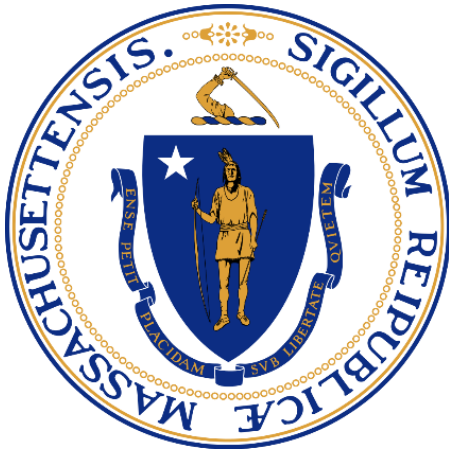


Annual Report on Timely Action, Fees and Program Improvements

State Fiscal Year 2022



December 2022

Commonwealth of Massachusetts

Charles D. Baker, Governor

Karyn E. Polito, Lieutenant Governor

Executive Office of Energy and Environmental Affairs

Bethany A. Card, 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 charged with protecting and enhancing the Commonwealth's natural resources - air, water, and land - to provide for the health, safety, and welfare of all people, and a clean and safe environment for future generations. In carrying out this mission, MassDEP commits to address and advance environmental justice and equity for all people of the Commonwealth; provide meaningful, inclusive opportunities for people to participate in agency decisions that affect their lives; and ensure a diverse workforce that reflects the communities we serve.

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 (the Fees Regulation). 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 meet those schedules. The purpose of the Fees Statute and Regulation is to provide for the orderly and efficient administration of MassDEP's permitting and compliance programs.

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 for more information about these accomplishments and MassDEP's environmental programs.

I. INTRODUCTION

Over the course of State Fiscal Year 2022 (SFY22) MassDEP continued to adjust work practices using virtual and remote tools and began to prepare for moving from the long-time headquarters location at One Winter Street. The efforts to digitize records and modernize recordkeeping prompted both by remote work structures and by the planned physical office move was a priority effort throughout the year. At the same time the agency moved forward with significant program developments and its responsibilities for permitting and ensuring compliance with the environmental requirements it oversees. Of note is MassDEP's work addressing per-and polyfluoroalkyl substances, or PFAS, in many programs, addressing climate impacts, and promoting equity and environmental justice. More detailed information about these efforts is provided in this report.

Total timely action permitting fee revenues for SFY22 were \$18.5 million pursuant to 310 CMR 4.00. MassDEP's timely action permit application fees totaled \$18.5 million for those permit categories tracked in MassDEP's Permit Information Management System (PIMS) and in MassDEP's Accela systems. MassDEP collected \$10.7 million in Annual Compliance Fees, \$3.7 million in Chapter 21E Annual Compliance Fees, \$2.5 million in total Permit Application Fees, and \$1.6 million in Wetlands Notices of Intent Fees, totaling \$18.5 million overall.

Environmental enforcement activities included 4,383 Compliance Inspections, 1,698 Lower-Level Enforcement actions and 558 Higher Level Enforcement actions. Penalties assessed this year totaled \$2.4 million the agency collected \$1.5 million in penalty payments.

A summary of the fee revenues and compliance and enforcement activities are detailed in section III of this report.

II. HIGHLIGHTS OF MassDEP ACCOMPLISHMENTS: SFY22

Adjusting to a hybrid work model

Since March of 2020 when Governor Baker issued public health orders closing state offices due to the pandemic, MassDEP's workforce has transitioned to remote working, gradually returning to some in person at the office work for most employees. Support for remote work and transforming the technical assistance and outreach the agency provides to our regulated communities has continued this year and been critical to meeting the agency's mission. Regular Commissioner calls with specific sectors, have continued.

The work done by MassDEP's Enterprise Information Office, working with the Executive Office of Energy and Environmental Affairs and the Executive Office of Technology Services and Security (EOTSS), provided needed IT capabilities for working remotely, and additional security measures

were enabled for accessing office materials from home computers. With every employee equipped with a state laptop, planning began in SFY2021 to move data and applications to the cloud. In SFY22 the project was completed, and employees now have the capability to access files in secure electronic format. MassDEP is also starting the effort of outfitting all employees with mobile phones. Over half of the agency's employees were already equipped with smart phones, and this initiative will complete that effort. This rollout of iPhones will enable all staff to have the ability to utilize all MassDEP's electronic resources on a handheld device.

Moving the Boston Headquarters Office and the Northeast Regional Office

The agency has been working since 2021 on preparing to move its main offices in Boston from One Winter Street to 100 Cambridge Street. The new space will accommodate approximately 50% of the MassDEP staff on any one day utilizing a flexible reservation system for in person working space. Preparatory work has involved assessing all on site paper documents and appropriately categorizing them for off-site storage, electronic archiving, or storage on site in the new space at

100 Cambridge Street. The agency will be fully transitioned to its new space in December 2022.

Mission Statement

MassDEP's mission is to protect and enhance the Commonwealth's natural resources - air, water, and land - to provide for the health, safety, and welfare of all people, and a clean and safe environment for future generations.

In carrying out this mission MassDEP commits to address and advance environmental justice and equity for all people of the Commonwealth; provide meaningful, inclusive opportunities for people to participate in agency decisions that affect their lives; and ensure a diverse workforce that reflects the communities we serve.

MassDEP is also in the process of moving its Northeast Regional Office to a new location in Woburn. The Northeast Regional Office, on a more accelerated timeline, has been assessing on site paper documents in advance of the move. NERO expects to transition to its new space in December 2022.

Equity and Environmental Justice

The agency has continued to focus on advancing environmental justice and equity and ensuring a diverse and inclusive workplace culture within the agency. The MassDEP Office of

Environmental Justice and the MassDEP Office of Diversity and Civil Rights work to ensure that agency staff provide meaningful opportunities for involvement with agency decision-making and that our staff reflect the diversity of the people of the Commonwealth that we serve. The agency is committed to ensuring opportunities for engagement and promoting an equitable distribution of environmental benefits. Hiring, recruitment, and promotional efforts intentionally guide decision making towards meeting our diversity goals.

Some of the accomplishments in SSFY22 in this area include the following.

- Continuing to offer paid internship positions that enable a more economically diverse range of applicants to contribute to the work of the agency and gain experience working for an environmental regulatory agency.
- Attending job fairs and other recruitment events. The agency has also established a LinkedIn profile to stay in touch with interested potential employees.
- Senior managers continued to meet regularly to discuss Environmental Justice and equity and diversity issues at MassDEP.
- The internal Advisory Committee on Equity and Diversity (ACED) also met regularly. With its 13 members from a variety of positions and MassDEP offices, ACED meets regularly to provide the Commissioner and senior staff with recommendations for actions to improve our internal and external processes and structures and identify areas where we should focus our attention.
- Continuing to apply the agency's enforcement guidance on calculating penalties when violations affect an environmental justice population. The guidance provides for penalty adjustments based on the public interest factor in calculating administrative penalty amounts, applicable where such violations occurred within an environmental justice population, or where violations affect an environmental justice population.
- Implementing the Public Involvement Plan Guidance for conducting expanded outreach for activities and actions that affect environmental justice populations. The Public Involvement and Community Engagement Guidance provides a roadmap for agency staff conducting public involvement activities, including information on accessing resources available for language translation and interpretation.
- MassDEP staff participated in Environmental Justice training offered by the EJ Office in collaboration with MassDEP's GIS Director and support from the Office of General Counsel.
- Submitted the MassDEP Environmental Justice Strategy to be included in the Secretariat's Environmental Justice Strategy. A public comment period is underway to allow presentation of the Strategy to the public and receive input and suggestions for refining the Strategy.
- Maintained an internal Environmental Justice Resources intranet page for staff with resources for staff to use in identifying EJ populations, providing language access tools, contacts for community engagement and public involvement resources.

MassDEP continues to work with other agencies to implement the Secretary of Energy and Environmental Affairs' updated 2021 Environmental Justice Policy.

Emerging Contaminants: PFAS

Per - and polyfluoroalkyl substances, or PFAS, are chemicals that have been used in a wide variety of consumer products over many years and because of their chemical structure do not degrade in the

environment. Increasing concerns about the effects of PFAS on public health and the environment continue to spur action at the federal and state levels and research aimed at better understanding the effects of these substances. Addressing PFAS in Massachusetts continues to be a major focus of the agency.

MassDEP monitored new research publications, actions by US EPA in implementing its PFAS Strategic Roadmap as well as legislation and other developments in other states. Our understanding of PFAS' effects on human health and the environment continue to advance rapidly into areas beyond drinking water and MassDEP has worked to evaluate and take steps to develop programmatic responses for PFAS in wastewater, biosolids and landfill leachate. Sites identified as contaminated with PFAS under the chapter 21 program are being addressed to remediate soil and groundwater contamination. MassDEP continues to follow the developing science, including investigation and standard development at the federal level, and designing programmatic strategies for Massachusetts to protect human health and the environment.

MassDEP has been working in many programmatic areas to address PFAS.

Drinking Water Protection and PFAS

- Supported 1,171 Public Water Systems (PWSs) in addressing PFAS in drinking water by providing free lab analysis of drinking water samples. The free sampling program ended June 30, 2022. 1,466 PWSs were required to sample by October 1, 2022. There are 18 PWSs that have yet to be sampled;
- Continued to implement the Massachusetts Maximum Contaminant Level (MCL) for six PFAS compounds at Public Water Systems (promulgated in October 2020) by reviewing sample results and providing guidance;
- Developed online forms for submitting analytical results for PFAS from certified laboratories, and developed information technology systems to enable rules-based analysis of the data, and data visualization through the EEA public data portal;
- Provided \$6,266,511 in grants to PWS for the design and planning of treatment systems to protect drinking water against PFAS;
- Provided free PFAS testing of 1,688 private wells that are representative of conditions in municipalities that are not served by public systems. The free sampling program ended June 30, 2022. The lab analyses costs for both PWS and private wells totaled \$1,455,054;
- Contracted with UMass Amherst and UMass Lowell for \$2,277,570 to implement the free drinking water sampling programs;

PFAS Site Identification and Remediation

- Supported the investigation, assessment, and remediation at sites with PFAS contamination under the Massachusetts Contingency Plan (MCP), applying the reportable concentrations and cleanup standards for six PFAS compounds;
- Responded to Imminent Hazard levels in private wells and provided compliance assurance assistance for the sites with PFAS contamination, as well as enforcement measures, when appropriate, to address releases of PFAS to the environment;

Support for PFAS Treatment through the State Revolving Loan Fund

- The MassDEP State Revolving Loan Fund Program (SRF) and the Clean Water Trust continued to assist Public Water Suppliers with PFAS contamination. The SRF offered zero percent interest loans for construction projects to address PFAS contamination, including the construction of treatment facilities and new water mains. Over \$100 million in loans and loan commitments have been issued. <https://www.mass.gov/info-details/zero-interest-pfas-mitigation-loans>

PFAS in Wastewater and Biosolids

- MassDEP has required PFAS sampling and analysis of wastewater and biosolids through permit modifications. The agency developed MassDEP's own Quality Assurance/Quality Control data validation methodology in the absence of the EPA multi-lab validated methodology for wastewater and biosolids, expected later this calendar year. Data required according to MassDEP surface water discharge permits and residuals approvals is required to be uploaded to an online data portal that is available to the public.
- MassDEP is continuing efforts to reduce industrial PFAS sources through its partnership with the Office of Technical Assistance and Technology (OTA), a non-regulatory agency within the Executive Office of Energy and Environmental Affairs. OTA provides free, confidential, onsite technical assistance to Massachusetts manufacturers, businesses, and institutions.

Sampling Surface Waters for PFAS

- In collaboration with the United States Geological Survey (USGS), initiated a second study of PFAS concentrations in rivers, at nine locations. Sampling is being conducted upstream and downstream of wastewater treatment plants, as well as samples of influent, effluent and biosolids at these facilities.

Solid Waste – Sampling for PFAS at Landfills

- MassDEP's efforts to sample public and private drinking water sources have resulted in identification of PFAS in a number of drinking water supplies, and in some cases, investigations have led to landfills as a potential source of PFAS. MassDEP's solid waste staff has worked with other Bureaus to verify and address the contamination. The Bureau of Air and Waste anticipates that additional landfills will be identified as sources potentially contributing to PFAS contamination as more public and private residential well water testing is conducted.

Collection and Destruction of Firefighting Foam Containing PFAS

- Collected unused firefighting foam for disposal ensuring that foam containing PFAS will not be released to the environment. A total of 219,500 pounds or 25,609 gallons of legacy concentrate foam was collected and destroyed as of June 30, 2022.

Laboratory Support, Research, and Risk Communication

- MassDEP's Laboratory Certification Program continued to offer certification of laboratories to test drinking water for PFAS and to support PWSs;
- MassDEP's Wall Experiment Station, Division of Environmental Laboratory Sciences (WES-DELS) and its Office of Research and Standards (ORS) have been working to expand analytical capacity for PFAS in multiple media through analytical equipment upgrades, expanding staff capabilities and operationalizing additional PFAS methods.
- MassDEP WES and ORS have also reviewed PFAS analytical methods and QA/QC elements by consulting laboratories for complex matrices including biosolids and other residuals and wastewater in support of Departmental efforts to gather improved data on PFAS levels in these materials.
- MassDEP commenced a study with UMass Amherst to test the effectiveness of home water treatment devices to remove PFAS from drinking water (\$164,000).
- ORS, the Drinking Water Program (DWP) and the MassDEP Regional Offices have provided extensive risk communication assistance to municipalities, Boards of Health, Public Water Suppliers and the public regarding PFAS detections and exceedances of the Massachusetts drinking water standards. Assistance has included web-based information, assessment and communication of risks posed by PFAS detections in private water supplies and smaller public supplies; participation in public meetings and hearings and assistance in preparing public notices.
- With funding from the Department of Agricultural Resources, ORS has conducted a research study on PFAS levels in mosquitocides used by MA Mosquito Control Districts, which helped identify fluorinated storage containers as a source of PFAS contamination to some formulations.
- Many MassDEP programs are participating in regional and national PFAS workgroup and conferences to share information and coordinate efforts across state and national programs.
- ORS and WES/DELS have supported several research projects and academic collaborations on PFAS, other emerging contaminants and pathogens in wastewater, septic systems and surface water.
- ORS has reviewed multimedia PFAS risk assessments for proposed facilities treating PFAS containing materials including biosolids and soils and is conducting ongoing evaluation and research on PFAS leaching from contaminated materials.

More information on MassDEP's PFAS work can be found here: <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>

The Interagency PFAS Task Force Report

A legislatively established Interagency PFAS Task Force released its Final Report in April 2022 after nine public hearings and receiving testimony from a variety of stakeholders and experts. The Final Report includes several recommendations related to MassDEP programs, including increased funding for PFAS detection and remediation, funding for PFAS treatment in drinking water, expanding the scope of regulatory control to additional substances, and encouraging private well testing and remediation. The report and more information on the Task Force can be found here: <https://www.malegislature.gov/Commissions/Detail/556/Documents>.

Multi-State Suit Against Manufacturers of Firefighting Foam Containing PFAS.

The Massachusetts Attorney General joined several other states on May 25, 2022 in suing 13 manufacturers of firefighting foam containing PFAS chemicals that were used in Massachusetts. The suit seeks to recover “costs to clean up and remove, restore, treat, and monitor PFAS contamination and an order requiring the manufacturers to reimburse the state for the damages its products caused. The complaint also demands that the manufacturers remediate and restore the state’s natural resources and pay investigation fees and costs.” The press release on the suit can be found here: <https://www.mass.gov/news/ag-healey-sues-manufacturers-of-toxic-forever-chemicals-for-contaminating-massachusetts-drinking-water-and-damaging-natural-resources>

Climate Initiatives

The Baker-Polito Administration has made addressing climate change a priority, and the Executive Office of Energy and Environmental Affairs has supported work to mitigate Greenhouse Gas emissions and develop local resiliency to adapt to more frequent severe weather events and prevent damage to the natural and built environment.

The Clean Energy and Climate Plan (CECP) for 2025 and 2030 was released on June 30, 2022 and a 2050 Decarbonization Roadmap was released in December 2020. The 2025 and 2030 CECP requires MassDEP to implement a cap on emissions from the heating sector with a goal of finalizing regulations in 2023 and implementing the requirements as early as 2024. MassDEP has participated on EEA’s Clean Heat Commission to inform the emission cap and other measures to reduce emissions from the heating sector. The Clean Heat Commission published its report in November 2022 <https://www.mass.gov/doc/massachusetts-commission-on-clean-heat-final-report-november-30-2022/download?ga=2.50163493.2088539109.1671553238-174572999.1671553238>. Other MassDEP strategies in the 2025 and 2030 CECP include amendments to the Clean Energy Standard and monitoring of air quality in environmental justice areas. <https://www.mass.gov/info-details/massachusetts-clean-energy-and-climate-plan-for-2025-and-2030>.

Legislative Direction and Cumulative Impact Analysis for Air Permitting. On March 26, 2021, Governor Baker signed *An Act creating a next generation roadmap for*

Massachusetts climate policy (Chapter 8 of the Acts of 2021) into law. The law established new goals for emissions reductions: achieving net-zero status by 2050; reducing GHG emissions by 50% by 2030; reducing GHG emissions by 75% by 2040. In addition, the Act significantly increased protection for Environmental Justice communities across Massachusetts, authorized the Administration to implement a new, voluntary energy efficient building code for municipalities, and authorizes the Commonwealth to procure an additional 2,400 Megawatts (MW) of clean, reliable offshore wind energy by 2027.

Chapter 8 directed MassDEP to evaluate and seek public comment on incorporating cumulative impact analyses in the assessment and identification of certain categories of permits and approvals, and to propose regulations to include cumulative impact analyses for defined categories of air quality permits identified through the evaluation and public comment process. The agency conducted an extensive stakeholder process to guide this work and to inform the draft regulations.

Additional efforts to reduce Greenhouse Gas Emissions

- Support for Electric Vehicles. MassDEP administers a state grant program to distribute Volkswagen settlement funds. MassDEP allocated the maximum amount allowed (15%) of the Volkswagen emissions settlement funds for light-duty electric vehicle charging equipment.
- MassDEP and its partners continued to implement the Global Warming Solutions Act, as amended in 2021. The air regulations that create annual declining caps for greenhouse gas emissions from specific sectors (known as “3(d) regulations” for the section of the Global Warming Solutions Act which required their creation) will continue to be implemented to achieve emissions reductions, as will other regulations that address refrigerant leaks, vehicle emission standards, and the electricity sector.
- MassDEP continued to support the initiatives directed by the Executive Office of Energy and Environmental Affairs, including the action items in the State Climate Hazard Mitigation and Climate Adaptation Plan (SHMCAP), and supporting the Municipal Vulnerability Program’s (MVP) grant review process for municipal climate resiliency projects.

Recycling and the Solid Waste

In SFY22, MassDEP issued the 2030 Solid Waste Master Plan – Working Together Toward Zero Waste. Initially proposed in 2019, with a second public comment period over the summer of 2020, a total of nine stakeholder meetings were held to receive input on the next 10-year strategic plan covering 2020-2030. MassDEP held four additional virtual public meetings on the draft plan over the summer of 2020 and accepted additional public comment through September 15, 2020. The re-opened public comment period focused specifically, but not exclusively, on issues of environmental justice, climate change, and the impacts of the COVID-19 pandemic as they relate to solid waste management in Massachusetts. The Plan sets a broad vision of waste management in the Commonwealth with new disposal and recycling goals:

- Reduce disposal statewide by 30 percent (from 5.7 million tons in 2018 to 4 million tons in 2030) by 2030, and
- Achieve a 90 percent reduction in disposal to 570,000 tons by 2050.

The Plan, accompanied by regulatory changes, also expands landfill disposal waste bans for certain materials - a lower threshold of organic materials and new bans on disposal of mattresses and textiles as described in more detail below.

MassDEP's new Solid Waste Master Plan builds on the vision of the 2010-2020 Plan that presented a "pathway to zero waste" and encouraged a shift in mindset to thinking of "waste" as materials or a resource to be reused. The 2020-2030 Master Plan and regulations set new, aggressive state-level waste reduction goals that align with our carbon emission reduction programs, invest in innovation, and enhance ongoing engagement with communities across the Commonwealth. The Plan also includes initiatives to strengthen engagement with and support of environmental justice communities, including:

- increasing engagement with environmental justice populations in all phases of MassDEP's regulatory process;
- improving recycling grant evaluation criteria to recognize environmental justice community issues;
- promoting small-scale composting assistance to enable composting at community gardens in environmental justice areas;
- and promoting and encouraging the use of electric and hybrid trash and recycling collection vehicles in environmental justice communities.

The 2020-2030 Master Plan announced increased recycling business development grants and a new recycling research and development grant program to drive innovation in recycling and waste reduction. This program will be developed in consultation with a new Recycling Market Development Council that will promote the use of recycled materials by state agencies. The Plan addresses materials banned from disposal in the trash (waste bans) and strategies to improve compliance with those requirements.

Finally, the 2020-2030 Master Plan addresses increasingly constrained and decreasing disposal capacity in the state and region, tight capacity at materials recovery facilities, and supports waste reduction strategies, including anaerobic digestion and composting. MassDEP will continue to focus on helping municipalities confront a recycling market that has changed significantly in recent years through a variety of technical and financial assistance programs. Supporting these programs, as well as expanding recycling capacity and reducing contamination of materials to be recycled should also drive innovation in this area to move the Commonwealth toward a zero-waste future. The Department is engaged in ongoing conversations with recycling processors, haulers, and municipalities to fully understand the challenges faced in collecting, processing, and marketing recyclable materials, and have taken steps to lessen the impact of these events. In support of this effort, MassDEP awarded \$4.5 million in grants, technical assistance and education services to

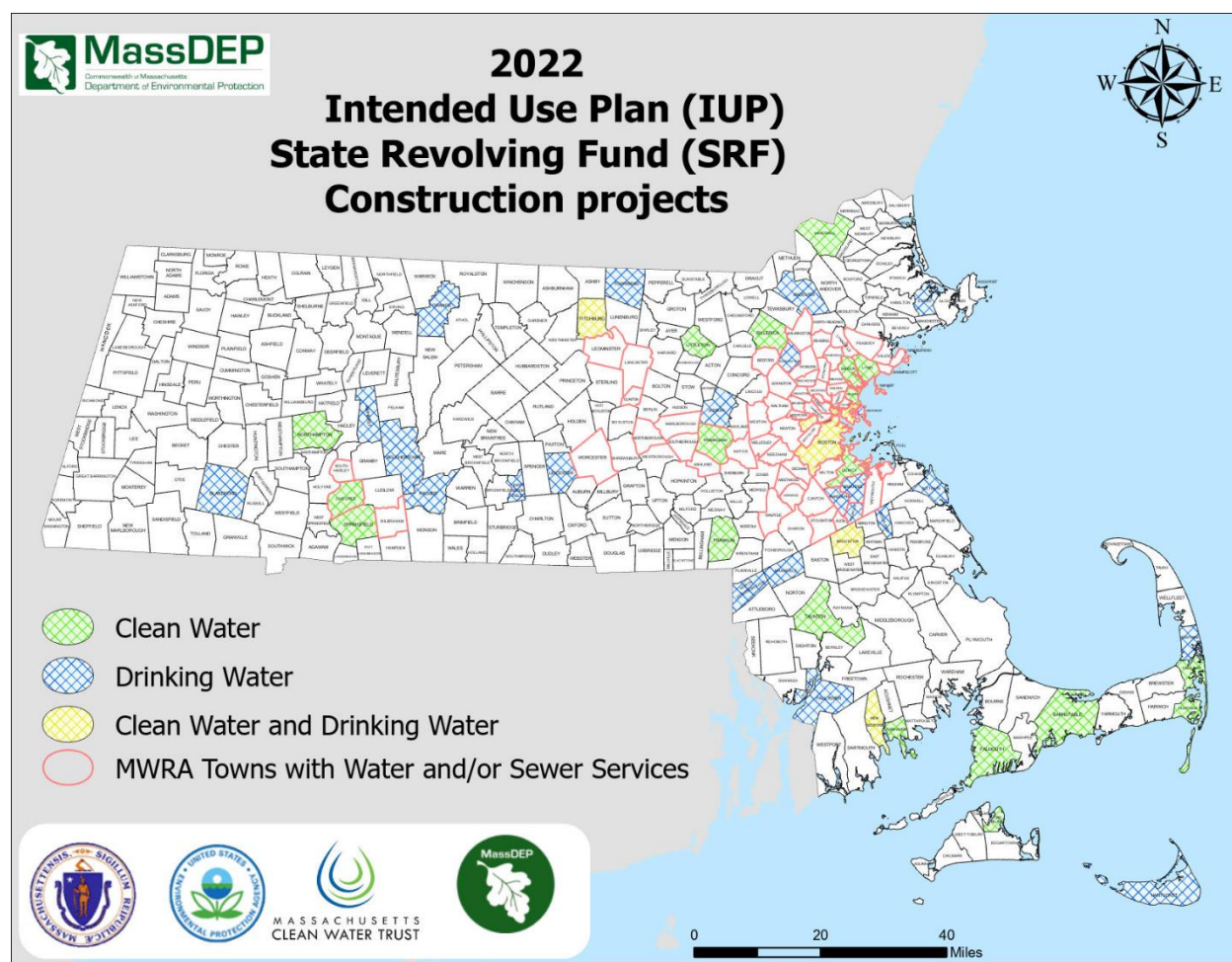
municipalities to advance recycling and \$2 million in technical assistance and grants to advance business recycling and support/expand the recycling industry in Massachusetts.

Additional information on the Plan is on the MassDEP website here:

<https://www.mass.gov/guides/solid-waste-master-plan>

Bipartisan Infrastructure Law Investment in Massachusetts

Approximately \$1.1 billion dollars will be available to invest in our communities from the federal government through the Bipartisan Infrastructure Law (BIL) over a period of five years starting in 2022 and continuing through 2026. The funding will primarily be directed through the State Revolving Loan Fund (SRF) Program and will supplement the annual EPA capitalization grants that fund the SRF programs. The 2022 State Revolving Fund Intended Use Plans reflect this additional funding: <https://www.mass.gov/lists/2022-final-srf-intended-use-plans>. Massachusetts offered over 1.3 billion to finance 183 water infrastructure projects across the Commonwealth in 2022. The map below shows the SRF 2022 Intended Use Plan distribution of SRF funding (\$963 million for Clean Water SRF projects and \$357 million for Drinking Water SRF projects).



The SRF project solicitation opens in July of each year. Information on how to apply can be found in MassDEP's website <https://www.mass.gov/state-revolving-fund-srf-loan-program>.

Massachusetts' Assistance Program for Lead in School Drinking Water

In January 2020, Governor Charlie Baker and State Treasurer Deborah Goldberg launched an expanded assistance program to help Massachusetts public schools and public childcare facilities, with the addition of private childcare facilities, voluntarily test for lead in drinking water. This program built upon the success of the original Assistance Program, which saw nearly 1,000 public schools and childcare facilities sampled from 2016-2019. Supported by over \$1.6 million grants from the Water Infrastructure Improvements for the Nation (WIIN) Act in funding from the U.S. Environmental Protection Agency, MassDEP worked with the University of Massachusetts Amherst and other partners to provide technical assistance to public schools and public and private childcare facilities to establish a lead in drinking water monitoring program. The technical assistance helps facilities develop a site-specific sampling plan, provide lab analysis of samples taken at taps and water fountains used for drinking and cooking, assist with the identification of fixtures with lead concentrations over the laboratory analytical testing limit of 1 part per billion (ppb), and recommend possible remedial actions.

After facilities receive their sampling results, they are encouraged to take remedial actions at any location with levels of lead above the lab testing limit and to communicate the results and short-term action plans to parents and staff. Facilities communicate this information through emails, automated informational calls, letters, website postings, printed postings, newspaper articles, and meetings. Actions taken to address lead levels include removing and replacing fixtures, using signage to indicate fixtures that are not intended to be used for drinking water, and implementing water line flushing programs.

For SFY22, the Expanded Assistance Program:

- Tested 232 outlets in 11 schools and 1,329 outlets in 138 childcare facilities;
- Secured funding from the Clean Water Trust to support testing of private schools;
- Launched a pilot program with select public water systems serving communities identified at high risk of childhood lead poisoning by the Department of Public Health (DPH) to increase participation and assist systems with meeting upcoming federal requirements on lead testing; and
- Launched a filtered water pitcher incentive program to increase participation of childcare facilities in communities identified at high risk of childhood lead poisoning by DPH.

Complementing the Expanded Assistance Program, also in January 2020, the Clean Water Trust launched its School Water Improvement Grant (SWIG) program. SWIG covers the cost of water bottle filling stations to address detections of lead in drinking water at eligible schools and childcare facilities using \$5 million allocated by the Trust and nearly \$3 million awarded through a USEPA grant. Since launching, SWIG has provided grants totaling over \$1.4 million for the purchase of 467 bottle filling stations in 55 school districts.

The pilot funding round in Spring 2020 consisted of an initial \$1 million (out of a total of \$5 million). From January through June 2020, the MassDEP Expanded Assistance Program accepted 88 schools and childcare facilities into the program. Interest and participation in the program were greatly affected by pandemic-related impacts. The SWIG program accepted 37 school districts into its pilot funding round and in April 2020 awarded grants for the purchase and installation of 319 water bottle filling stations.

More information on the Expanded Assistance Program is available here:
<https://www.mass.gov/assistance-program-for-lead-in-school-drinking-water>.

More information on the SWIG program is available here: <https://www.mass.gov/school-water-improvement-grants>

Innovation: Develop a Cutting-Edge Information Technology System

The COVID-19 pandemic both accelerated planned improvements and required unanticipated changes to work practices and technological tools used by the agency.

MassDEP staff, our regulated community and our constituents have confirmed the importance of online resources and accessible technology systems. MassDEP will continue working with the Executive Office of Energy and Environmental Affairs in transforming its current information technology system and building a new enterprise-wide framework for information management. The Energy and Environmental Information and Public Access System (EIPAS) is currently constructed to support the technology needs of the Secretariat's agencies and allow them to better serve customers and the public by maximizing the effectiveness through better use of shared data and online tools. It provides the secretariat and agencies with features such as:

- Paperless online permitting;
- Online portals providing detailed information about regulated entities, permits, inspection and enforcement activities and environmental test results to citizens online; and
- Greatly expanded agency efficiency through technology-assisted tools, such as rules-based processing and data visualization tools to assist with compliance screening of reports, data, remote monitoring data, and sensors.

Fundamental system design work and construction of the permitting platform has been completed and online permitting is now available for over 300 permits, licenses and notifications. MassDEP also implemented major system improvements to support compliance processes, including a new inspection, enforcement and compliance related correspondence system to provide a modern platform for staff to manage regulatory compliance. MassDEP has also extended our citizen EEA data portal to provide public access to near real time data of Combined Sewer overflows that can result from storm events.

We will continue to extend compliance related functions, such as automating compliance reporting and continue to look for opportunities to provide additional data to citizens and regulated entities by adding or improving components to the EIPAS system over the next several years. This year, MassDEP will enhance the use of information management systems to make our compliance and enforcement efforts more efficient and effective. For example, MassDEP is:

- Using digital mapping and data visualization tools to compliment data analysis and communication;
- Continuing development of automated methods of data analysis through rules-based processing of regulated entity environmental monitoring data;
- Complete the development and redesign of the compliance and enforcement module for MassDEP staff; and
- Continue current efforts already underway to update our information systems to support the PFAS data management, including online submission of data, rules-based processing of the submitted data, and an online portal for citizens to view the submitted data.

New Legislative Initiatives

MassDEP has been developing new regulatory programs to implement legislation that directed the agency to:

- Establish new or expanded regulatory programs for overseeing the use of chemicals used as flame retardants; and
- Promulgate regulations to require public notification of sewer and stormwater overflows from wastewater systems.

Those acts were signed into law in December 2020 and January 2021, respectively.

Flame Retardant Prohibitions. By the end of June 2021, the agency provided educational materials and compliance assistance to manufacturers and retailers of the named compounds subject to the flame retardant law's prohibitions. Draft regulations prohibiting the sale, manufacture and distribution of products containing the flame retardant chemicals specified in the Act were released for public comment in 2022 and final regulations are expected to be promulgated in 2023.

Sewage Notification Program. MassDEP convened stakeholder meetings to discuss and develop regulations to implement this new law requiring public notification of Combined Sewer Overflow

and Sanitary Sewer Overflow events. Those proposed regulations were made available for public comment in the fall of 2021, and final rules became effective in January 2022. Implementation continues in collaboration with the entities owning or controlling wastewater systems. MassDEP has a robust webpage of information on the program with extensive training materials available to permittees and Boards of Health located here: <https://www.mass.gov/guides/sanitary-sewer-systems-combined-sewer-overflows> A public website with notification information and data of overflow events can be found on the MassDEP website here: <https://eeaonline.eea.state.ma.us/portal/dep/cso-data-portal/> MassDEP has developed a proposal for a grant program to assist permittees with funding certain aspects required by the statute and regulations.

III. By the Numbers: MassDEP Permitting, Compliance and Enforcement in SFY22*

Table A. Timely Action Permit Application Fees and Activity**

Parameter	FY2021	SFY22
Applications received	2348	2559
Final determinations issued***	1859	2068
Refunds for missed timelines	0	0
Dollar value of timeline refunds	\$0	\$0

Table B. Timely Action Permit Application Final Determinations**

MassDEP Program	Approved	Denied	Withdrawn	Total Final Determinations Issued***
Air Quality	75	0	7	82
Hazardous Waste	70	0	3	73
Lab Certifications	12	0	3	15
Solid Waste	247	0	17	264
Watershed Management	535	0	19	554
Water Pollution Control	81	0	10	91
Water Supply/Drinking Water	616	1	10	627
Wetlands & Waterways	324	1	37	362
Total – All Programs	1960	2	106	2068

Table C. Timely Action Fees Collected Under 310 CMR 4.00

Fee Type	FY21	SFY22
----------	------	-------

Annual Compliance Fees	\$10.2 million	\$10.7 million
Chapter 21E Annual Compliance Fees	\$4.1 million	\$3.7 million
All Permit Application Fees	\$2.3 million	\$2.5 million
Wetlands Notices of Intent	\$1.7 million	\$1.6 million
Total Timely Action Fees Collected	\$18.3 million	\$18.5 million

Table D. 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 2022, the following active projects met these criteria:

Project Name	Special Project Number	Total SFY22 Costs Incurred	Total Project Costs Incurred	Receipts to Date 9-8-22
Clean Energy Results Program	TF52	\$503,252	\$15,021,456	\$17,017,282
Specialty Minerals Inc	TF101	\$35,018	\$35,018	\$70,251
MBTA/South Coast Rail	TF103	\$18,163	\$45,604	\$101,837
Resource Control Inc. Landfill Expansion	TF104	\$63,731	\$147,932	\$147,932
Safety Kleen Marlboro	TF107	\$10,370	\$23,896	\$23,896
Safety Kleen West Brookfield	TF108	\$6,605	\$6,605	\$7,652
Total		\$637,139	\$15,280,510	\$17,368,850

Table E. Compliance and Enforcement Activity

Activity	FY2021	SFY22
Compliance Inspections	4304	4383
Lower Level Enforcement	1663	1698
Higher Level Enforcement****	509	558
MassDEP Penalties Assessed	\$1.8 million	\$2.4 million
MassDEP Penalties Collected	\$1.2 million	\$1.5 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.

** Values include only those permit categories tracked in MassDEP's Accela on-line permitting application submittal system and in MassDEP's Permit Information Management System (PIMS), and do not include certain categories such as Asbestos/demolition notifications, etc., 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.

**** Complete HLE with Referrals and Settlements (AG, EPA, DA, LSP).