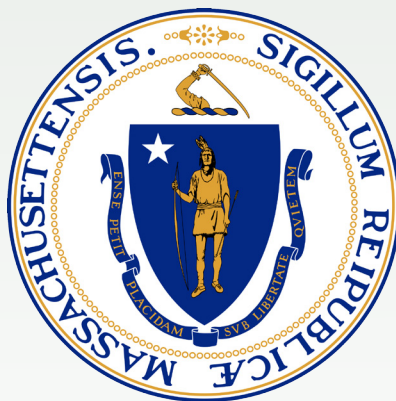


# *Annual Report on Timely Action, Fees, and Program Improvements*

## | FY 2017 |



**Commonwealth of Massachusetts**

*Charles D. Baker*  
Governor

*Karyn E. Polito*  
Lieutenant Governor

**Executive Office of Energy and Environmental Affairs**

*Matthew A. Beaton*  
Secretary

**Department of  
Environmental Protection**

*Martin Suuberg*  
Commissioner



The Massachusetts Department of Environmental Protection (MassDEP), an agency within the Executive Office of Energy and Environmental Affairs (EEA), is responsible for the protection of human health, safety and the environment for the Commonwealth's citizens by ensuring that they have clean air and water; the safe management and disposal of solid and hazardous wastes; the cleanup of hazardous waste sites and spills; and, the preservation of wetlands and coastal resources.

MassDEP's permitting and annual compliance fee program was established in 1990 with the passage of M.G.L. c.21A Section 18 (the Fees Statute) and the promulgation of 310 CMR 4.00, the Department's Timely Action Schedule and Fee Provisions. In return for the payment of fees to support its environmental programs, MassDEP sets specific schedules for permit review supported by a money back guarantee if MassDEP fails to perform. The purpose of this statute and these regulations is to provide for the orderly and efficient administration of the permitting and compliance programs administered by the Department.

The Legislature directed MassDEP to report annually on its permitting and compliance performance and to provide a summary of the significant improvements the Department has made in these areas. This report is provided in response to that requirement.

***Please visit our website at [www.mass.gov/dep](http://www.mass.gov/dep) for more information about these accomplishments and MassDEP's environmental programs.***



Massachusetts Department of  
Environmental Protection

## **Budget Overview**

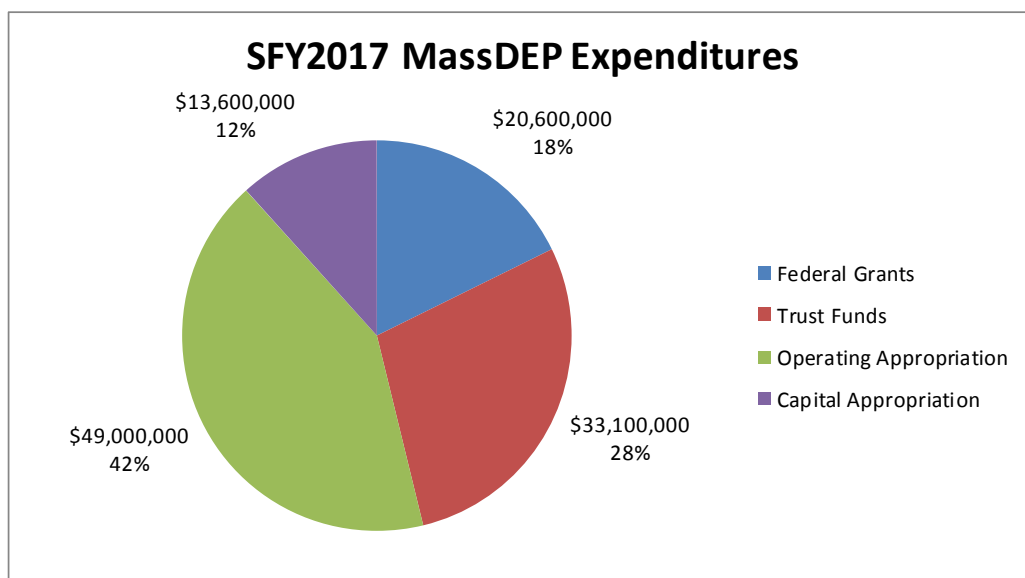
MassDEP's overarching budget priority is to use its resources effectively to achieve its core mission of protecting public health and the environment. Every fiscal year, the Department must determine how to best allocate available resources among its many programs, satisfy its commitments to EPA, and administer trust monies in accordance with the terms of each trust. At the same time, MassDEP operates in a changing and interconnected world where new activities, technologies and more sophisticated information management tools emerge quickly. This environment demands constant innovation in program structures, business processes and equipment as well as continuous education and training for our staff and the public. When designing and executing its annual budget, the Department strives to meet the goals of its traditionally core programs, as well as support innovative improvements to those programs, and their delivery to the citizens of Massachusetts.

Environmental permitting is a critical activity of the agency, and MassDEP administers these activities consistent with M.G.L. c.21A Section 18, which authorizes the agency to set timelines for permit issuance, create fee categories, and collect the revenue from permitting and compliance fees. In 1990 when the Fees Statute was enacted, revenue from permitting fees was directed to the legislatively created Environmental Permitting and Compliance Assurance Fund, which was then available to support MassDEP operational activities. In 2003, that fund, with most of MassDEP's other minor statutory funds, was eliminated, and MassDEP's permitting and compliance fees have since then been directed to the Commonwealth's General Fund for legislative

appropriation. The total annual revenue from permitting and compliance fees depends on the volume of applications received and the number of permits that are subject to annual compliance fees. The agency's overall goal, which includes its permitting activities, is to implement cutting edge programs and processes, coupled with efficient service delivery, to maximize environmental and public health benefits for the citizens of the Commonwealth.

MassDEP's SFY17 expenditures totaled \$116.2 million of which \$49 million came from the Department's annual legislative budget appropriation. The agency also spent \$13.6 million from capital funds, \$33.1 million from trust funds, and \$20.6 million from federal grants.

In SFY 2017 MassDEP generated a total of \$33.9 million in revenue through the collection of permit fees and compliance assurance assessments. This revenue was directed to the Commonwealth's General Fund for legislative appropriation. Additional details on the MassDEP fee revenue can be found in Section VI of this report.



# **Permit Issuance and Appeal Resolution**

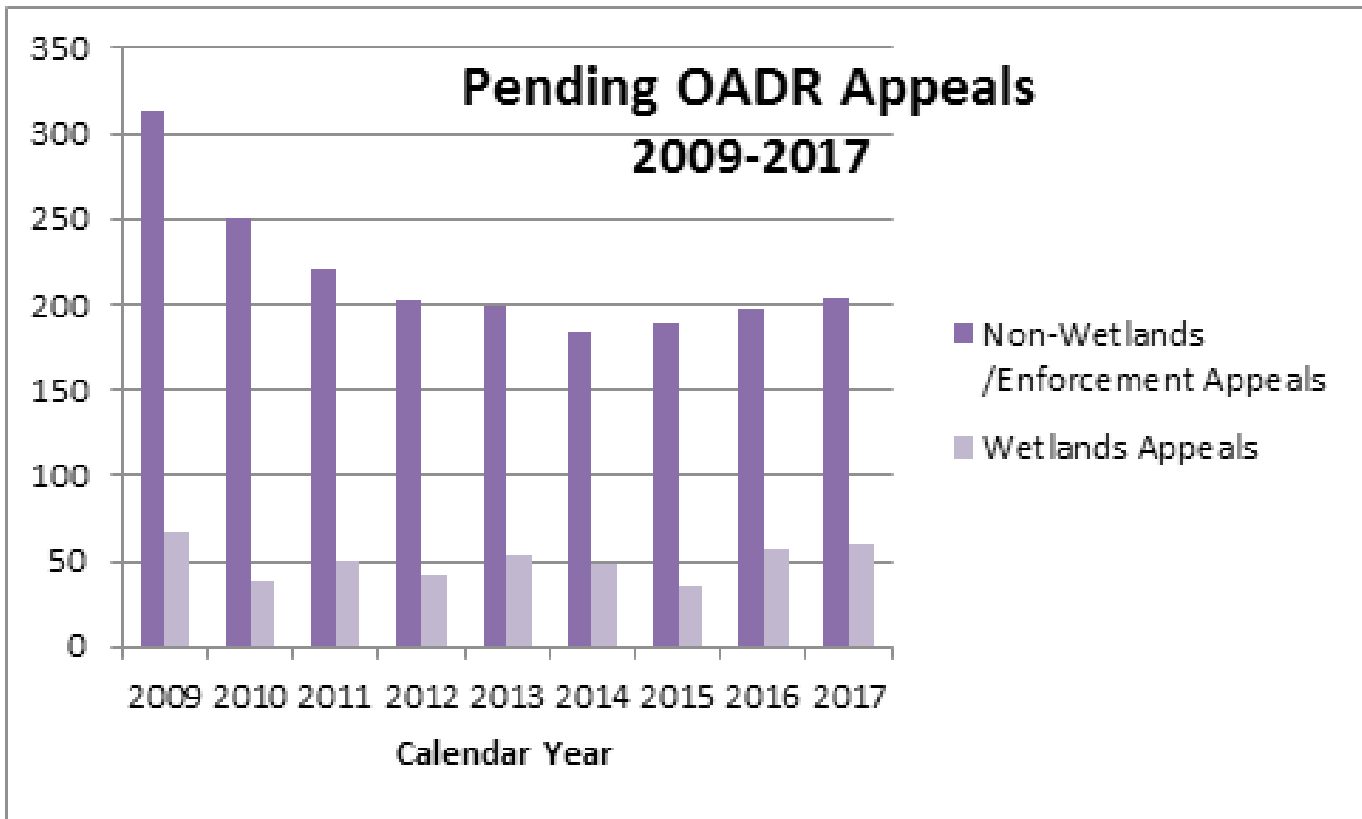
## ***Timely Permit Issuance***

During State Fiscal Year 2017 MassDEP was able to meet its permit processing timelines. Under 310 CMR 4.00: Timely Action and Fee Regulations, review schedules are established for many of the agency's permits. If the agency is unable to issue a permit within the prescribed time period, the permit fee must be refunded. MassDEP met these timelines for 96% of the permits in SFY17. And in response to the executive branch guidance that sets a goal of 180 day permitting from application to issuance for all environmental permits, the agency issued 97% of its permits in that timeframe.

## ***Timely Appeal Resolution***

Permitting activities include timely review and resolution of administrative appeals of permits. Through its Office of Appeals and Dispute Resolution ("OADR"), MassDEP has continued to meet the demand for resolving administrative appeals of its permitting and enforcement decisions. OADR's charge is to fairly consider challenges to the agency's permitting and enforcement decisions and issue timely final decisions supported by the facts and the law. Since 2007, OADR has been responsible for resolving all appeals of wetlands permits.[1] As of October 31, 2017 (the 10th Anniversary of MassDEP's adoption of reform Wetlands Permit Appeal Regulations), OADR has resolved 76% of all wetlands appeals filed since October 31, 2007 within six months of their filing and 84% within seven months of their filing. Since 2009, OADR has been responsible for resolving non-wetlands permit appeals and enforcement appeals.[2] As of October 31, 2017, OADR has resolved 73% of these appeals filed since January 1, 2009 within nine months of their filing and 84% within 12 months of their filing.

In Fiscal Year 2017 a total of 72 appeals were filed, and 51 appeals were closed with final decisions. The appeals of wetlands decisions constituted 34 of the 72 cases filed, or 47% of the 2017 cases. 57% of the wetlands cases were resolved in 6 months or less. Of the 38 non-wetlands cases filed in Fiscal Year 2017, including permit appeals from other programs and enforcement appeals, 53% (or 16 cases) were closed within 9 months of the filing of the appeal. 80% of the cases closed (or 24 of the 30 cases closed) were closed within one year. During SFY17, significant amounts of time were spent on a number of complex cases, including the Tennessee Gas Pipeline, LLC Water Quality Certification appeal, Wynn Casino Chapter 91 permit appeal, the Brockton Power air permit appeal and the McGonigle and Liatsos wetlands permit appeals.



Updates to 310 CMR 4.00 Fee Categories and Amounts  
The Department has proposed regulations that will implement the requirements of the Mercury Management Act, and establish a mercury product manufacturer's fee. The changes will require manufacturers of mercury-added light bulbs to contribute to a trust fund to be used in facilitating the recycling of mercury-added bulbs. In addition, the Department will propose a number of administrative updates to the Fee Regulations in 2018.

## **Accomplishments**

### ***Environmental Permitting System – It's Live!***

The Environmental Information and Public Access System (EIPAS), a secretariat-wide technology modernization project to upgrade the information management and technology capacity of the EEA agencies is now live! EIPAS is a multi-year IT modernization program consisting of discrete projects that will enable MassDEP to: reduce regulated entity burden; increase transparency to the regulated community and the public; and increase staff efficiency. The first components of EIPAS consist of online authorizations, or permits, certifications, and licenses, and

an updated technology architecture roadmap. MassDEP has released online permit applications from multiple environmental programs: Toxic Use Reduction Act, Solid Waste third party inspectors, cross-connection surveyors, and notifications of on-site recycling of Hazardous Waste and Air Quality permits. For permits submitted online, citizen access to viewing and submitting public comments on applicable draft permits, as well as citizen access to the status of online permits and permit applications and final permit documents that has also been implemented. Permits have also been implemented for the Department of Conservation and Recreation and the Department of Agricultural Resources.

The transformation of the environmental information management at the agency through the Environmental Information and Public Access System (EIPAS) will grow in 2018, with additional online permit applications becoming available. Moving to a more transparent issuance process for permits, as well as providing more information to the public on facilities regulated by the agency, is a top priority. Effective use of this electronic system will make the application process easier, transform the review process internally, and allow for public involvement through electronic comment portals.

## July 2017

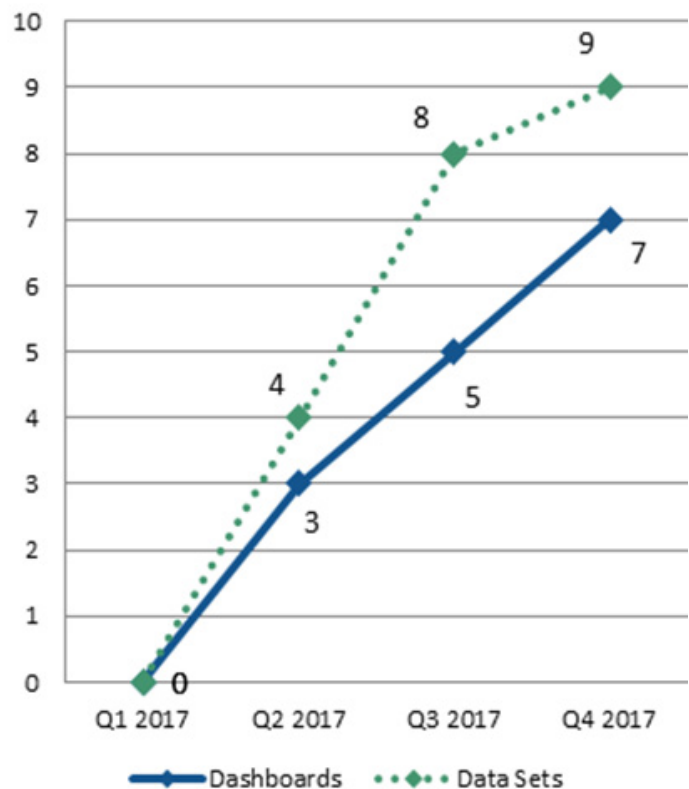
- Facilities & Permits Search
- Inspections & Enforcements Search
- Drinking Water Search
- Permits by Town/Type Dashboard
- Permits, Inspections & Enforcements Time Model Dashboard
- Permit Approvals by Program, Type and Date Dashboard

## September 2017

- Asbestos Search

## November 2017

- Wetlands Notice of Intent Search
- Lead & Copper School Test Results Search
- Drinking Water results against standard Dashboard
- Wetlands Notice of Intent by Type, Town, Date Dashboard



## Launching and Expanding the EEA Data Portal

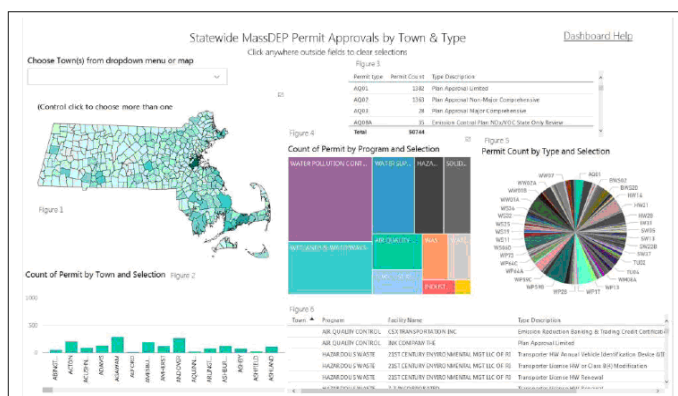
One of the key purposes of EIPAS is providing public access to information. The recent EIPAS launch of the EEA Data Portal in June 2017 highlights our commitment to this tenet. The portal made core regulatory data sets such as facilities, permits, inspections, and enforcement data publically available for the first time in 2017. Since June 2017, the EEA Data Portal has launched 8 different data searches and 5 distinct interactive dashboards for MassDEP data. In 2018, EEA and the agency plan to add a subset of enforcement documents, air quality permit decision documents and Chapter 91 waterways documents to this portal, enabling interested members of the public and our stakeholders to review documents from recent years.

### Dashboard Help

#### How to use this dashboard:

**Overview:** This Dashboard presents a visualization of MassDEP's Data of approved permits dating back to 1996. The data presented for this visualization will change based on your selections of Town or Program Type. Cities & towns are currently shown in Massachusetts. Out-of-state facilities/individuals will render blank fields. To search for a specific permit or facility, users should use the Data Search tool.

#### #1 – Statewide MassDEP Permit Approvals by Town & Type



The Data Portal is available at: <https://eeasonline.eea.state.ma.us/portal#!/home>



## Creating an Integrated Climate Change Strategy

In response to the May 2016, the Supreme Judicial Court of Massachusetts ruling that the Massachusetts Global Warming Solutions Act requires MassDEP to promulgate new regulations that “impose a limit on [greenhouse gas] emissions that may be released, limit the aggregate emissions released from each group of regulated sources or categories of sources, set emission limits for each year, and set limits that decline on an annual basis” to meet the requirements of section 3(d) and in response to Governor Baker’s Executive Order 569 which directed the Executive Office of Energy and Environmental Affairs to coordinate and make consistent new and existing efforts to mitigate and reduce greenhouse gas emissions and to build resilience and adapt to the impacts of climate change, MassDEP promulgated regulations that satisfy the directive of the Global Warming Solutions Act on August 11, 2017 and ensure that the Commonwealth meets the Act’s 2020 statewide emissions limit. These regulations address:

- Carbon Dioxide Emission Limits for the Commonwealth’s State Fleet Passenger Vehicles;
- Global Warming Solutions Act Requirements for Transportation;
- Reducing Methane Emissions from Natural Gas Distribution Mains and Services;
- Increasing clean energy through the development of a Clean Energy Standard;
- Reducing Carbon Dioxide Emissions from Electricity Generating Facilities; and
- Reducing Sulfur Hexafluoride Emissions from Gas-Insulated Switchgear.

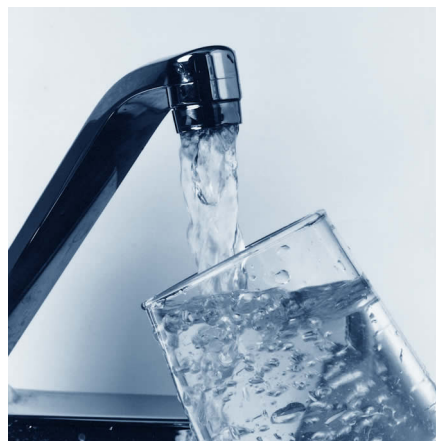
These efforts will work together with other ongoing activities, as detailed in the 2015 Update to the Massachusetts Clean Energy and Climate Plan for 2020. For further information on MassDEP’s efforts to date, visit <http://www.mass.gov/eea/agencies/massdep/air/climate/>.

Governor Baker’s Executive Order #569 also calls for municipal and state work on the adaptation front; every agency is required to complete vulnerability assessments of their critical assets and services or functions. The assessments will be used to complete the innovative statewide hazard mitigation and climate adaptation plan in the fall of 2018. MassDEP has submitted its survey and will continue to work on developing its plan, and on the implementing the integrated plan in 2018 after its release.

## Helping Schools Assess Lead and Copper in Drinking Water

In April 2016, Governor Baker and Treasurer Goldberg launched a first-in-the-nation program designed to assist public schools, early education and child care facilities in assessing the levels of lead and copper in their facilities’ drinking water. \$2.75 million was dedicated to this program from the Massachusetts Clean Water Trust. The Program provided hands-on technical assistance, and no-cost lab analysis, for schools to collect samples at all fixtures that are used for drinking, food preparation, and medical care. Schools were also given the information necessary to take remedial actions to address elevated lead and copper levels, and to establish and implement on-going sampling programs. By the end of the Program in February 2017, it had provided technical assistance and laboratory analysis to 818 schools from 153 different communities, and collected and analyzed a total of 55,919 samples from 31,832 fixtures. Of the total samples analyzed, about 7 percent exceeded the action level for lead only, 1 percent exceeded the action level for copper, and 1 percent exceeded the action levels for both lead and copper. Approximately 72 percent of participating school buildings had one or more fixtures that exceeded the action level for lead or copper.

With the information from MassDEP’s Assistance Program, participating schools took actions to address elevated copper or lead levels that included removing and replacing fixtures, using signage to indicate fixtures not intended to be used for drinking water, and implementing water line flushing programs. Approximately \$600,000 in unspent funds from the initial effort was made available in September 2017 for schools that did not already participate, and the program’s criteria were broadened to support sampling at Head Start facilities. By December 2017, more than 80 additional school buildings were identified for sampling. More details about this program are available at: <https://www.mass.gov/assistance-program-for-lead-in-school-drinking-water>



## Building the Foundation for State Administration of the National Pollutant Discharge Elimination System (“NPDES”) Program

The National Pollutant Discharge Elimination System (NPDES) is a water quality program currently administered by the U.S. EPA as part of its federal Clean Water Act responsibilities. NPDES permits must be obtained by entities discharging pollutants into surface waters (rivers and bays) – including municipal wastewater treatment plants and industrial facilities. Massachusetts has 230 individual NPDES permittees (58% municipal; 42% industrial), and more than 2,000 general permittees. The general permits include about 250 municipalities subject to the MS4 stormwater general permit; plus a variety of other general permits, such as dewatering, hydroelectric, industrial stormwater, pesticides, and potable water treatment.

The Baker-Polito Administration pursued authority for MassDEP to implement the NPDES program (known as “delegation”), and join the 47 other states that manage this permitting program. The Commonwealth already plays the primary role in establishing its own state water quality standards, subject to EPA oversight to ensure state standards are consistent with minimum federal requirements, and Massachusetts already plays a supporting role as a “co-issuer” of such permits and performs other functions in support of the federal permit program. As with other MassDEP programs, permit writers and inspectors develop extensive knowledge about local environmental conditions and the facilities they regulate. NPDES delegation would build on MassDEP’s strong track record of administering federal programs, including the federal drinking water, hazardous waste, and clean air programs. If delegated, MassDEP would promote science-based decisions, and provide timely permitting; enhance technical assistance for municipalities & other permittees; improve water quality monitoring; and implement a more holistic approach to water-related permitting. In 2017, the Administration filed House Bill 2777 (H 2777) that would authorize MassDEP to apply to EPA to administer the NPDES program. H 2777 did not advance in the legislative session; it was referred for further study in 2018. MassDEP nonetheless continues its support for NPDES technical, permitting, and compliance activities, including helping municipalities comply with new MS4 permit requirements.

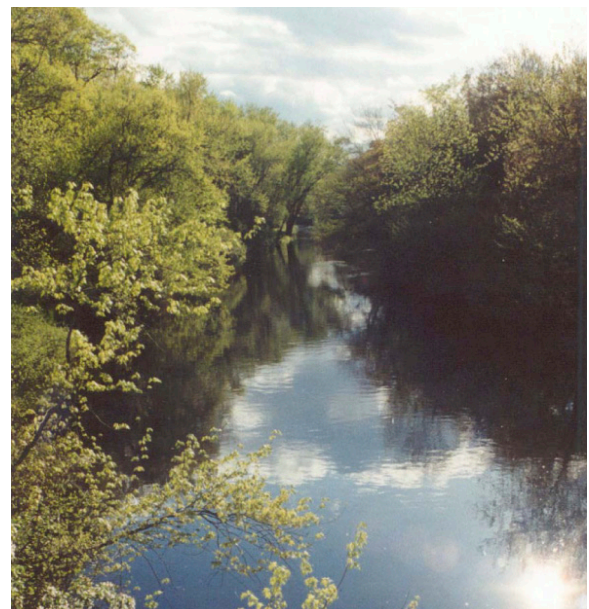
## Supporting water quality monitoring and scientific assessment of Massachusetts water bodies

The federal Clean Water Act gives states the primary responsibility for implementing programs to protect and restore water quality, including monitoring and assessing waters and reporting on their quality, and Massachusetts has been monitoring water quality to meet this responsibility for many years. The ultimate goal of MassDEP is to implement a comprehensive monitoring program for Massachusetts that serves all water quality management needs and addresses all waterbody types.

### Statewide Monitoring Network

Preliminary Scoping Partnership with USGS

- Background
- Water quality
- Co-located with gages - Contaminant loads
- Water Quality Trends
- NPDES Permit Renewals

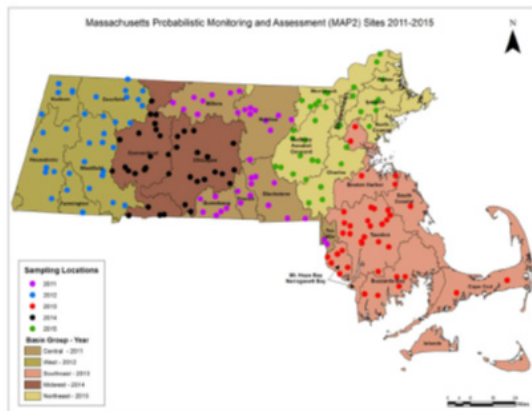




## Wadeable Streams (2011-2015)

**Network:**  
5 basin groups  
(35/region)  
182 statewide

**Water Quality Monitoring:**  
nutrients, bacteria, chloride, color, turbidity  
Dissolved metals,  
Deployed multi-probes: dissolved oxygen and temperature  
Macroinvertebrate community  
Fish community



Primary recreation, Secondary Recreation,  
Aquatic Life and Aesthetics

## MAKING A DIFFERENCE IN URBAN AREAS

All four MassDEP regional offices continue to support “Urban Compliance Initiatives” to bring focused attention on improving the quality of life in an urban area of a city or town identified as an Environmental Justice area. Each selected area in Worcester, Taunton, Chicopee and Framingham have unique challenges. By directly engaging with municipal officials to hear about local concerns MassDEP was able to respond with support and technical assistance on issues of greatest concern. The effort has deepened the agency’s ongoing dialogue with municipal officials, community leaders,

environmental advocates and citizens, reflecting priorities and input of the local community.

MassDEP developed “A Strategy for Monitoring and Assessing the Quality of Massachusetts’ Waters to Support Multiple Water Resource Management Objectives 2016 – 2025 (e.g., the 2016 Strategy)” that replaces the original 2005 Monitoring Strategy. The 2016 Strategy describes the MassDEP surface water monitoring program that is designed to fulfill the monitoring requirements of the Clean Water Act. The components of the 2016 Strategy are consistent with guidance provided by the EPA, and describe how monitoring data from various water types will be acquired and used within the context of MassDEP’s water resource management programs throughout the next ten years (i.e., 2016 – 2025).

A number of themes or principles guided the formulation of the strategic water monitoring plan that reflects the overall design of the recommended water monitoring program elements. Major themes, inherent in both the MassDEP’s water management programs and the monitoring elements that support them, are 1) the focus on the watershed as the fundamental planning unit for water quality management, 2) the assessment of biological communities, such as aquatic macroinvertebrates and fish, as the most reliable indicators of water quality conditions and ecosystem health, 3) the application of new and emerging technologies and streamlined systems for data processing and analysis to support monitoring and assessment activities, and 4) the formation and reliance on partnerships and collaboration to meet water quality goals. In formulating the strategy, an attempt was made to balance the allocation of monitoring resources to address the data needs of the various water management programs while setting aside some unallocated resources to address unforeseen needs as they come along. The Strategy is designed to be a living document that we be periodically reviewed and updated as appropriate.

- MassDEP’s Central Regional Office identified approximately 200 auto body/auto repair shops in a densely populated area of Worcester (District 4). MassDEP staff performed 89 Presence Inspections with Worcester Fire Prevention and visited the remaining shops to provide informational handouts about regulatory requirements applicable to their operations. MassDEP also worked with the OTA Massachusetts Clean Auto Repair (MassCAR) Program to plan and present two different training programs in collaboration with OTA and Clark University, which is in District 4.



In addition, a Clark University graduate student worked with staff from the MassDEP and Clark University to automate the construction of an information warehouse in support of efforts to develop underutilized properties within Worcester District 4. Information from the GIS and the Waste Site Cleanup program database was integrated together with the parcel information received from the City's assessor's office to create fact sheets describing Brownfield properties which could be used in promoting development of these areas. Potential developers can search the system to identify Brownfields parcels based on their particular needs, such as highway or rail access, parcel size, and on-site utilities. The system provides links to MassDEP's waste site cleanup database where developers can view all 21E documentation for each of the sites.

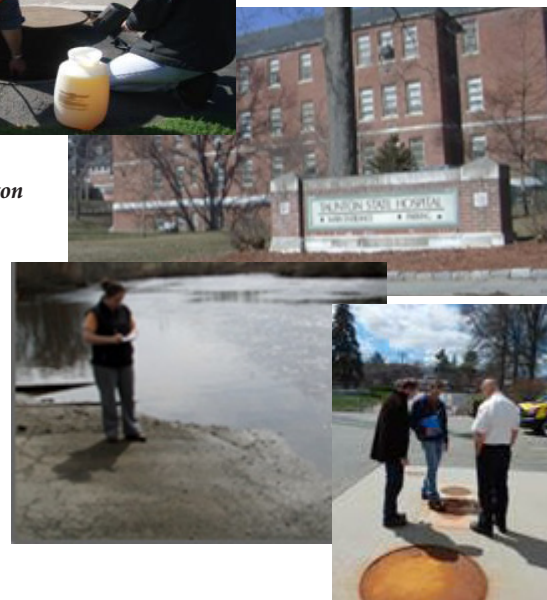
- In the Northeast Region, MassDEP is continuing its work to help improve environmental quality in South Framingham. MassDEP's Waste Site Cleanup program is focused on ensuring the assessment and cleanup of three large, historic waste sites in South Framingham: (1) the closed General Chemical facility on Leland Street; (2) Mary Dennison Park on Beaver Street; and (3) the former Commonwealth Gas manufactured gas plant site at 350 Irving Street. Each of these waste sites is located in an Environmental Justice area of the City. They all have a long history of oil and hazardous material use and on-site sources of soil, groundwater, and/or sediment contamination. Moreover, they contribute to contamination found in local waterways: Beaver Dam Brook and Course Brook. Knowing that environmentally distressed areas are less attractive to economic redevelopment, MassDEP's plan is to provide assessment and cleanup assistance at these sites to improve their ecological health, support improvements in public health, and in turn improve the economic health of the area.



*General Chemical Site, Framingham*



*City of Taunton*



- The Southeast Region focused its work in the City of Taunton and nine city block groups that meet several criteria of Environmental Justice communities. These areas often contain the greatest density of waste sites that have been identified and reported to MassDEP, as well as the greatest density of commercial facilities regulated by MassDEP for hazardous waste management and/or air emissions. Through the Urban Initiative, MassDEP is working jointly with the City of Taunton in identifying tasks that can be accomplished to improve the overall environmental quality and quality of life of the citizens of Taunton. In 2017 a number of key activities were undertaken as part of the comprehensive initiative including: a focused outreach effort at gas stations whereby DEP Emergency Response staff and Fire Departments staff inspected the stations and provided educational materials aimed at reducing the likelihood of fuel spills at the stations; coordination of efforts between DEP, Taunton Board of Health, Massachusetts Department of Public Health and the local Chamber of Commerce to identify food rescue and recovery opportunities that aim at the reduction of food waste into the waste stream; the promotion of brownfields redevelopment through MassDEP's brownfields mapping and coordination with the City of Taunton and its Redevelopment Authority; and the reduction of flow causing a burden on the City's wastewater treatment plant through collaboration with the City of Taunton, MA Department of Mental Health and MA Department of Capital Asset Management.

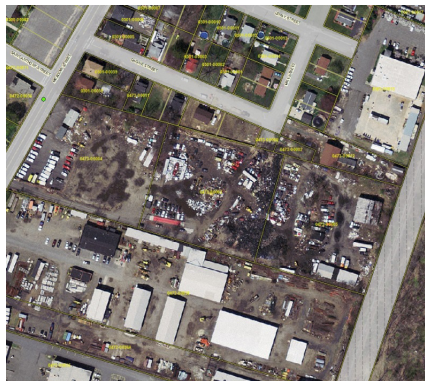


- MassDEP's Western Regional office cataloged and conducted site visits, photographed, reviewed MassDEP records and databases of 98 properties identified by the City of Chicopee as potential brownfield sites and parcels of concern. MassDEP identified 56 of those properties as potential brownfield sites in order to prioritize them and target them for redevelopment. Staff also conducted compliance inspections at 29 registered facilities and initial inspections at 22 unregistered facilities; 19 Notices of Non-compliance were issued and follow-up conducted to ensure progress towards compliance. Bacteria Source Tracking was also conducted at 7 outfalls confirming the presence of levels of bacteria from 3 outfalls identified in the City's Combined Sewer Overflow project that will require follow-up work.



*Bridge leading to Willimansett, Chicopee*

*Scrap metal facility discovered during Urban Initiative, Chicopee*



*Abandoned facility inspection - part of the Brownfields discovery process for the Urban Initiative, Chicopee*

## Stronger Connections and Consistent Engagement

### **Direct Ombudsman Assistance and Governmental Affairs Support**

*The Office of Permit and Regulatory Ombudsman & Special Projects* directly assists municipalities and other citizens. Since the beginning of 2016, the Office of the Ombudsman and Special Projects has served as a central point of contact for inquiries from industry and regulated community members. Issues that were raised and resolved through the work of this office are now summarized and posted on the new "Ask the Ombudsman" page of the agency's website which can be found here:

<https://www.mass.gov/guides/massdep-permitting-assistance>

Contact the Ombudsman, **Kathleen Kerigan**, at (617) 292-5915 or [kathleen.kerigan@massmail.state.ma.us](mailto:kathleen.kerigan@massmail.state.ma.us).

*The Office of Municipal Partnerships and Governmental Affairs* continues to be the contact point for questions from legislators and municipal officials. The Office is available to participate and respond to legislative inquiries, coordinate technical support and contributions for seminars, and outreach meetings for environmental business, industry groups, and other Massachusetts stakeholders.

Contact the Office Director, **Anthony Veilleux**, at (617) 292-5946 or [anthony.veilleux@massmail.state.ma.us](mailto:anthony.veilleux@massmail.state.ma.us).

### **Funding Municipal Environmental Work**

- **\$580 Million of support for Local Water Infrastructure**  
The Massachusetts Clean Water Trust (jointly overseen and managed by The Executive Office for Administration and Finance, the Office of the State Treasurer and MassDEP) provides low interest loans for water infrastructure projects to cities and towns. The loans are made through the State Revolving Loan Fund (SRF) for both drinking water and sewer or clean water projects. As our critical water systems age, the need for financing plant upgrades, storage, distribution and treatment improvements, sewer construction, combined sewer and stormwater overflow minimization and elimination is pressing. In 2017, the SRF programs provided a total of \$580 million for municipal water infrastructure projects in Massachusetts. The new commitments made in SFY17 from the Clean Water Trust are helping to advance 50 clean water

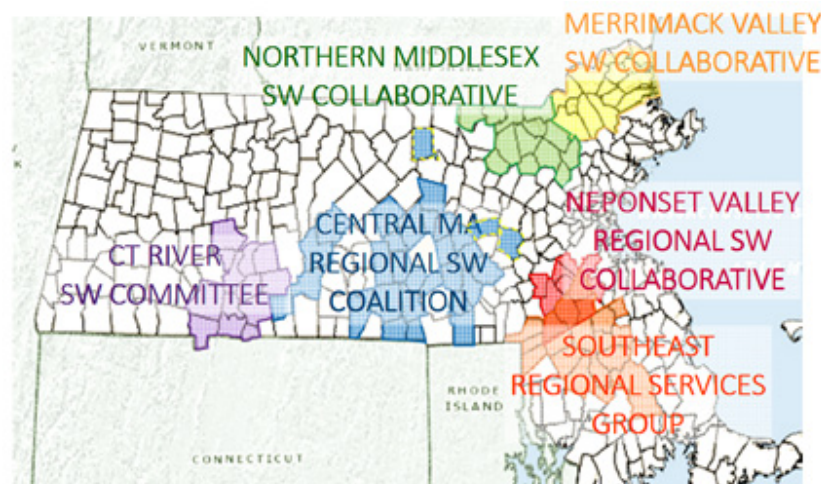
projects, including projects for the Community Septic Management Program, totaling \$455 million. The Trust also provided new loan commitments for 20 drinking water projects totaling \$125 million. More information can be found here: <https://www.mass.gov/state-revolving-fund-srf-loan-program>

- **More than \$640,000 provided for Water Management Act Grant Program** -- The Water Management Act (WMA) Grant Program is designed to assist eligible public water suppliers and municipalities with Water Management Act permits by providing funds for planning assistance, demand management, and withdrawal impact mitigation projects in local communities. In 2016-2017, the Department awarded a total grant dollar amount of \$646,489, which also leverages an additional \$178,740 in project work, funding 9 projects for a total of \$825,228. Information on the WMA Grant Program report can be found at this link: <https://www.mass.gov/service-details/water-management-act-grant-programs-for-public-water-suppliers>
- **Over \$6 Million provided to support Municipal Recycling** MassDEP awarded 184 communities over \$2.2 million through the Recycling Dividends Program. The Recycling Dividends Program provides payments to qualifying municipalities that have implemented efforts tailored to maximize waste reduction, reuse and recycling. In addition, MassDEP awarded \$4.1 million in grants to 53 municipalities and 4 non-profit organizations under the Sustainable Materials Recovery Program (SMRP). These funds are used for recycling and composting equipment; mattress recycling; Pay-As-You-Throw programs; waste reduction enforcement; school recycling; and organics capacity development projects.

## • Helping Municipalities Meet the Challenge of Stormwater Management

Stormwater runoff is the leading cause of water pollution in the United States. Stormwater runoff is created from rainstorms and snowmelt, where the water flows over impervious surfaces, often into Municipal Separate Storm Sewer Systems (MS4s) that collect and direct stormwater into nearby water bodies, often without treatment. EPA's municipal stormwater program is designed to improve water quality by reducing pollution carried by stormwater runoff, and includes a permit requirement for MS4s. An updated MS4 permit was issued by EPA and cosigned by MassDEP in April 2016, with more detailed requirements. The MS4 permit is the subject of pending litigation, and the effective date of the MS4 permit has been postponed until July 1, 2018. The new MS4, once in effect, will require towns to make significant investments in stormwater management infrastructure and programs.

For the last few years, municipalities have started to work together to find ways to meet stormwater requirements more efficiently and with less money. Coalitions of towns across the Commonwealth have been established to collaborate on more efficient ways to achieve compliance with the new permit and to reduce impacts from stormwater. MassDEP provides ongoing support to municipalities through its Stormwater Coordinator, and by developing and sharing best practices and outreach materials that many Towns can use. From FY12 through FY17, MassDEP also provided more than \$1 million in grant funds to many of these municipal stormwater coalitions to assist them as they collaborate on addressing stormwater pollution and MS4 compliance. In November 2017, MassDEP also provided more than \$1.53 million in grants utilizing



**SIX MASSACHUSETTS STORMWATER COALITIONS= THE MA STATEWIDE STORMWATER COALITION**

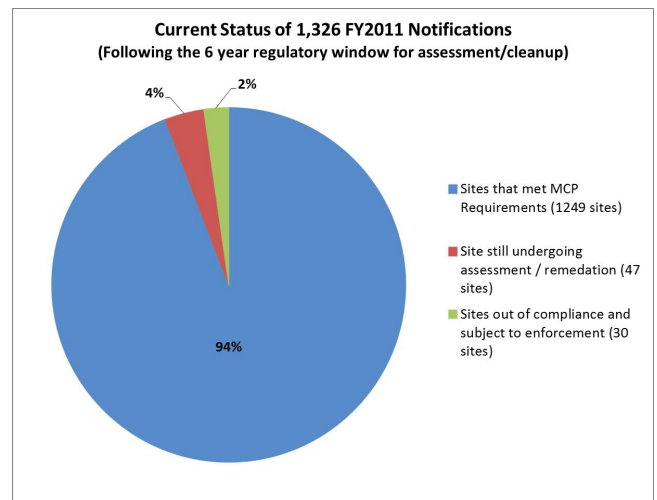
funds from the U.S. Environmental Protection Agency (EPA) “319 Non-Point Source Grant Program” to eight local projects and one statewide project targeting water pollution from stormwater runoff and erosion. These grants support specific projects to implement best management practices and stormwater management infrastructure. Information on the MS4 and stormwater is available here: <https://www.mass.gov/service-details/stormwater>. Information on MassDEP’s non-point source grants can be found here: <https://www.mass.gov/service-details/grants-financial-assistance-watersheds-water-quality>

- **Cleaning Up Oil and Hazardous Waste Spills and Releases**  
MassDEP’s Bureau of Waste Site Cleanup (BWSC) continues to oversee the Commonwealth’s semi-privatized program for the timely cleanup of releases of oil and hazardous materials, including sudden releases, such as from overturned tanker trucks, and historic releases from past waste management practices.

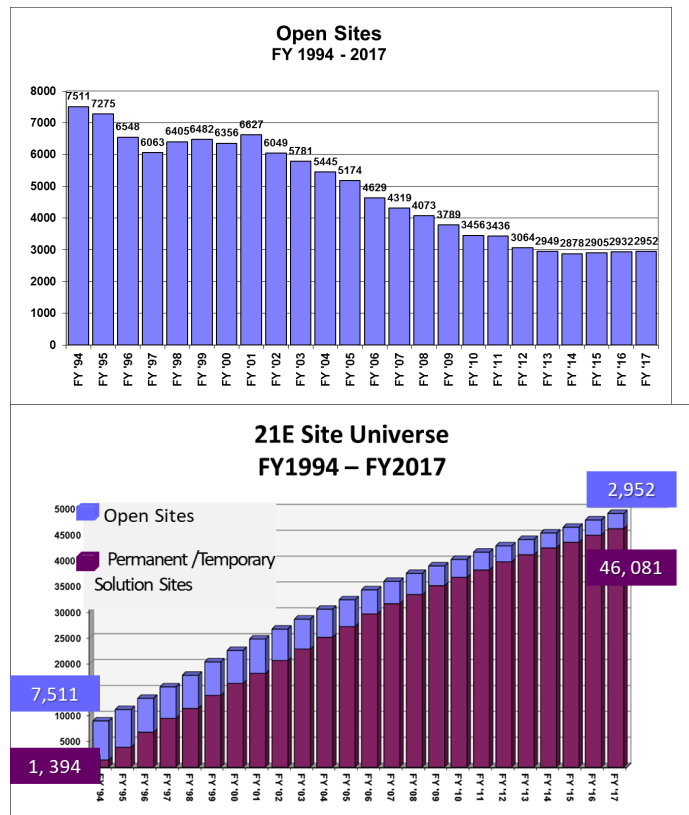
In FY2017, the BWSC program

1. Received notification triggering site assessment and cleanup activities for 1,293 newly reported releases;
2. Approved 904 Immediate Response Actions to address sudden releases and Imminent Hazard conditions;
3. Received 1,128 site closures, including 942 Permanent Solutions allowing unrestricted future use of the property, and 186 Permanent Solutions with Conditions (where cleanup is conditioned on maintaining certain property use or remedy); and
4. Conducted 2300 audits and inspections to evaluate the quality and effectiveness of the cleanup conducted by Licensed Site Professionals (LSPs).

The Massachusetts site cleanup regulations allow up to 6 years to complete the site assessment, cleanup, and closure process (although extensions may be appropriate for more complex sites). One measure of the success of the site cleanup program is the percentage of sites for which a regulatory endpoint is achieved within the 6-year window. Looking back 6 years at the 1,249 release notifications received in FY2011, 94% of the sites achieved closure, with 4% of the sites continuing to conduct response actions on an extended timeframe. For the remaining 2% of the notifications made in FY2011, persons responsible for conducting work have failed to comply with the requirements and timelines for conducting work and are subject to MassDEP enforcement.



The total number of open sites has been steadily declining since the semi-privatized program was established. In FY2017, the total number of open sites grew slightly by 20 sites, while the number of sites where a Permanent or Temporary Solution has been achieved increased to 46,081.



In FY2017, BWSC held several stakeholder meetings to preview and discuss proposed amendments to the program regulations, the Massachusetts Contingency Plan, and continued its review of closed sites with a history of trichloroethylene (TCE) contamination. Updated TCE



toxicity information indicates exposure to low levels of TCE in indoor air by pregnant women can pose a risk of fetal heart malformation. BWSC's TCE site review is directed at ensuring that the past cleanups are protective of human health. In its role overseeing the Natural Resources Damages program on behalf of the Secretary of Energy and Environmental Affairs—the Commonwealth's Natural Resource Damages Trustee—BWSC developed a Memorandum of Agreement to guide nearly \$7 million in restoration of three subwatersheds, restored shellfish Buzzards Bay and improved trails and access for people of all abilities along its coastline, and permanently protected over 300 acres of critical wetland and stream habitat in the Housatonic watershed.

## **Enforcement Highlights**

### **State and National Volkswagen settlements will benefit Massachusetts, and vehicle owners**

MassDEP has supported the Massachusetts Attorney General's Office in claims made against Volkswagen, Audi and Porsche, for selling cars with "defeat devices" that were installed to mislead regulators and resulted in tons of excess emissions of Nitrogen Oxides. Through the resolution of both federal and state cases, the Commonwealth of Massachusetts and the owners of approximately 14,000 registered affected diesel vehicles will benefit.

In the resolution of the national consumer focused cases the companies agreed to:

- Pay \$15 billion to car owners nationwide and the federal government, including compensation for owners of approximately 14,000 registered cars affected in Massachusetts.
- Pay \$2.925 billion to fund State Mitigation Trusts including \$75 million to a Massachusetts State Trust. These funds will be used to fund projects to retrofit diesel engines, and develop electric vehicle infrastructure in the commonwealth. Examples of eligible projects are available on MassDEP's website here: <https://www.mass.gov/guides/volkswagen-diesel-settlements-environmental-mitigation>. Project applications, that will be evaluated using uniform national procedures, are expected to be available in 2018.
- Fund a \$2 billion Volkswagen directed Mitigation Trust to support the development of nationwide infrastructure for electric vehicles.

A coalition of ten states separately sued the companies for violating state environmental and consumer protection laws, led by the Attorney Generals of Massachusetts and New York. The companies agreed in the settlement of these cases to:

- Pay \$157 million in civil penalties for environmental claims to the ten states, \$20 million of which will be paid to Massachusetts.
- Pay \$570 million in civil penalties to the ten states for state consumer deception claims, with another \$20 million to be paid to Massachusetts.
- Make new zero-emission electric vehicles available in Massachusetts to grow the market and reduce air emissions.

These groundbreaking settlements not only achieved significant civil penalties, but also will fund mitigation project to minimize diesel emissions, emissions of CO<sub>2</sub>, and support electric vehicle adoption and infrastructure.

## V. Revenue from Permitting, Compliance and Enforcement Activity in FY 2017

### ***PIMS Timely Action Permit Application Fees and Activity\*\****

	<b>FY 2016</b>	<b>FY 2017</b>
Applications received	2,060	1,974
Total revenue	\$1.30 million	\$1.30 million
Final determinations issued	1,912	1,848
Refunds for missed timelines	2	5
Dollar value of timeline refunds	\$5,185	\$3,615

### ***PIMS Timely Action Permit Application Final Determinations\*\*\****

	<b>Applications Completed</b>	<b>Approved</b>	<b>Denied</b>	<b>Withdrawn</b>
Air Quality	100	88	0	12
Waste Site Cleanup	3	3	0	0
Hazardous Waste	134	133	0	1
Industrial Waste Water	1	1	0	0
Lab Certifications	25	22	0	3
Solid Waste	165	159	2	4
Watershed Management	411	406	0	5
Water Pollution Control	141	135	0	6
Water Supply	484	471	0	13
Wetlands & Waterways	384	343	0	41
<b>Total – All Programs</b>	<b>1,848</b>	<b>1,761</b>	<b>2</b>	<b>85</b>

### **Timely Action Fees Collected Under 310 CMR 4.00**

	<b>FY 2016</b>	<b>FY 2017</b>
Annual Compliance Fees	\$10.5 million	\$11.1 million
Chapter 21E Annual Compliance Fees	\$3.6 million	\$3.6 million
All Permit Application Fees	\$2.7 million	\$3.0 million
Wetlands Notices of Intent	\$1.6 million	\$1.6 million
<b>Total Timely Action Fees Collected:</b>	<b>\$18.4 million</b>	<b>\$19.3 million</b>

## Special Projects Permitting and Oversight Fund

For certain permit applications that need specialized attention or action due to project size, complexity, or technical difficulty, or where proposed projects serve significant public interests and offer opportunities to restore, protect, conserve, or enhance natural resources, an alternative timeline and fee structure may be required. Pursuant to Section 40 of Chapter 149 of the Acts of 2004, revenue derived from these projects is deposited into the Special Projects Permitting and Oversight Fund. During Fiscal Year 2017, the following active projects met these criteria:

Project Name	Total FY17 Costs Incurred	Total Project Costs Incurred	Receipts to Date 9-1-17	Permit Code	FY 17 Permit Volume
<b>TOTAL</b>	<b>\$173,396</b>	<b>\$328,301</b>	<b>\$352,829</b>		1
Bondi's Island Landfill in West Springfield/Agawam	\$3,284.26	<b>\$40,426</b>	\$40,600.00		
Zecco Inc	\$14,765.12	<b>\$46,357</b>	\$48,021.70		
St. Gobian Facilities Upgrade	\$798.23	<b>\$72,008</b>	\$94,316.38		
SafetyKleen West Brookfield HW Lic Renew	\$4,012.41	<b>\$13,134</b>	\$13,134.48		
Southbridge Recycling & Disposal Park Inc	\$69,659.18	<b>\$73,005</b>	\$73,004.86		
Saftey Kleen Systems Inc Salisbury	\$7,934.29	<b>\$10,429</b>	\$13,288.00		
CPA & PSD Canal Station Turbine	\$37,102.95	<b>\$37,103</b>	\$12,797.95	AQ03	1
GE Permit and License for Boston Headquarters	\$18,921.05	<b>\$18,921</b>	\$36,848.35		
GE Pittsfield HW Lic Renewal	\$8,642.86	<b>\$8,643</b>	\$12,681.50		
Education First Ch91 Non Water Dependent Project	\$8,275.75	<b>\$8,276</b>	\$8,135.35		

## Compliance and Enforcement Activity

	FY 2016	FY 2017
Compliance Inspections	5953	6098
Lower Level Enforcement	2545	3036
Higher Level Enforcement	563	459
MassDEP Penalties Assessed	\$1.8 million	\$2.8 million
MassDEP Penalties Collected	\$1.1 million	\$1.0 million

\* Permitting, compliance, and enforcement counts and dollar amounts for prior fiscal years may vary from figures previously reported due to post-report data reconciliation.

\*\* PIMS Timely Action Permit Application volumes are only for those permit categories tracked in MassDEP's Permit Information Management System (PIMS) and does not include certain categories such as Asbestos/demolition notifications which are tracked separately.

\*\*\*Final determinations include only applications that were approved, denied or withdrawn during the fiscal year and may not reconcile with the total number of applications received because some reviews begin in one fiscal year and conclude in the next.