of topics that may include: Plan Approvals, permits by rule, and general emissions standards, including limits for fossil fuel facilities, visible emissions, stack testing requirements, monitoring devices and reports, and large combustion units, Clean Energy Standard, RGGI program review/ potential Clean Power Plan	310 CMR 7.02, 7.03, 7.04, 7.06, 7.13, 7.14. 7.54, 7.70
13	Municipal Waste Combustors - Air	310 CMR 7.08
14	Reduction of Single Occupant Commuter Vehicle Use	310 CMR 7.16