
**Massachusetts Department of Environmental Protection and
U.S. Environmental Protection Agency- Region I: New England**

**ADDENDUM TO PERFORMANCE PARTNERSHIP AGREEMENT AND PROGRAM PLAN
FEDERAL FISCAL YEAR 2016-2019 &
ONE-YEAR WORKPLAN FEDERAL FISCAL YEAR 2018**

July 2018

This document is an Addendum to the four year Performance Partnership Agreement (PPA) between the Massachusetts Department of Environmental Protection (MassDEP) and the United States Environmental Protection Agency (EPA) - Region I for Federal Fiscal Years 2016 -2019 (10/1/15–9/30/19) signed in May 2017. It is also MassDEP's Annual Program Plan and Year-One Workplan under the PPA for Federal Fiscal Year 2018 (10/1/17 -9/30/18). The Program Plan/PPA Work plan outlines the commitments that MassDEP has made to EPA Region I for FFY18 under the 2016-2019 MassDEP-US EPA Region I Environmental Performance Partnership Agreement (PPA). The FFY 2016-2019 PPA may be found at <http://www.mass.gov/dep/about/priorities/ppahome.htm>.

The Addendum consists of an update to MassDEP's 4 Year Strategic Priorities as well as priorities of the Executive Office of Energy and Environmental Affairs (EEA) and highlights of MassDEP's 2018 Priorities. It also reflects updates to EPA's Strategic Plan. This PPA Addendum shall remain in effect until September 30, 2019, unless amended by mutual consent.

This final document copy is being provided to you electronically by the
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is on file at the DEP office listed on the letterhead.

7/22/18

Stephanie Cooper
Deputy Commissioner of Policy and Planning
Massachusetts Department of Environmental Protection

Date

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Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

8/3/18

Ken Moraff
Director, Office of Ecosystem Protection
US Environmental Protection Agency – Region 1

Date

**Massachusetts Department of Environmental Protection
Addendum to Performance Partnership Agreement and Program Plan FFY2016-2019
And One Year Workplan for FFY2018**

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FFY 2018 ADDENDUM TO PERFORMANCE PARTNERSHIP AGREEMENT FFY2016-2019

INTRODUCTION

This document is an addendum to the Massachusetts Department of Environmental Protection's (MassDEP's) four year Program Plan and Performance Partnership Agreement (PPA) between MassDEP and the United States Environmental Protection Agency (EPA) Region I – New England for Federal Fiscal Years 2016-2019 (10/1/15-9/30/19). This Plan Addendum includes descriptions of programmatic priorities to be carried out under the 4-year (FFY16-FFY19) PPA between the two agencies, and is also the Workplan for FFY 2018. In combination, these goals, objectives and activities are the framework for MassDEP's program-specific work for FFY18.

FFY18 Priorities for MassDEP from the Massachusetts Executive Office of Energy and Environmental Affairs

In addition to the strategic priorities set by MassDEP, the Executive Office of Energy and Environmental Affairs (EEA) has established and/or endorsed cross-cutting priorities for MassDEP and the other EEA agencies. The Executive Office's priorities for MassDEP include the following ongoing efforts.

- **Clean Energy and Climate Protection:** Implement the requirements and regulations adopted pursuant to the Global Warming Solutions Act (GWSA) and the Regional Greenhouse Gas Initiative (RGGI). Continue implementing the Clean Energy Results Program (CERP) to encourage and facilitate clean energy expanding energy management programs for wastewater and drinking water treatment plants and other sectors).
- **Information Access / Technology Improvements:** Continuing to implement the “Energy & Environmental Information and Public Access System” (EIPAS) project, an EEA-wide technology transformation project. EEA plans to launch additional on line permits building on the first two groups of permits released in the ACELA environment. EEA will also continue to expand upon the on line data portal, providing more of EEA's data to the regulated community, citizens and our regulatory partners.
- **Partnering: Strengthen the State's Bonds with Municipalities.** Advance municipal support services through MassDEP's new Office of Municipal Partnerships and Governmental Affairs and collaborate with industry to promote economic development while protecting public health and the environment through the Office of Permit and Regulatory Ombudsman and Special Projects. These offices will strengthen partnerships with cities and towns, support local environmental protection programs and stakeholder involvement, formulate mutually beneficial strategies with the regulated community, and promote increased understanding about the agency's programs that protect the environment and the public health.

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- **Solid Waste – Commercial Organics Materials Ban and Updating the Solid Waste Master Plan:** Implement the activities and programs needed to carry out the regulatory ban on commercial organics from disposal in landfills. This ban diverts large quantities of organic materials from the disposal stream in order to save landfill capacity and will put this material to beneficial uses such as harvesting beneficial energy via anaerobic digestion, and increasing composting production. MassDEP will also begin stakeholder discussions to inform the update to the Solid Waste Master Plan for 2020.
 - **Clean Air – Progress on Priority Air Pollution:** Continue to focus on priority air pollution issues, including meeting and maintaining the 2007 and 2015 national standards for ozone, as well as focusing on regional haze and fine particulate matter.
 - **Brownfields Redevelopment and Revitalization:** The Department’s Brownfield redevelopment efforts have been refocused with Governor Baker’s Urban Agenda, Lt. Governor Polito’s Community Compact, MassDevelopment’s Transformative Development Initiative, and MassDEP’s own Urban Compliance Environmental Initiative. The agency will continue to work with municipalities to reinvigorate urban sites across the Commonwealth and facilitate Brownfields redevelopment.
 - **Environmental Justice:** In 2017 the Secretary signed an updated Environmental Justice (EJ) Policy, and the agency will work to fulfil the policy’s goal by providing equal protection and opportunities for meaningful involvement in MassDEP activities for all people and communities. MassDEP will also continue to implement the EJ Executive Order #552, which

requires all Secretariats to develop strategies that promote positive impacts in EJ communities. Following the issuance of the Executive Order, MassDEP actively participated in listening sessions and worked to develop EJ strategies with the support of the Secretary. The agency will continue to implement the adopted EJ strategies and advance the 2017 Policy. .

2018 – 2019 Update to MassDEP’s 4-Year Strategic Priorities (FFY2016-2019)

MassDEP’s mission is to protect and enhance the Commonwealth’s natural resources – air, water, land; to provide for the health, safety, welfare and enjoyment of the people and the protection of their property; and to advance environmental protection and sustainable economic development. We do this through a broad variety of programs and activities.

MassDEP has secured its status as one of the most innovative and effective state environmental agencies in the nation, and we are committed to building on this position. It is the agency’s agenda to support Massachusetts as a healthier and more sustainable place in which to live, to raise families, to grow our businesses and to protect the ecosystems upon which we and future generations depend.

MassDEP’s major **Strategic Initiatives** for the four year period of FFY16-19 include the following updated priorities for 2018-2019.

1. Climate Change, Greenhouse Gas Reductions and Supporting the Clean Energy Economy

Climate change is a defining issue of our time, and Massachusetts is a nation-leading state addressing this issue on many different levels: reducing greenhouse gas (GHG) emissions, mitigating energy price volatility, improving energy security and growing clean energy jobs, and assisting local governments increase their climate resiliency through risk assessment and planning.

Regional Greenhouse Gas Initiative and the Global Warming Solutions Act Massachusetts will continue to lead on the reduction of power plant emissions under the nine-state Regional Greenhouse Gas Initiative (RGGI). With the proposed 30% reduction in the regional cap in 2030, announced in August 2017 as part of the program review process, the program will continue to significantly reduce GHG emissions while making funds available for energy efficiency and other GHG efforts in

Massachusetts. Following the completion of the RGGI program review, MassDEP will revise its RGGI regulation. Since 2008, RGGI auction proceeds have totaled \$306 million in Massachusetts which has been invested in energy efficiency and other GHG reduction efforts (e.g., consumer rebates for plug-in vehicles). MassDEP and its partners will ensure that the Commonwealth meets the federal requirements while implementing the lower RGGI emission cap and attaining the state’s goals under the Global Warming Solutions Act, particularly the 2020 goal of 25% reduction in GHG emissions from 1990 levels. MassDEP will also implement the Clean Energy Standards and emissions limits for electricity generating units adopted under the GWSA applicable to the electric sector.

Reducing GHG Emissions from Transportation and other sources of GHG emissions. We will also keep up our efforts to support the deployment of zero-emission and advanced technology vehicles, achieve zero net energy drinking water and wastewater treatment facilities, as well as place solar panels or wind turbines on closed landfills or once-contaminated parcels. MassDEP will implement its newly promulgated regulations applicable to state vehicle fleets and MassDOT.

Supporting Municipal Adaptive Strategies In addition, MassDEP will work with municipalities to analyze local risks and vulnerabilities, design and implement mitigation strategies, and support emergency response capabilities, in order to minimize the long term negative effects of climate changes on infrastructure, public health and natural systems. Working with EEA to engage municipalities and comply with the agency’s obligations under Governor Baker’s Executive Order 569 will be a priority in FFY18-19. By supporting these changes, we will minimize risk of loss and damage and encourage job growth and technological innovations in this sector.

Tracking GHG Emissions, Inventories and MassDOT. MassDEP will work as part of the Executive Office of Energy and Environmental Affairs (EEA) team to advance state Greenhouse Gas (GHG) reduction tracking programs. This work will involve completing an annual GHG emission

inventory, providing assistance in data analysis, goal setting, and public participation opportunities. We will continue to be involved in other transportation efforts like the Massachusetts electric vehicle initiative and administering MassDEP grants for electric vehicles and charging stations for municipalities, public fleets and workplace charging.

2. Advancing Efficiency Savings and Clean Energy Generation: the Clean Energy Results Program (CERP)

The Clean Energy Results Program (CERP) is an innovative initiative with goals for creating sources of renewable energy and encouraging energy-efficient development. This is a joint initiative of MassDEP and the Massachusetts Department of Energy Resources (DOER) and will further encourage the development of clean-energy projects in Massachusetts by focusing the scientific expertise of MassDEP and DOER in an effort to smooth out any technical and regulatory barriers, and improve the siting and permitting processes related to these projects. Through this program, the Commonwealth will increase technical assistance and establish clear and predictable permitting pathways for renewable energy. MassDEP will continue to harness its expertise to bolster energy efficiency and renewable energy at regulated sites and facilities and expand activities to:

- Encourage and support installation of innovative technological applications and development to scale through piloting and efficient permitting pathways for technologies advancing both energy efficiency and renewable energy generation.
- Working with the Department of Energy and Resources (DOER) and the Clean Energy Center (CEC), encourage, where feasible, hydropower installations or upgrades at sites that MassDEP regulates, including surface water impoundments and in-conduit locations at wastewater and drinking water facilities and systems.
- Encourage dramatic expansion of recycling/conversion of organics to renewable energy (via anaerobic digestion) with the goal of diverting 450,000 tons per year of organic material from landfills and incinerators by 2020 and increasing energy production from aerobic and anaerobic digestion to 50 megawatts (MW) from the current capacity of 13 MW.
- Achieve by 2020, 50 MW of new solar photovoltaic on underutilized contaminated land and Brownfields, helping meet the Renewable Energy Portfolio Standard (RPS) Solar Carve-Out target of 1600 MW of solar photovoltaic (PV), and creating green jobs and tax revenue benefitting Massachusetts communities. NOTE – this goal has been reached with 58 MW of installed solar on brownfields.
- Achieve by 2020, 150 MW of new solar photovoltaic on closed and capped municipal and private landfills, helping meet the target of 1600 MW of solar PV. At the start of FFY 2018 there is 136 MW of new solar PV operating on closed landfills, and a total of 208 MW of capacity has been permitted by the agency. Over FFY2018 several projects are expected to begin operating and meet the 150 MW goal.
- Expand energy management programs for Wastewater and Drinking Water Plants with goal of achieving zero-net energy at 20 percent of drinking water and wastewater treatment facilities (74 facilities) by 2020. Working with DOER, MassDEP will provide \$3 million in grant funding to cover the “gap” in financing renewable and efficiency projects at water infrastructure facilities. This funding will move facilities closer to achieving zero net energy status.
- Ensure safe siting and use of renewable energy sources (wind, solar, Anaerobic Digesters, hydropower, sustainable biomass, etc.) using MassDEP’s permitting and siting authority.

3. Strengthening Municipal Partnerships and Stakeholder Engagement

MassDEP will continue strengthening its bonds with municipalities and other stakeholders, using the *Office of Municipal Partnerships and Governmental Affairs*, and the *Office of Permit and Regulatory Ombudsman and Special Projects*. Increasing access to agency expertise for our partners and stakeholders, and providing enhanced opportunities for stakeholder coordination and technical assistance are the guiding principles of these offices and a major focus for the term of this Agreement. Through these offices in Boston and our regional presence across the Commonwealth, we will strengthen partnerships with cities and towns, provide needed assistance, and promote increased understanding of the agency's programs that protect the environment and the public health.

The *Office of Municipal Partnerships and Governmental Affairs* coordinates cross-agency efforts to provide up-to-date and effective outreach and user-friendly assistance - both online and via traditional formats - to a range of groups that do business with MassDEP or rely on it for information. For municipalities, assistance from the Office of Municipal Partnerships and support from our regional offices will be targeted in the areas of stormwater management, working with regional stormwater collaboratives, emergency preparedness, and advancing municipal utility resiliency and climate preparedness.

The *Office of Permit and Regulatory Ombudsman* will provide help for large, complex, or cutting edge proposed facilities, and projects that will require permitting coordination among various local, state and federal agencies, or across multiple MassDEP regions. The Office will also provide assistance for proponents wanting to take advantage of Fast Track Permitting to accelerate MassDEP review. We will continue to improve the ability of the regulated community and the general public to obtain information, technical and staff assistance, and navigate MassDEP's online resources.

4. Innovation: Building a Cutting-Edge Information Technology System

MassDEP is transforming its current information technology system and creating a new enterprise wide framework for information management with a system called EIPAS (Energy and Environmental Information and Public Access System). This new system will better serve our customers, and maximize our work efforts through better use of shared data and online tools. EEA has implemented several e-permits and licenses, and has released a data portal providing, in some instances, up to 20 years of DEP data to our regulated community, citizens and regulatory partners. Fundamental system design work and construction of the permitting features for a selected number of permits, agency process optimization (APO) activities and roll-out of some early-win services and functionality will continue to be a priority for FFY 2018. EEA will continue business optimization work for new permits and will add additional permits and licenses to be released in FFY18. Additional permitting functions and other complementary modules to improve compliance and enforcement processes, automating selected data and report screening are planned to be added to the EIPAS system over the coming years.

5. Supporting the Cape Cod Regional Water Quality Plan (Section 208 Plan) Implementation

The Certification of the Cape Cod Regional Water Quality Plan Update by Governor Baker in June of 2015 was the beginning of an implementation phase for this Plan, the purpose of which is to address serious water quality impairments. Developed by the Cape Cod Commission with state support, the Plan was the subject of an extensive outreach effort to engage and increase local interest in moving toward sustainable and long term water quality improvements. Approved by EPA in September 2015, MassDEP is committed to providing ongoing assistance to Cape Cod communities, including

guiding and supporting communities in implementing a watershed based permitting approach to improve water quality. In the years ahead, MassDEP, along with EPA and other partners, will continue to support the Cape towns as they develop and implement their plans to adaptively use a mix of alternative and traditional approaches to address the region's water quality impairments.

6. Anticipating NPDES Delegation

MassDEP is preparing to seek authorization from the U.S. Environmental Protection Agency (EPA) to oversee and implement the federal National Pollutant Discharge Elimination System (NPDES) program. The NPDES program, which involves permit issuance as well as compliance and enforcement activities for facilities that discharge pollutants into surface waters in Massachusetts, is currently administered by EPA. Forty-six states across the country have obtained authorization from EPA to administer the NPDES program, and one state is in the process of receiving delegation. Since early 2015, a number of organizations have requested that MassDEP pursue delegation. In 2013, at the direction of the Legislature, MassDEP convened a stakeholder group and prepared a report about the feasibility, cost, advantages, and disadvantages of becoming authorized to run the federal NPDES program, including a robust monitoring program to support the program. In November 2015, MassDEP reconvened an advisory committee in order to further evaluate and identify the needed elements of a successful program, identifying staffing needs, scientific support for monitoring work, cost estimates, best methods for funding, and lessons learned from other delegated states. In FY17 Governor Baker filed a bill proposing the technical changes to the Massachusetts Clean Waters Act that are needed to advance an application to EPA for authorization. A legislative hearing on that bill was held in October 2018. In FY18, MassDEP will continue to partner with EPA on cross-training for NPDES permitting and will continue to do background work needed for a future delegation

application package. MassDEP will continue to keep EPA regularly informed of progress.

EPA'S STRATEGIC PRIORITIES FOR FFY2018 - 2022

EPA's Strategic Plan charts the course for advancing EPA's priorities and mission to protect human health and the environment. The FY 2018-2022 EPA Strategic Plan¹ ("EPA Plan") was developed in accordance with the Government Performance and Results Modernization Act of 2011, and identifies the measurable environmental and human health and outcomes the public can expect during the period from 2018-2022 along with describing how EPA intends to achieve those results. The EPA Plan represents a commitment to core values of science, transparency, accountability and the rule of law in managing environmental programs.

The EPA Strategic Plan identifies three strategic goals to guide EPA's work, along with supporting Objectives under each of the key goals:

- Goal 1: Core Mission: Deliver real results to provide Americans with clean air, land, and water, and ensure chemical safety;
 - Objective 1.1 – Improve Air Quality
 - Objective 1.2 – Provide for Clean and Safe Water
 - Objective 1.3 – Revitalize Land and Prevent Contamination

¹ (<https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf>)

- Objective 1.4 – Ensure Safety of Chemicals in the Marketplace
- Goal 2: Cooperative Federalism: Rebalance the power between Washington and the states to create tangible environmental results for the American people;
 - Objective 2.1 – Enhance Shared Accountability
 - Objective 2.2 – Increase Transparency and Public Participation
- Goal 3: Rule of Law and Process: Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law.
 - Objective 3.1 – Compliance with the Law
 - Objective 3.2 – Create Consistency and Certainty
 - Objective 3.3 – Prioritize Robust Science
 - Objective 3.4 – Streamline and Modernize
 - Objective 3.5 – Improve Efficiency and Effectiveness

The EPA Strategic Plan also includes EPA’s Agency Priority Goals (APG), a component of the Administration’s performance management framework which supports improvement in near-term outcomes related to the Strategic Plan. More information on the Agency’s APGs is available at <https://www.performance.gov/>. EPA’s FY2018 – 2019 Agency Priority Goals include the following:

- APG-1: Improve air quality by implementing pollution control measures to reduce the number of nonattainment areas;
- APG-2: Empower communities to leverage EPA water infrastructure investments;

- APG-3: Accelerate the pace of cleanups and return sites to beneficial use in their communities;
- APG-4: Meet new statutory requirements to improve the safety of chemicals in commerce;
- APG-5: Increase environmental law compliance rate;
- APG-6: Accelerate permitting-related decisions.

HIGHLIGHTS OF MASSDEP’S 1 YEAR STRATEGIC PRIORITIES AND ACTIVITIES FOR FFY2018

In addition to the Priorities and Strategic Initiatives previously discussed, the following activities and priorities will be pursued by MassDEP in FFY2018. The annual workplan goals set out below are designed to implement programs to advance the long term strategic goals of achieving more effective environmental protection in Massachusetts.

1. Climate Protection - Energy/Greenhouse Gas Reductions & Climate Change Preparedness

In close coordination with our sister agencies, MassDEP will implement and maintain programs that target significant reductions in Greenhouse Gas (GHG) emissions, boost energy efficiency and renewable sources of energy, and expand green jobs in Massachusetts. Additionally, we continue to play a leading role in supporting local efforts to increase preparedness and protect existing infrastructure. Major activities include:

a. Participation in the Regional Greenhouse Gas Initiative (RGGI): This is a cooperative effort by nine

Northeast and Mid-Atlantic states to reduce emissions of carbon dioxide through a market-based, multi-state cap-and-trade program. Each year the nine states cooperate in auctioning emissions allowances and Massachusetts invests the proceeds in energy efficiency, renewable energy and other GHG reduction efforts. MassDEP will work to promulgate the newly adopted regional goals in the Massachusetts rules in accordance with the regional timelines for adoption.

b. Implementation of the Massachusetts Global Warming Solutions, Green Communities, and Clean Energy Biofuels Acts:

MassDEP, along with the MA Executive Office of Energy & Environmental Affairs (EEA) and the MA Department of Energy Resources (DOER), will continue to implement these important laws. Some of our activities include: implementing a mandatory greenhouse gas (GHG) reporting program; making progress towards the 2020 GHG reduction target of 25% below 1990 emission levels; participating in the statewide stakeholder Advisory Committee and Subcommittees developing metrics and plans to meet the 2020 reduction goal; implementing the newly promulgated rules establishing declining aggregate GHG emission limits in response to the Supreme Judicial Court's decision in *Kain v. DEP*; and complying with Governor Baker's Executive Order 569.

c. Contributing to the Integrated Hazard Mitigation and Climate Adaptation Plan:

MassDEP will complete its own vulnerability assessment as called for by Governor Baker's Executive Order 569, and work to develop and implement agency specific actions to reduce our vulnerability and increase capacity to deliver core services and meet critical mission needs in the future.

2. Improvements to Air Quality

MassDEP will continue to implement and update programs and regulations adopted pursuant to the State Implementation Plan (SIP) for attaining the National Ambient Air Quality Standards (NAAQS) for ozone, and the regional haze plan while maintaining attainment of the other National Ambient Air Quality Standards (NAAQS): Carbon Monoxide (CO), Lead, Sulfur Dioxide (SO₂), Nitrogen Dioxide (NO₂), and Particulate Matter (PM). In addition, MassDEP will continue to control toxic air pollution.

a. Ozone Attainment: Attaining and then maintaining the Ozone standard will involve continuing to develop and implement programs to control nitrogen oxides (NO_x) and volatile organic carbon (VOC) pollutants which are the precursors to ozone, and will involve working with the Ozone Transport Commission to minimize ozone transport into Massachusetts. Programs that help MassDEP to reach these goals include tail pipe emission control inspection and maintenance programs, limits on VOCs in consumer and building maintenance products and further emission reductions at combustion sources. Implementation of the mitigation resources from several civil and criminal settlements with Volkswagen/Porsche/Audi will also assist in reducing NO_x emissions in Massachusetts.

b. Regional Haze Improvement: EPA's Regional Haze Rule calls for states to establish goals and emission reduction strategies for improving visibility in Federal Class I areas with the first increment of progress to be achieved by 2018. Massachusetts will continue to work with the Mid-Atlantic-Northeast Visibility Union (MANE-VU) states on regional strategies. Many of the measures taken to control ozone and fine particulates also help to control regional haze. In addition, Massachusetts will continue to implement activities outlined in the Massachusetts Regional Haze Plan submitted to EPA in August 2012.

c. Air Toxics: MassDEP will continue to focus on reducing air toxics emissions with particular attention on mercury and diesel emissions. In addition, we will continue to implement idling reduction programs and implement federal Maximum Achievable Control Standards for major stationary and area air pollution sources.

3. Water Resource Management and Water Quality Improvement Strategy

MassDEP will continue efforts to protect public health and critical inland and coastal water resources by controlling point and nonpoint sources of pollution, safeguarding public drinking water supplies, ensuring public access to the waterfront, and administering revolving loan programs that help the state's towns and cities improve their environmental infrastructure. Highlights of priorities for the coming year will include the following activities.

a. Southeastern Massachusetts and Cape Cod Nitrogen: Watershed Based Reductions: Nitrogen pollution is a critical issue in the bays and estuaries of southeastern Massachusetts and Cape Cod. MassDEP has made excellent progress developing a solid scientific understanding of the causes of the problem and developing total maximum daily loads (TMDLs) for the region, which will assist in the development of plans for achieving needed load reductions. MassDEP has deployed two new monitoring buoys for Mt. Hope Bay to further inform nutrient management decisions for southeastern Massachusetts, and the agency is actively working with external stakeholders on review of the water quality criteria for Dissolved Oxygen for Mt. Hope bay. MassDEP will continue partnering with the communities, EPA,

and other interested stakeholders to find and implement cost-effective solutions and achieve Nitrogen load reductions.

b. Supporting Cape Cod Regional Water Quality Plan Implementation (Section 208): MassDEP will continue to prioritize working with Cape Cod communities to address water quality issues on Cape Cod. In June 2015, Governor Baker certified and submitted to U.S. EPA the Cape "208" water quality plan, developed by the Cape Cod Commission (CCC), to address the longstanding problem of excessive amounts of nitrogen pollution, primarily from septic systems, discharged into the water bodies and estuaries on Cape Cod. The 208 Plan will facilitate development of the most effective and affordable solutions to the problem, tailored to local needs. One of the first tasks called for in the 208 Plan was for Cape communities to develop "watershed reports" for all the watersheds on the Cape. These reports will serve as a starting point for discussions regarding effective and cost-efficient solutions, particularly in watersheds shared by more than one town. In March 2016, Secretary Beaton awarded a \$950,000 grant to Barnstable County to provide the planning tools, technical assistance and monitoring needed to create effective plans. In September 2016, the CCC provided completed reports for all the watersheds on the Cape. MassDEP will continue to work with the Cape communities and CCC to develop and implement final plans to restore the Cape's water quality. Towns will incorporate both conventional and innovative technologies into Comprehensive Watershed Management Plans and Targeted Watershed Plans. There has been very strong cooperation between regional, local, state and federal partners. Watershed Reports have been submitted by all the municipalities on the Cape. In FFY2018, MassDEP will be working with some leading communities on piloting Watershed Permits that allow for flexibility to try different

methods, measure results, and make adjustments. MassDEP and EPA will continue to work closely with the Cape communities to support alternative technology assessments, including Permeable Reactive Barriers and use of shellfish for nutrient removal. DEP and EPA will continue to meet regularly for progress updates.

c. Stormwater Management: The revised final MS4 permit was signed by EPA and MassDEP on April 4, 2016 for municipal stormwater systems, with an effective date of July 1, 2017. On June 29, 2017 EPA postponed the effective date of the permit by one year to July 1, 2018. In response to requests from dozens of municipalities, MassDEP also postponed the effective date of the state MS4 permit to align state and federal permit effective dates and because EPA authorization of applications for permit coverage is required under the state permit. The permit covers approximately two-thirds of the geographic area of the state. Compliance with this general permit will require significant municipal effort over several years, as the permit contains many more detailed requirements for meeting the 6 minimum control measures than the previous 2003 permit. MassDEP has been offering assistance to municipalities and collaborating with our local and federal partners throughout this process, including a variety of grant awards to coalitions of municipalities working to help each other with permit compliance. In 2016 MassDEP created an online library of tools that permittees can use to satisfy the outreach requirements of the new permit, and agency personnel participated in a variety of outreach sessions. In 2017 \$300,000 was provided for Stormwater Coalitions across the Commonwealth to support work on permit compliance. MassDEP will continue to offer grants, as funds are available, to groups of municipalities to continue to build

capacity for permit compliance and to reduce stormwater pollution.

d. Protecting and Ensuring Public Access to the Waterfront via c.91; assessing improvements to the facilities of public accommodation

requirements: The Commonwealth's primary tool for protection and promotion of public use of its tidelands and other waterways is Massachusetts General Law Chapter 91, the waterways licensing program, which regulates activities on both coastal and inland waterways, including construction, dredging and filling in tidelands, great ponds and certain rivers and streams. In 2017 and 2018, MassDEP will administer new regulatory standards for our "facilities of public accommodation" (FPA) under the Chapter 91 waterfront regulations, and provide more flexibility (with associated Coastal Zone Management regulations) for Designated Port Area boundary adjustments and activities. The changes were developed with stakeholder groups and will be implemented in order to better activate the waterfront and encourage its use and enjoyment by the public. In 2017 and 2018, MassDEP will roll out its new General License for Small Docks and Piers, a new licensing tool that is designed to provide a faster process with local input for residential piers.

e. Continuing to Protect Wetland

Resources: Wetlands resources are critical contributors to quality of life. Every year, MassDEP and our local Conservation Commission partners review thousands of applications from developers, homeowners, and other parties who want to conduct work in or near wetlands. In order to most effectively deploy the significant agency resources currently spent on Wetlands Protection Act (WPA) permitting, DEP will prioritize and implement a variety of wetland

program activities including immediate issuance of file numbers; increased focus on Superseding Orders of Condition; and increased prioritization based on the significance of wetlands resource impacts. This will reduce agency time spent on lower value added tasks and will reduce delays for project proponents and Conservation Commissions. In FFY18 the program will continue to work with sister agencies and other partners to develop and evaluate regulatory approaches for standards for Land Subject to Coastal Storm Flowage. Any proposed new rules will be designed to preserve the essential wetland functions of these areas, which are of particular importance to mitigating the impacts of climate change. Also in FFY18 MassDEP and Mass Coastal Zone management will release a new guidance document for local conservation commissions called *Applying the Massachusetts Coastal Wetlands Regulations: A Practical manual for Conservation Commissioner to Protect the Storm Damage Prevention and Flood Control Functions of Coastal Resource Areas* (or, the “Coastal Manual”). The Coastal Manual provides guidance and technical direction to Conservation Commissions and project applicants related to the storm damage prevention and flood control functions of coastal wetland resource areas. The agencies conducted trainings for coastal municipalities in September and October 2017. Other priority activities include issuing guidance for land-based solar installations, and considering regulatory and policy changes that may be needed in light of new precipitation data (NOAA14).

f. Implement New Underground Storage Tank

Program: The new Underground Storage Tank (UST) program is a major component of the Massachusetts groundwater resource protection effort, and also a key federal grant commitment. To protect the environment from leaking underground chemical and petroleum products from storage

tanks, MassDEP will work to ensure compliance with requirements to remove or upgrade all outdated single wall steel tanks in FFY2018 as well as registration and inspection commitments for UST systems storing petroleum fuels or hazardous substances. Continuing to provide a publicly available database of information (including geo-location information) on regulated underground tanks in Massachusetts, and implementing a third party inspection program are key components of this groundwater protection effort.

g. Priority Drinking Water Initiatives: In FFY18, MassDEP will continue the agency’s robust activities to reduce lead and copper in drinking water. Activities will include continued rigorous implementation of the Lead and Copper Rule for public water suppliers, including enhanced transparency for the public. Building on the success of last year’s *Assistance Program for Lead in School Drinking Water*, the agency will offer another round of assistance to public schools and public early education and childcare facilities. In FFY17, this program provided hands-on technical assistance and no-cost lab analysis to 818 school buildings from more than 150 communities to test fixtures for lead and copper. The FFY18 program could provide assistance to more than 100 additional school buildings. Also in FFY18, MassDEP will work with public water suppliers to prepare for the next round of sampling under the Unregulated Contaminant Monitoring Rule, as well as responding to issues identified in the last round, including perfluorinated compounds and chlorate. In addition, in the state FY18 budget, MassDEP was authorized to hire 9 additional staff to implement the drinking water program. These new staff will support a variety of critical programmatic activities to ensure safe drinking water at public water

supplies across the Commonwealth, including compliance, enforcement, technical assistance, and rule implementation.

h. Other Priority Water Resources Work: In FFY18, MassDEP will make progress on a number of other priority activities. This will include: working with an external stakeholder group on a regulatory review process for the state's Title 5 and groundwater discharge permitting programs; on-going NPDES permit implementation (including coordination with EPA and permittees); improvements to our surface water monitoring and assessment activities (including advancing the TMDL vision process, and enhanced work on surface water quality standards); and continuing to provide assistance and ensure progress on permitting under the state's Water Management Act.

4. Solid Waste Management

a. Solid Waste Master Plan and Recycling:

MassDEP will continue to implement the Solid Waste Master Plan that seeks to significantly reduce waste generation and increase materials recycling and reuse. The major priority in this area will be the nation-leading implementation of the food waste and organics ban, which took effect on October 1, 2014. MassDEP will work with regulated entities to ensure a smooth transition and significant diversion rates, so that the food waste and organic materials that make up to 25 percent of the waste stream today can be pulled out and easily composted or sent to an anaerobic digestion facility where it will be turned into a renewable energy source. These efforts provide a win-win-win-win: waste disposal costs will be lowered;

methane emissions from landfills will decrease; new renewable energy and other products can be created and used; and new businesses and jobs will start and expand to support management and reuse of organic materials. In FFY2018 Mass DEP will begin the effort to update the Solid Waste Master Plan by 2020.

b. Maximizing Composting, Recycling and Reuse:

MassDEP is forging a 21st century approach to solid waste using strategies such as source reduction, recycling, composting, and reuse that minimize the amount of waste generation and maximize the amount of materials that are returned to productive commerce. The end result reduces to the maximum extent feasible the amount of waste disposed. MassDEP will continue to further expand recycling and materials re-use which in turn will help foster growth in green jobs statewide. A new "Recycling IQ" outreach initiative will be launched to provide public information and improve the consistency and quality of collected materials. The "back to basics" approach will optimize the usefulness of materials that are collected and reaffirm state support for recycling programs during challenging economic conditions for some materials.

c. Minimizing the amount of solid waste

disposed: Unlocking the hidden energy value of waste and other organics is a priority for MassDEP. MassDEP will continue to explore the potential to convert waste that cannot otherwise be recycled or reused into energy, creating additional economic development opportunities. We are working to change statutes, regulations, and procedures as needed to attain these goals, including implementing waste

bans such as a commercial organics disposal ban. The Green Communities Act established new renewable energy credits, and required that a share of the proceeds be used to fund waste reduction activities. We will be using the proceeds of the sale of these energy credits sold by municipal waste combustion facilities to provide financial assistance for municipal and commercial recycling programs and recycling market development.

5. Cleanup of Contaminated Sites

MassDEP will continue to oversee the 21E program for the identification, assessment and cleanup of oil and hazardous material disposal sites under the Massachusetts Contingency Plan (MCP) in a manner that: ensures cleanups are protective of human health and the environment, ensures restoration of natural resources affected by oil/hazardous material releases, and facilitates the successful redevelopment of remediated properties.

- a. **Focus our oversight on identifying and expediting mitigation and cleanup measures at those sites that pose the greatest risk** to human health or the environment, including sites with a complete vapor intrusion pathway.
- b. **Ensure the continued efficacy of the privatized cleanup program** through ongoing risk reduction efforts, site management, audits and enforcement, guidance development and training.
- c. **Continue to develop the Natural Resource Damages (NRD) program** by building institutional capacity to expedite assessments, restoration planning, and implementation with in-house and targeted contractor support; to advance new cases under 21E, CERCLA, and OPA; and to restore natural

resources and the services that they provide to the ecosystem and the public as quickly as possible.

- d. **Continue to implement the multi-agency Massachusetts Brownfields Support Teams:** The Brownfields Support Teams Initiative, a multi-agency pilot program that provides municipalities (and potential developers) with coordinated advice, funding and technical assistance to facilitate Brownfields redevelopment, gives MassDEP another tool to use while shepherding complex projects through the redevelopment process. As we work to reinvigorate historic sites and neighborhoods – often in urban areas across the Commonwealth - we also have an opportunity to advance our climate change and energy priorities.

6. Enhance Preparedness and Emergency Response

One of MassDEP's priorities is to protect public health and the environment through effective response to emergencies and other time-critical conditions, including those resulting from oil or hazardous material releases. We also recognize the need to empower and support local emergency responders to take action in the event of an emergency in their communities. MassDEP will continue to implement a number of strategies to enhance our environmental/emergency preparedness and to support local emergency responders, including:

- a. **Maintain and Enhance MassDEP's field response capability and coordination through:** 1) maintaining staff training including the National Incident Management System (NIMS); 2) participating in multiagency exercises with Federal, state (both Massachusetts and neighboring states), local and quasi /private sector partners; 3) updating critical field equipment such as 2-way radio communication and

detection equipment; and 4) maintaining regional 24/7 emergency response vehicles.

b. Maintain MassDEP’s critical role within the State Emergency Operations Center (SEOC) and provide support as requested to local and federal Multi Agency Coordination Centers. MassDEP will expand its involvement with an “all hazards” focus and a “whole cycle approach” involving participation in the phases of Mitigation, Preparation, Response, and Recovery.

c. Work to support and strengthen critical infrastructure resiliency within MassDEP’s regulatory purview (public drinking water, waste water systems, critical oil/hazardous material industries, etc.) and coordinate with federal, state, local, and private sector partners. This includes both providing technical outreach as well as maintaining 24/7 situational awareness and a common operating picture with our partners.

d. Maintain and Enhance MassDEP’s analytical capability by completing installation of improvements to physical equipment and new capabilities at Wall Experiment Station and MassDEP’s Field Assessment and Support Team (FAST) mobile laboratories. The FAST mobile laboratories field response have the capability to generate and evaluate data in the field and to support and enhance routine environmental assessment activities, enforcement efforts and emergency response operations.

e. Anticipating and preparing for events and patterns likely to occur as a result of climate

change and proactively encouraging measures to reduce detrimental impacts, supporting and participating in the Municipal Vulnerability Preparedness Program.

7. Providing Core Regulatory Services and Assistance

Permitting, monitoring, inspections, report review, compliance assistance, enforcement and technical assistance are at the core of what we do every day. It is through these actions that MassDEP most closely engages with those whom we regulate, the public, businesses, municipalities and other stakeholders. These activities will always be a priority, and always be the means through which we protect public health and the environment, conserve our natural resources, and support and build the right landscape for economic growth. New staff has been hired since 2016 to bolster the agency’s resources in core inspection and compliance programs.

8. Compliance Assurance

Despite many years of budget reductions, MassDEP continues to place priority on maintaining compliance and enforcement activities. Ultimately, the credibility and effectiveness of any environmental program depends upon our success in ensuring compliance with our protective environmental standards. MassDEP employs a comprehensive Compliance Assurance Strategy that promotes environmental compliance through compliance assessment activities, enforcement, technical assistance, and public education. We are proud that Massachusetts’ regulated community generally has high rates of compliance. However, to ensure that we maintain and improve compliance rates and environmental performance, we must strategically utilize and integrate all these compliance assurance tools. In FFY18, MassDEP will strive to:

- Set priorities for our limited resources based on relative risk, requiring increased reliance on assessment of environmental monitoring and performance data for particular sectors. This includes working with EPA to implement the Alternative Compliance Monitoring Strategies for the Air Pollution and RCRA Hazardous Waste programs whereby inspections of the large sources covered by the Compliance Monitoring Strategies are reduced in exchange for additional inspections of carefully targeted smaller sources.
- Establish performance measures linked to environmental objectives and compliance rates. These are an integral component of initiatives' design, operation and evaluation—we cannot rely solely on traditional enforcement output measures.
- Design strategies that streamline the compliance assurance process by placing increased responsibility on the regulated community to self-identify and correct violations, and promote environmental stewardship and sustainable practices.
- Provide technical assistance, outreach and education to targeted segments of the regulated community, with continued focus on providing assistance to our municipalities.
- Enhance our information management systems and better utilize technology to make our compliance and enforcement efforts more efficient and effective. For example:
 - Use remote sensing, aerial surveillance and digital mapping and other innovative non-compliance detection strategies and equipment;
 - Link inspectors in the field with centralized facility databases and digital maps; and
 - Automate the reporting analysis of facility discharge and environmental monitoring data and the generation of compliance and enforcement documents.
- When violations are discovered, take consistent, appropriate and timely enforcement action to:
 - Deter non-compliance and ensure a level playing field by making non-compliance substantially more costly than compliance;
 - Require violators to cease actions impacting the environment or public health, and to restore impacted environmental resources; and
 - Capitalize on opportunities to induce the regulated community to permanently reduce pollution and adopt environmental management systems, and establish best management practices.

9. Toxics and Emerging Contaminants

MassDEP will contribute to national and state cutting-edge research and policy development on toxic chemicals and emerging contaminants of concern. A key component of our work will be collaboration with federal agencies and other states to facilitate appropriate action on toxics and emerging contaminants. In addition, MassDEP will be implementing other state-led initiatives and programs to manage priority toxic contaminants. Specific activities will include:

- Providing technical assistance, outreach and education;
- Recommending standards and guidelines in air, water and soil (including updating / implementing air toxics guidelines) when appropriate;
- Continuing to work at state, regional, national and international levels to reduce mercury in the environment;
- Maintaining research, monitoring scientific findings, and responding to issues on emerging contaminants (such as Pharmaceuticals and Personal Care Products, Trichloroethylene, tetrachloroethalene, and perchlorate);
- Continuing to implement the reporting and toxics use reduction and conservation planning requirements as refined in the 2008 *Toxics Use Reduction Act (TURA)* amendments.

10. Hazardous Waste Management

MassDEP has been successfully implementing the program that ensures that hazardous wastes are properly managed at the site of generation and safely transported to licensed, well run Treatment, Storage and Disposal Facilities (TSDFs). Over the next few years we will continue to use a combination of assistance, reporting, inspections and enforcement to ensure that hazardous waste generators, transporters and TSDFs continue to comply with program requirements. The agency also will continue implementing the new streamlined TSDF licensing process developed through a joint EPA –MassDEP LEAN initiative.

11. Management Objectives

- Maintain the highest expectations for superb quality work and provide the highest quality service to the public and our many diverse stakeholders.
- Create a work environment supportive of the MassDEP’s mission of protecting natural resources and the public health, and advancing a clean energy economy;
- Create a respectful work atmosphere that engenders a willingness to listen and explore innovative ideas and approaches through collaborative teamwork, good communication and trust;
- Continue to strive in making the agency a workplace with a diversity of staff and pursue a human resources hiring strategy to support the agency into the next era of environmental protection;
- Provide meaningful access to decision making and engagement opportunities related to MassDEP’s permits and policies to all members of the public, in accordance with 2017 EJ policy;
- Manage and plan for expected retirements, and an aging workforce to anticipate succession needs, training and staff development, and hiring when needed; and
- Consciously manage cultural changes needed as part of the transformation of the agency’s information technology systems. .