<noreply+82ff3c0177cfb63b@formstack.com>

Sent:

Wednesday, September 30, 2015 9:52 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/30/15 9:52 AM

Name (optional)::

Peter Romano

Company/Organization (if applicable) (optional)::

Independent Oil Marketers Association of New England

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

310 CMR 40.000

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation::

MassDEP

Describe the regulatory issue or observation:

Spill Sites in GW-1 Groundwater Classification Areas

Suggestions for improvements to the regulation::

Petroleum spill clean-ups at properties located in drinking water protection areas (i.e. GW-1 areas) are very costly due to the need to remediate to drinking water criteria, with costs routinely exceeding \$1 million dollars, and in some cases, over the c. 21J Fund reimbursement cap of \$1.5 million dollars. Gasoline station owners represented by the Independent Oil Marketers Association (IOMA) are in full support of protecting drinking water resources. However, the current Massachusetts Contingency Plan (MCP) regulations (310 CMR 40.0000) are too restrictive with respect to closure requirements for spill sites with data that clearly show the spill impacts do not (and will not) represent a threat to groundwater use as a drinking water resource. As a result of these regulations, few such sites reach a Permanent Solution Therefore, long-term monitoring, or remediation is occurring with no end anticipated.

The consequence of the over-protective regulations is a burden to many business owners and Massachusetts taxpayers. Clean-up costs can exceed the benefits received from the clean-up expenditures, and less restrictive risk

based alternatives to the existing regulations have not been adopted by MassDEP. The remediation and monitoring costs for many of these sites are covered by the c. 21J Fund. Monies spent by the c. 21J Fund is appropriated from the Massachusetts General Fund, resulting in ineffective use of taxpayer dollars.

Please bear in mind that risk-based solutions are the cornerstone of the MCP. Regulations governing GW-1 sites need to be revised to allow more flexibility in using risk evaluations to achieve site closure.

<noreply+82ff3c0177cfb63b@formstack.com>

Sent:

Wednesday, September 30, 2015 9:46 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/30/15 9:46 AM

Name (optional)::

Peter Romano

Company/Organization (if applicable) (optional)::

Independent Oil Marketers Association of New England

Address (optional)::



Primary Phone (optional)::

Email (optional)::



CMR Number (If known): :

General Regulatory Themes::

Energy and Utilities

Please list the Agency or Agencies affiliated with this regulation::

Department of Telecommunications and Cable / Department of Public Utilities

Describe the regulatory issue or observation::

Utility Response Time

Suggestions for improvements to the regulation::

Far too often, after months of diligent preparation and millions of dollars in major construction, an IOMA member's new or renovated retail site will sit inoperable for an extended period of time because utility poles and related equipment have not been installed, relocated or restored in a timely fashion.

The owners of that infrastructure are monopolistic public utilities and minimally-competitive telecommunication companies, both of which require heightened government regulation to replace the behavioral incentives normally supplied by a robust free market. Our experience suggests that existing rules may not adequately incentivize the relevant regulated entities to provide streamlined processes and prompt services.

This has become an unacceptable norm that depresses local economic activity and state tax revenues alike. As such, the regulatory status quo "unduly and adversely affect[s] Massachusetts citizens and customers...[and] the competitive environment in Massachusetts," per E.O. 562, § 3. Therefore, IOMA suggests that a revision to those regulations is warranted to ensure

efficient performance—and to provide recourse when that goal is not achieved.

<noreply+0c4e3c6cbfa5955a@formstack.com>

Sent: Tuesday, September 29, 2015 12:54 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/29/15 12:54 PM

Name (optional)::

Priscilla Ryder

Company/Organization (if applicable) (optional)::

Marlborough Conservation Commission

Address (optional)::

Primary Phone (optional)::

Email (optional)::

or observation::

CMR Number (If known)::

310 CMR 10.00

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation::

DEP

Describe the regulatory issue

The Wetland Protection Act Regulations are a necessary and essential CMR for interpreting MGL Chapter 131 Section 40 (Massachusetts Wetland Protection Act). The WPA is essential to protecting water quality and the environmental health of the commonwealth. The CMR are a uniform set of standards administered throughout the Commonwealth. As stated in the 1983 Preface to the Wetlands Regulations, "the regulations are intended to put an end to the confusing, inconsistent and sometimes unnecessary regulatory practices that have attended administration of MGL Chapter 131, Section 40 in the past, especially with respect to the issue of jurisdiction". Without such statewide regulations, each municipality could define how the law would be administered, resulting in 351 different interpretations, definitions, procedures, standards of review, permitting timeframes and fees, and methods of determining compliance. The result would be the chaos of pre-1983 wetland review that the regulations were created to prevent. Homeowners and businesses would have an uncertain path for demonstrating compliance with MGL Chapter 131, Section 40, potentially yielding a more costly and timeconsuming pursuit.

Suggestions for improvements to the

Retain the CMR in its current form and encourage DEP to continue to work with multidisciplinary stakeholders to refine, improve and modify the existing

regulation::

regulations. Encourage more stakeholder input to identify uncertain areas of the CMR that could be refined. Add a meeting process for explaining the proposed regulatory changes, where conservation professionals can ask and receive answers to questions, rather than just the public hearing format, where there is only a presentation of the changes and then official public comments and testimony.

noreply+76640d897620f572@formstack.com>

Sent:

Monday, September 28, 2015 4:01 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/28/15 4:00 PM

Name (optional)::

Thomas Mackie

Company/Organization (if applicable) (optional)::

Mackie Shea

Address (optional)::



Primary Phone (optional)::



Email (optional)::



CMR Number (If known): :

310 CMR 16.00 and 19.00

General Regulatory Themes::

Building Codes/Accessibility Standards

Please list the Agency or Agencies affiliated with this regulation:: DEP

Describe the regulatory issue or observation::

Last week the Environmental Business Council of New England hosted "Talking Trash in Massachusetts" a program intended to review the status of solid waste collection, hauling and disposal issues in the Commonwealth. (I am the Chairman of the EBC's Solid Waste Committee and Vice Chair of the EBC Board, but am speaking strictly on my own behalf and not for the organization or any client. I am an environmental lawyer in Boston, with over 30 years of experience representing a wide array of players in the waste management market).

Gary Moran, Deputy Commissioner of the MassDEP was generous in being our first speaker and Nancy Seidman, also of the MassDEP, was in attendance and participated. During the meeting attendees raised a number of issues that I would like to relate as follows:

1. The Commonwealth should provide the public and regulated community with its analysis of the regulations reviewed before final decisions are made on reform. That matrix should include information on preliminary conclusions. For example one of the criteria for review is whether the regulation is more stringent than Federal counterparts. If an agency finds that a rule is more stringent, it should identify the rule and how it exceeds federal requirements. If the agency decides not to regard the rule, it should provide the reticable.

why the rule should remain in place under the criteria outlined in the Executive Order.

2. As far as solid waste regulation in general is concerned, the EOEEA and MassDEP are aware that there is inadequate disposal capacity in state for all of the waste that is currently generated and under all future scenarios. They also recognize that more and more waste will be exported if current trends continue. Currently there is a moratorium on developing any new traditional waste to energy plant and landfill disposal capacity is shrinking . This may lead to a critical shortage of solid waste disposal capacity in the Commonwealth. Massachusetts solid waste management system does not exist in a vacuum. There is a robust regional market for solid waste management and disposal. But much of that disposal capacity is not within the control of the Commonwealth or the businesses that rely on it. Massachusetts is effectively outsourcing it fundamental public health responsibility to ensure that the waste gets managed and disposed of properly. Neighboring states, such as Connecticut have control over the solid waste policy and permitting developments

in their states. For example, Connecticut has resolved to rely less on waste to energy which currently handles most of the state's waste. As these plants close, waste will be displaced elsewhere. Recently, the entire Massachusetts marketplace was temporarily disrupted when a major Connecticut facility shut down for a brief period. Ripple effects were experienced from Westboro to Haverhill. The observation of industry participants was that while they were well able to accommodate the short term crisis, there is very little elasticity or resilience in the system and it is becoming more and more constrained over time. The consensus was that our state agencies need to reevaluate their programs to ensure that the solid waste management system is sufficiently flexible to allow facilities to react to both emergency short term and longer term disruptions in the market place. Currently, large volumes of waste are trucked to the Turnkey landfill in New Hampshire and the Seneca Meadows landfill in Western New York State. Both of these landfills have very large daily and total disposal capacities and have served as effective safety valves for the solid waste system. However, if either of these facilities became unavailable the Massachusetts market would be seriously affected. At the same time, markets for recyclable materials are down across the board, to the point that recycling facilities are starting to charge to accept recyclables, where in the past they paid for deliveries.

Due to legacy environmental concerns, and the inherent trend towards more governmental regulation and control, each individual solid waste facility in Massachusetts is subject to a very strict set of state regulations as well as local permit conditions. For example, all facilities have strict daily tonnage limits on the amount of waste that they can accept, that often is not related to any meaningful operational limitation, but more generally imposed as an artifact of MEPA and permitting thresholds. These restrictions can be a major impediment to the natural (and often unexpected) fluctuations in the market place. To a person, the attendees at the EBC event called for more flexibility in the way facilities are regulated to allow the industry to react to changing market conditions more seamlessly.

Suggestions for improvements to the regulation::

Provide a mechanism for prompt and inexpensive relief from daily or annual tonnage limits in event of short term emergency or long term changes in the solid waste market.

<noreply+d09d9bf938858527@formstack.com>

Sent:

Monday, September 28, 2015 3:57 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/28/15 3:56 PM

Name (optional)::

Jennifer Carlino, President

Company/Organization (if applicable) (optional)::

Massachusetts Society of Municipal Conservation Professionals (MSMCP)

Address (optional)::

3,

Primary Phone (optional)::

(自是)就是在1960

Email (optional)::

CMR Number (If known): :

310 CMR 10.00

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation:: DEP

Describe the regulatory issue or observation::

The Wetland Protection Act Regulations are a necessary and essential CMR for interpreting MGL Chapter 131 Section 40 (Massachusetts Wetland Protection Act). They are a uniform set of standards administered throughout the Commonwealth. As stated in the 1983 Preface to the Wetlands Regulations, "the regulations are intended to put an end to the confusing, inconsistent and sometimes unnecessary regulatory practices that have attended administration of MGL Chapter 131, Section 40 in the past, especially with respect to the issue of jurisdiction". Without such statewide regulations, each municipality could define how the law would be administered, resulting in 351 different interpretations, definitions, procedures, standards of review, permitting timeframes and fees, and methods of determining compliance. The result would be the chaos of pre-1983 wetland review that the regulations were created to prevent. Homeowners and businesses would have an uncertain path for demonstrating compliance with MGL Chapter 131, Section 40, potentially yielding a more costly and timeconsuming pursuit.

Suggestions for improvements to the regulation::

Retain the CMR in its current form and encourage DEP to continue to work with multidisciplinary stakeholders to refine, improve and modify the existing regulations. Encourage more stakeholder input to identify uncertain areas of

the CMR that could be refined (i.e. performance standards for coastal storm flowage). Add a meeting process for explaining the proposed regulatory changes, where conservation professionals can ask and receive answers to questions, rather than just the public hearing format, where there is only a presentation of the changes and then official public comments and testimony.

<noreply+bdfbf8f2227da866@formstack.com>

Sent:

Monday, September 28, 2015 10:43 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/28/15 10:43 AM

Name (optional)::

Beth Casoni

Company/Organization (if applicable) (optional)::

Massachusetts Lobstermen's Association

Address (optional)::



Primary Phone (optional)::



Email (optional)::

CMR Number (If known): : #562

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation::

Energy and Environmental Affairs

Describe the regulatory issue or observation:

The excessive use of lawn fertilizers and the negative impacts on the environment.

Please read my Blog from our Sept newspaper on my observations in Vineyard Sound. The weed growth is like this in almost ever coastal community.

Beth's Blog Sept 2015 - Martha's Vineyard has always held a special place in my heart having visited there as a young girl with my father and family members over the years. We would visit the States Lobster Hatchery, Gay Head and take a ride on the Flying Horses always trying for that GOLDEN RING! I think I got it twice in my life! The Vineyard over the years became a place to go, to get away from the hubbub of the "mainland" and unwind. Not so much any more!

Now having been there for work and seeing the Vineyard from a different perspective, that of a fisherman, even if only for a couple of days, has opened my eyes to what the fishermen are dealing with on a daily basis from markets for their catch, waning infrastructure, a 50% reduction in trap tags and the claments of fishing around the island.

Area 2 has been just that to me in my mind, an Area on a chart in which the lobstermen fish. Well let me tell you the Vineyard Sound portion of Area 2 is no joke when it comes to fishing and I would be hard pressed to think that there are many flat @\$\$ calm days here!? After spending the day out lobstering on the f/v Shearwater with Capt. Paul on what he called a normal day, 6' rollers ALL DAY, coming from every direction, I learned real quick that these fishermen have much more to deal with on a daily basis. Doing the dance has a whole new meaning now!

If the rollers weren't tough enough to deal with then it was the weed growth on the gear. I can't even fathom how many hoses they must blow in a season? Capt. Paul commented on some of his gear as "not being so bad" which blew me away because the growth was so thick you could barely see the wire mesh of the pots, all kinds of weeds growing everywhere and on everything even on the crabs. I'm pretty sure I saw weeds that had weeds growing on them?!

As we hauled around the island, I then started noticing all the big houses along the shoreline with beautiful GREEN lawns and started asking Capt. Paul all kinds of questions. I forewarned him that I have this tendency as I want to know about the Area in which I am on all fronts. The obvious to me was that these green lawns need more that water to start "that green".....fertilizers!

I kept watching pot after pot come over the rail and the weeds never seemed to release their hold on the gear, even in deeper & colder water. This is a bigger problem than the people with the "green" lawns may realize, or they may not care because they don't have to go to work and deal with these weeds on their desks! Time to raise the flag, made of weeds, and stop the use of fertilizers as they are all running into the ocean and reeking havoc on the ecosystem. If you are using fertilizers its time to stop, crab grass is green and you still have to mow it!

After the day on the water we came into beautiful Menemsha to offload the days catch and clean up for the "Meet the Fleet" event. This event was fantastic and the awareness raised on the importance in preserving the commercial fleets of the Vineyard was great. As the infrastructure around the island is being lost little by little, the paper cut syndrome, and once it is gone to a developer for condos or shops it will be highly unlikely to return it to a commercial fishing port. Menemsha is the last, if I am not mistaken; port where a commercial vessel from anywhere can tie up for free, how great is that! The thought of loosing this iconic port would be devastating not only to Martha's Vineyard but to the commercial fishing industry as a whole.

I want to thank John Larsen, Stephen Larsen, Paul Mc Donald, Chris Stein, Wes Brighton, Eric Rodegast, Wayne Iacono and Emmitt Carroll for taking the time to meet and talk with me at the meeting and during the "Meet the Fleet" event. I have a new perspective on Area 2 now and that is; perseverance! Safe on the Water, Beth Casoni, MLA Executive Director

Reduce the amount of fertilizers used along the waterways here in the Commonwealth.

Suggestions for improvements to the regulation::

noreply@formstack.com

Sent:

Monday, September 14, 2015 9:01 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

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Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/14/15 9:01 PM

Name (optional)::

Shannon Sykes

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes::

Licensing and Permitting

Agriculture equestrian licensing

Please list the Agency or Agencies affiliated with this regulation::

Describe the regulatory issue or observation:

Massachusetts is the ONLY state in the US that requires a horseback riding instructor license.

This MIGHT be a positive thing if the license ensured that the instructor was knowledgable and taught safety with the best interest of both the horses and students in mind.

The unfortunate thing is that the test ha smithing to go wit ones ability, knowledge, experience, references or philosophy. If you can find an instructor who will allow you to apprentice with them, you only have to be able to memorize laws and basic horse knowledge to take a multiple choice exam. Someone who has zero horse experience could pass the questions of the test.

There are many knowledgable and competent individuals who should be giving riding lessons and can't because they either can't find someone who will let them apprentice (and therefore possibly become competition) or they cannot commit the required apprentice hours because of their own equine and / or job commitments.

Suggestions for improvements

The simple answer is to eliminate this requirement.

to the regulation::

The complicated answer is to do a complete test requirement change. Provide a test written by equine professionals, for equine professionals. Instructors should be able to spoil what they are teaching, so an instructor riding test for the instruction licensing requested should be required. Video should also be provided and evaluated by equine professionals to ensure the applicant truly is providing and teaching safe riding standards for every level if student. In addition to licensing for specific disciplines, licensing by level of expertise should also be required.

Again the dimple answer is to eliminate the requirement, but the answer is absolutely NOT to ignore this significant issue and safety problem for the Massachusetts population.

noreply@formstack.com

Sent:

Tuesday, September 08, 2015 4:00 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

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Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/08/15 4:00 PM

Name (optional)::

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

330 CMR 16.02

General Regulatory Themes::

Licensing and Permitting

Please list the Agency or Agencies affiliated with this

regulation::

Department of Food & Agricultural Resources

Describe the regulatory issue or observation::

MA Farm Bureau has filed legislation to do away with MA equine riding instructor's licenses altogether

Suggestions for easing regulatory compliance::

We want to do away with the Ma (DAR) Riding Instructor Licensing Program. It was originally started to help alleviate high premiums for Instructors/Trainer and to assist in the event of legal counsel on Liability Claims. This program has never achieved what it was set out to accomplish. The Commonwealth does not have the staff or staff educated in the Equine Industry to oversee this program; they have Instructor Applicants join in a room where testing is done for all kinds of other causes including Pesticides, etc....; they Collect the annual Fee \$\$\$\$ for renewing licenses for riding schools and instructors annually. They DO NOT have the ability to "Police" all the riding instructors and facilities that continue to operate with NO LICENSE and who may/not even know there is a requirement because there is no Staff available to promote, educate and make the public aware.

What is in place at this time is Michael Gold who has been hired as a consultant to look into the effectiveness of continuing this program. He is totally uneducated about anything Equine. He has met with the MFB Equine Committee so that he can try to "learn" about the industry and the needs. He is interested in continuing the program as it keeps HIM employed to try to

spend years "learning" our industry? How can he be helpful when he doesn't even know what we do????

The staff in the Licensing Office is also totally uneducated in everything Equine. The staff is able to send renewals, collect money, and take messages. The Staff in the office cannot offer assistance to anyone contacting them, but can take a message. Absolutely NO reason for staffing the office for Equine-Related issues as there is no one there who is able to help! However, we can understand that they would like to remain employed.

So...taxpayers are paying for staffing of people who have no idea what the Equine Industry does; they cannot make changes for the better because they do not understand what's even going on!!! So many comply with the "rules" and so many who do not.

Many horse people were involved in the origination of the Licensing Program way back when Mabel Owen thought that it would be a big benefit to all of us in the business. When it originated it has great promise; to this date after about 40 years there is no one benefiting from the program ... only those consultants and staff employed to "investigate" what we all do?!!!!

reply+9ef7870640c67cb7@formstack.com>

Sent:

Tuesday, September 08, 2015 3:47 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

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Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/08/15 3:46 PM

Name (optional)::

Chris Cassenti

Company/Organization (if applicable) (optional)::

Christar Farm

Address (optional)::



Primary Phone (optional)::

Email (optional)::



CMR Number (If known): :

General Regulatory Themes::

Licensing and Permitting

Please list the Agency or Agencies affiliated with this regulation:: DAR

Describe the regulatory issue or observation::

Staffing & MA Riding Instructor Licensing.

Suggestions for easing regulatory compliance::

DAR has staff and has hired a Consultant (Michael Gold) to try to "learn" about the Equine Industry and Horseback Riding Instructors/Riding Schools and what they do. "I" was personally involved almost 40 years ago when the licensing program was established. What it was established to do has never happened to the benefit of the Equine Industry or the Commonwealth. Other than collecting an annual \$50 fee from each Instructor, there is no benefit to the program and the Tax payers are paying Consultants and staff who are totally uneducated in this area. Many Instructors/Riding Schools are in compliance with paying the annual fee (for no reason) but there are HUNDREDS of others who do not comply and there is no staff to "Police" the situation. Of course the Consultant and Staff want to retain employment...for doing WHAT?!!! I encourage you to look into other areas that actually need attention and to repeal this licensing requirement. Massachusetts is the ONLY State that has this licensing requirement. If it was such a good idea....seems that many of the other States would have adopted the program. I would be happy to meet with you or your staff to provide more "insight" into this whole matter. Thank you. Please allow Mass Farm Bureau Federation Equine

Advisory Committee to provide proper guidance on Equine matters.

<noreply+460e8b652e6f6533@formstack.com>

Sent:

Friday, September 04, 2015 5:11 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

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Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/04/15 5:10 PM

Name (optional)::

Andrea Crespi

Company/Organization (if applicable) (optional)::

Cranberry Country Pony Club, a div of United States Pony Clubs, Inc

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known)::

General Regulatory Themes::

Licensing and Permitting

Please list the Agency or Agencies affiliated with this regulation:: Dept of Agricultural Resources

Describe the regulatory issue or observation::

I would like to urge Governor Baker to consult with professionals more-15 years or more in the Equine Business Industry & Equine College and University professors, USEA, USPC, USDF, to learn more about the reasons to remove the now manditory licensure of Equine Riding Instructors in MA. As a regional administrator for an international organization, The United States Pony Clubs, Inc., we set the standard for safety and instruction within the industry through unmounted meetings of youth and adults and also mounted instruction. We have a standard set of manuals used in in the industry as well as written standards of proficiency. Knowledge is what creates safety, NOT licensure of uneducated adults who pass a simple test. In fact, most in the equine industry will tell someone looking to take the test "Read the Pony Club Manual" and know the laws. The manditory 60 hours of "apprenticing" with a current licensed instructor is very often just signed off on through friends. Having licensure does NOT ensure knowledge of safety or instruction. In EVERY other state, as you are aware, no licensure is required and many Olympians are being produced. There are many very highly education horsemen and women with accomplished resumes that never were "licensed" to teach. It is placing an unfair requirement on our industry and prevents many very deserving equestrian professionals from legally teaching in MA. PLEASE contact me if you'd like more professional organization contact info within many disciplines as I'd be happy to share them.

Suggestions for easing regulatory compliance::

Remove manditory equine instructor licensure within the state. No other state in the country requires this..and maybe in the world. It is not necessary to create accomplished, knowledgable horsemen and women.

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8604 Allisonville Rd. Suite 300 Indianapolis, IN 46250

Formstack, LLC

<noreply+f8ba4a3918224e91@formstack.com>

Sent:

Thursday, December 03, 2015 11:31 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

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Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 12/03/15 11:30 AM

Name (optional)::

Stuart Beckley

Company/Organization (if applicable) (optional)::

Town of Ware

Address (optional)::

Primary Phone (optional)::

Email (optional)::

310 CMR 16.00

CMR Number (If known): :
General Regulatory Themes::

Licensing and Permitting

Please list the Agency or Agencies affiliated with this regulation::

DEP/Local Board of Health

Describe the regulatory issue or observation::

An existing site that accepts Construction and Demolition debris for disposal, has applied for a site assignment to accept Solid Waste and Urban Fill. DEP has approved the Site assignment, so it has moved on to the Board of Health for the next level of approval. The regulated process is AWFUL. The Board is on its 6th night of a public hearing at 4 hours per night with no end in view. Rather than what one would consider a public hearing from any other local board, this is a trial. Each side presents witnesses and cross examination, clearly to build a case for when the other side appeals. There is rare guidance or limitation by the hearing officer. The lawyers bicker. Public attendance, because there is no opportunity for input, has dropped by 50% each night. We started at 36 observers, and yesterday had 1. There is grandstanding, questions about character, and disrespect. It is a waste of time for everyone except for the lawyers and the consultants. There is nothing being presented that provides additional information beyond the presented reports and peer reviews. The cost of this process to the Town and the applicant is enormous. This will be amplified when one party takes the other to court to appeal.

Suggestions for improvements to the regulation::

I come from the Planning world - Planning Boards, Conservation Commissions, ZBA's, Boards of Selectmen. The processes followed by these entities is much more straightforward and timely. Even the Chapter 40B process is less antagonistic. I recommend that the process be changed. Eliminate the formality. Eliminate the hearing officer.

Thank you for consideration and for this regulation review process.

oreply+d09d9bf938858527@formstack.com>

Sent:

Thursday, December 03, 2015 10:46 AM

Sent

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

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Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 12/03/15 10:46 AM

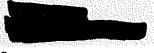
Name (optional)::

Jennifer Carlino, President

Company/Organization (if applicable) (optional)::

Massachusetts Society of Municipal Conservation Professionals (MSMCP)

Address (optional)::



Primary Phone (optional)::

CMR Number (If known): :

Email (optional)::

310 CMR 10.00

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation:: DEP

Describe the regulatory issue or observation::

Current regulations utilize TR-55 for storm water and drainage calculations, culvert design and Bordering and Isolated Land Subject to Flooding calculations, where necessary. There is more recent and relevant data available regarding accurate estimates of rainfall data for the Northeast. The negative impact of using this outdated data is undersized culverts, storm water basins and inaccurate delineation of flooded areas. As seen in recent storms, undersized culverts and bridges are susceptible to failure and localized flooding, leading to road closures, property damage, expensive culvert/bridge/road repair and replacement projects, inconvenience to travelers, sediment deposition within streams and rivers, scouring and bank erosion and destabilization of stream and river ecosystems. These negative effects will be exacerbated with anticipated impacts of climate change including more intense, short-duration storms, and significant increases in rainfall quantity. Utilization of accurate rainfall data is long overdue.

Suggestions for improvements to the regulation::

DEP should revise all regulations to utilize the Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada frequently referred to as the "Cornell data". Utilization of the Cornell Data will bring Massachusetts closer to its goals of climate change adaptation and mitigation through cumulative efforts at the local level. Accurate rainfall data used in storm water calculations will be pro-active rather than be reactive to flooding issues.

<noreply+22a6ace9853f0ec9@formstack.com>

Sent:

Wednesday, November 25, 2015 12:05 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

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Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/25/15 12:05 PM

Name (optional)::

Adam Glick

Company/Organization (if applicable) (optional)::

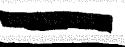
New England Mountain Bike Association (NEMBA)

Address (optional)::



Primary Phone (optional)::

Email (optional)::



CMR Number (If known): :

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation::

Energy and Environmental Affairs, DCR, DEP, MWRA, DWSP

Describe the regulatory issue or observation::

The Commonwealth has inconsistent, confusing and inequitable access for human-powered, non-motorized forms of passive recreation on its public lands that are open for public recreation. This is a particular problem for any lands under the jurisdiction the state agencies charged with water supply protection such as the MWRA or DWSP which prohibit bicycle access while at the same time allow all other forms of passive recreation such as hiking, running, skiing, and hunting.

Further, logging with heavy equipment is allowed, which often completely strips the landscape creating erosive conditions as well as depositing petroleum fuel and waste directly into the watersheds they are supposed to be protecting. Motorized recreation such as snowmobiling is also allowed, with the same risks to the water supply from fuel and petroleum waste.

The state's own data and analysis, generated through Resource Management Plans, has determined that mountain biking has a similar impact as hiking (See Middlesex Fells and Harold Parker RMPs).

There is no data to support positions being held by MWRA, DWSP, or any other state agency that bicycling is an environmentally harmful activity and should thus be banned from publicly accessible trails of any kind open for possible repression. In fact, all available scientific data and studies also support

the fact that mountain biking and hiking have similar impacts.

Suggestions for improvements to the regulation:: All trails on MA public lands available to the public for passive, non-motorized recreation use under any state agency/board/commission should simply be designated as shared-use for all forms of human-powered, passive recreation such as (but not limited to) hiking, biking, running, geo-caching, walking, skiing, snowshoeing, etc.

Designating all trails available for passive recreation as shared-use would greatly simplify the recreation management landscape in the state and put Massachusetts at the forefront of promoting and encouraging all forms of human-powered recreation in enjoying our great public land resources.

Respectfully.

Adam Glick President, NEMBA

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Sent:

Sunday, November 08, 2015 11:00 AM

Sent

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

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Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/08/15 11:00 AM

Name (optional)::

Jonathan Ellis

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CMR Number (If known): 310 CMR 7.15, 310 CMR 7.00 and 310 CMR 19.061

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation:: MassDEP

Describe the regulatory issue or observation::

Per Executive Order 562 only those regulations which are mandated by law or essential to the health, safety, environment or welfare of the Commonwealth's residents shall be retained or modified.

M.G.L. c. 111, §142A, et seq states The department of environmental protection may from time to time adopt regulations, pursuant to this section and sections one hundred and forty-two B through one hundred and forty-two M. inclusive, to prevent pollution or contamination of the atmosphere.

In order to find that a regulation meets this standard, the Agency must demonstrate, in its review, that:

*There is a clearly identified need for governmental intervention that is best addressed by the Agency and not another Agency or governmental body;

It is my belief that there is NOT a clearly identified need for governmental intervention nor were there that it would be best addressed by the Mass DEP.

The Environmental Protection Agency (EPA) has set National Emission Standards for Hazardous Air Pollutants (NESHAPs). On March 31, 1971, EPA identified asbestos as a hazardous pollutant, and on April 6, 1973, EPA promulanted the Asbestos NESHAP currently found in 40 CEP Box 61

Subpart M. The Asbestos NESHAP has been amended several times, most comprehensively in November 1990.

Under section 112 of the clean air act, Congress gave EPA the responsibility for enforcing regulations related to asbestos renovations and demolitions and EPA can delegate this authority to state and local agencies. Even after EPA delegates responsibility to a state or local agency, EPA retains the authority to oversee agency performance and to enforce NESHAP regulations as appropriate.

It is my understanding that the Commonwealth is under no obligation to seek this delegated authority and could return the authority to the EPA where it in my opinion belongs.

I believe It is also important to note that the NESHAP was the first regulation 1973, the peak year of asbestos consumption, that pertained to construction work, 29 CFR 1926.58 would not be promulgated until 1986.

Also the current NESHAP was promulgated in 1990, while the current OSHA standard 1926.1101 was codified in 1994, shortly after the model accreditation plan for states (found in the AHERA regulations) was amended to include public and commercial buildings.

When following the OSHA regulations the work practices that are designed to protect the employees protect the atmosphere as well. OSHA only omits an explicit requirement to remove asbestos and The NESHAP regulations requirement that the owner or the operator of the renovation or demolition operation to notify the appropriate delegated entity (often a state agency, but not always) before any demolition, or before any renovations of buildings that contain a certain threshold amount of regulated asbestos-containing material. In short the Mass DEP regulatory provisions are conceptually redundant at best.

The costs of the regulation do not exceed the benefits that would result from the regulation;

1973 was the year that asbestos production reached its peak. This is when the application of spray applied fireproofing and insulating materials were banned EPA and they required the removal of this material prior to the demolition of a building. Two years later the EPA banned the application of pipe and boiler insulation and required the removal of these materials prior to renovation in addition to demolition. In 1978 EPA banned its final product under the Clean Air Act decorative plaster. These materials were considered by EPA to be friable (easily crumbled).

The NESHAP regulations were again revised in 1984. EPA continued with limiting its removal requirement to only friable asbestos materials.

In 1986 under AHERA, EPA recognized that asbestos containing materials that were nonfriable when installed may become damaged or deteriorated to the point where that material has become friable.

Then in 1990 the EPA expanded what it would regulate they called this, appropriately enough, regulated asbestos-containing material (RACM).

Regulated asbestos-containing material (RACM) means

(a) Friable asbestos material, (the crumbled, pulverized, or reduced to

composition)

- (b) Category I nonfriable ACM (asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products) that has become friable,
- (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or
- (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

So friable asbestos material would always be regulated under NESHAP and nonfriable ACM would be regulated if an owner or operator of a demolition or renovation project selected methods that generally would crumbled, pulverized, or reduced to powder the material. An owner or operator of a demolition or renovation project could not select these methods and avoid being regulated under the asbestos NESHAP.

Mass DEP revised their asbestos regulation on June 20, 2014, a year and a half after public comment which pointing out major flaws in the draft regulation and inconsistencies with the stated intent that the regulations needed to be brought into alignment with other regulations and the process needs to be streamlined. It is my understanding that the regulation was published more so that the Fee regulation could be published rather that the asbestos regulation was ready for publication.

MassDEP completely ignored the NESHAP's RACM model just as they had in its prior revision promulgated after NESHAP regulatory changes of 1990.

Rather than adopting the EPA model Mass DEP took the definition for RACM removed the references for the categories of nonfriable ACM and redefined the definition of friable ACM which causes conflict rather than alignment with other regulations.

FRIABLE ASBESTOS-CONTAINING MATERIAL (FRIABLE ACM) means any ACM, that, when dry, can be crumbled, shattered, pulverized or reduced to powder by hand pressure or any non-friable ACM that has been subjected to sanding, grinding, cutting, or abrading or has been crumbled, shattered or pulverized by mechanical means such as, but not limited to, the use of excavators, bulldozers, heavy equipment, or power and/or hand tools.

Mass DEP requires a person to treat nearly all asbestos projects the same. Be they 1 million square feet of fibrous Fireproofing which contains 90 % Amosite and is very friable to 101 feet of vinyl asbestos floor tile which contains 2% chrysotile. EPA only regulates this material if the material is subject to grinding (mechanically chip or drill), sanding, cutting, (by sawing) or abraded.

NESHAP provides owners and operators a choice, they can use a method that will not crumble, pulverize, or reduce to powder the vast majority of ACM thus not generate visible emissions, or if they so choose material will be regulated and you must follow prescribed work practices.

These work practices boil down to adequately wet, remove, and containerize

MassDEP provides owners and operators no choice and then provides means and methods provisions that go well beyond the requirements neede to protect the atmosphere.

This insistence is inconsistent with other regulatory bodies.

It is the friable asbestos materials that are the high hazards. The nonfriable materials pose less hazard and therefore are of less concern, unless a contractors action make then a concern.

OSHA treats them differently effectively putting them into a different class of asbestos work, EPA treats friable and nonfriable differently both in its AHERA and NESHAP regulations and Massachusetts DLS states "Work operations which involve the breaking, shearing, or slicing of Category I or Category II non-friable ACBM shall not be subject to the requirements of 453 CMR 6.00, where such work does not result in the production of asbestos dust or the material becoming friable."

The truly frustrating thing is that when MassDEP started it regulatory reform of 2012 its stated purpose was to bring its regulations into alignment with other regulations. This was pointed out to them at the time but those comments seemed to have fallen on deaf ears.

After studying the 2014 version of the regulation found at 310 CMR 7.15, I can only conclude that 310 CMR 7.15 was less about protecting the atmosphere, a task they were required to perform since 1976 when the EPA delegated authority to MassDEP to implement the federal Asbestos NESHAP at 40 CFR part 61, and more about consolidating power and authority to the Department.

While EPA delegation has been updated several times subsequently as federal and state rules have evolved there has been no evolution of the Federal NESHAP renovation and demolition standard since 56 FR 1669, Jan. 16, 1991. The previous version of 310 CMR 7.15 had already taken this revision into account.

I contend that if the MassDEP regulations were stricken from existence the atmosphere would not be any less protected during renovation or demolition projects. Regulations contained in 453 CMR 6.13 and 6.14 and the Federal NESHAP will accomplish the same goal while protecting the public and the workers from asbestos.

The regulation does not exceed federal requirements; 310 CMR 7.15 greatly exceeds the Federal NESHAP (and every other applicable asbestos regulation). In this last regulatory revision MassDEP greatly expanded its scope under the assumption that it has been granted "very broad" authority to institute work practices. I would not deny they have authority, but find that the must characterize it as "very broad" interesting. I believe that with that authority there is a responsibility to use that authority judiciously.

A 'we have been given an inch and so we will take a mile because we have broad authority' approach is counterproductive. MassDEP (and DLS) provisions should select, from the actions which protect the atmosphere and human health, that action which is the least burdensome once the goal is achieved and not pile on requirement after requirement in an effort to eliminate potential threats rather than actual ones that cause a condition of air pollution.

During demolition or renovation projects if the material will crumble, pulverize, or reduce to powder, that material is potentially a hazardous air pollutant, it does not pollute the atmosphere when it is adequately wetted, removed prior to demolition and containerized in a leak tight container.

Despite this accomplishing the goal, MassDEP requires provision after provision that does not protect the atmosphere any better, but only provides more regulatory burden.

I realize that the Clean Air Act provides work practice authority.

Excerpt from the Clean Air Act

WORK PRACTICE STANDARDS AND OTHER REQUIREMENTS

(1) In general

For purposes of this section, if it is not feasible in the judgment of the Administrator to prescribe or enforce an emission standard for control of a hazardous air pollutant or pollutants, the Administrator may, in lieu thereof, promulgate a design, equipment, work practice, or operational standard, or combination thereof, which in the Administrator's judgment is consistent with the provisions of subsection (d) or (f) of this section. In the event the Administrator promulgates a design or equipment standard under this subsection, the Administrator shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

- (2) Definition For the purpose of this subsection, the phrase "not feasible to prescribe or enforce an emission standard" means any situation in which the Administrator determines that—
- (A) a hazardous air pollutant or pollutants cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any Federal, State or local law, or
- (B) the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.

However, Administrator of EPA has determined that it was not feasible to prescribe or enforce an emission standard in the case of demolition or renovation so prior to removal the RACM must be adequately wetted.

NESHAP defines Adequately wet to mean "sufficiently mix or penetrate with liquid to prevent the release of particulates.

They continue the definition with a performance standard, "If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet."

MassDEP abandoned this definition and opted for one of its own, adding confusion to the industry because in concert with the publication of the regulation EPA published a guidance document that provided greater insight into what was adequately wet based on material types and it unclear if a

substituting their own.

You hear tales of MassDEP officials stating "I don't think that is wet enough" or "I want to see addition water inside the bag." (although that could spread contamination should he bag be punctured).

In renovation operations wetting is not required if:

- (A) The owner or operator has obtained prior written approval from the [EPA] Administrator based on a written application that wetting to comply with this paragraph would unavoidably damage equipment or present a safety hazard; and
- (B) The owner or operator uses [one] of the following emission control methods:
- A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in §61.152.
- A glove-bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.
- Leak-tight wrapping to contain all RACM prior to dismantlement.
- In renovation operations where wetting would result in equipment damage or a safety hazard, and the methods allowed above cannot be used, another method may be used after obtaining written approval from the Administrator based upon a determination that it is equivalent to wetting in controlling emissions or to the methods.

When the temperature at the point of wetting is below 0 °C (32 °F):

- (i) The owner or operator need not comply with paragraph 40 CFR 61.145(c)(2)(i) and the wetting provisions of paragraph 40 CFR 61.145 (c)(3).
- (ii) The owner or operator shall remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible.
- (iii) During periods when wetting operations are suspended due to freezing temperatures, the owner or operator must record the temperature in the area containing the facility components at the beginning, middle, and end of each workday and keep daily temperature records available for inspection by the Administrator during normal business hours at the demolition or renovation site. The owner or operator shall retain the temperature records for at least 2 years.

George Santayana said 'Fanaticism consists of redoubling your efforts when you have forgotten your aim.' I believe that MassDEP has forgotten its aim.

*The regulation does not exceed federal requirements

MassDEP copied and pasted OSHA requirements (designed to protect employees) and then altered them in ways that exceed federal regulations as they pertained to:

- Glovebags, (where they include a nonsensical provision) and
- · Poof Pomoval (a nonfrighte material) whose work practices produce

asbestos dust, which would be a violation of current DLS regulations when followed.

• The MassDEP Requirements for Exterior Asbestos-containing Cementitious Shingles, Siding and Panels. (another nonfriable material) exceeds 1926.1101(g)(8)(iii)

Please explain how these two provisions protect the atmosphere, (outside air) for an exterior item.

"Windows, doors and other openings on the side of the building where the window repair/painting work that will result in disturbance of asbestos-containing glazing and/or caulking compounds is occurring shall be closed while the work is occurring and air conditioners on the same side of the building shall be turned off."

"Tarpaulin or plastic sheeting shall be spread on the ground under the window(s) being painted or repaired. Said tarpaulin or plastic sheeting shall extend away from the edge of the building and to either side of the work area a sufficient distance to catch any debris generated by the work operation."

There two provisions fall under DLS authority rather than MassDEP.

The regulation does not exceed local requirements.

MassDEP misappropriated DLS regulations.

DLS has the following authority Chapter 149 Section 6C. "The commissioner shall promulgate rules and regulations relative to the protection of the general public and the occupational health and safety of workers engaged in the use, handling, removal or disposal of asbestos or materials containing asbestos including, but not limited to, the construction, demolition, alteration or repair of any building or structure, including those owned or leased by the commonwealth or any of its political subdivisions or authorities. Such regulations shall require the adequate instruction and training of workers employed by such contractors. Such training shall include, but not be limited to, instructions in health risks, precautionary measures, protective equipment and other safeguards."

They received this authority in 1986.

The Massachusetts Clean Air Act, M.G.L. c. 111, §142A, et seq., was first enacted in 1954. Under this statute, MassDEP is granted authority to "adopt regulations" to "prevent pollution or contamination of the atmosphere."

I find it interesting that while MassDEP "prevent pollution or contamination of the atmosphere", this is general clean air authority, which would include asbestos because it is a hazardous air pollutant but not a specific asbestos provision for asbestos.

Whereas DLS not only has asbestos specific work practice authority but also has authority to promulgate rules and regulations relative to the protection of the general public, words missing from MassDEP authority.

Other states provide their asbestos regulations to either their Health Department (CT,RI,VT) Environmental Department (NH,ME) or Labor Department (NY). The Commonwealth splits the asbestos regulatory oversite between the DLS (AHERA and OSHA) and MassDEP (NESHAP).

I contand that DI S is the primary agency in matters concerning echactes and

MassDEP should give deference to DLS in promulgating work practices.

However, MassDEP in its 2014 revision of 310 CMR 7.15 essentially grabbed 'everyone's' asbestos regulations (I can find verbiage from other New England States regulations, 40 CFR 763 subpart E which pertain to schools and is incorporated by reference in 453 CMR 6.00) but I find comparably little verbiage from the NESHAP regulation itself. It is my understanding that those that are found were at the insistence of EPA, such as but not limited to, the definitions of renovation and demolition.

Within this regulation at what might be considered the heart of the regulation is 310 CMR 7.15(7) Specific Asbestos Abatement Work Practice Standards which is based upon 453 CMR 6.14 6.14: Work Practices and Other Requirements for Asbestos Response Actions As best this would only have affected the stakeholders by increasing the citations fivefold and subject a contractor to double jeopardy.

But there are significant differences between what an asbestos response action is and what an asbestos abatement activity is.

DLS Asbestos Response Action - Any work operation involving the disturbance of more than three linear feet of friable asbestos on or in pipes, ducts or wires or more than three square feet of friable asbestos on or in structures or components other than pipes, ducts or wires.

MassDEP ASBESTOS ABATEMENT ACTIVITY means the removal, encapsulation, demolition, renovation, enclosure, repair, disturbance, handling, transportation, storage, or disposal of asbestos-containing material or asbestos-containing waste material or any other activity involving asbestos-containing material or asbestos-containing waste material that has the potential to result in a condition of air pollution. This definition does not include survey, sampling, analysis, monitoring, or visual inspection activities.

There is also a difference on how the two agencies define the term asbestos abatement.

DLS definition of Asbestos Abatement - Any activity which has as its principal purpose the removal, enclosure or encapsulation of asbestos or asbestos-containing material, including, but not limited to activity in connection with the renovation, repair or demolition of a facility and the replacement of furnaces or boilers that are covered or coated with asbestos-containing material.

MassDEP has expanded the asbestos response actions regulatory requirements to materials and actions that DLS had not intended and has usurped DLS authority in this regard. DLS has 5 classifications of asbestos work, based on friability, material quantity (3 feet based), and intent of the work.

MassDEP ignored this system as well and took the work practices for the high hazard materials and applied them to all asbestos work.

This makes 453 CMR 6.13(1) which was designed for maintenance activities "asbestos associated work" irrelevant.

Asbestos-Associated Project - A work operation involving the disturbance of three or fewer linear feet of asbestos surfacing located on pipes, ducts or wires or three or fewer square feet of asbestos surfacing located on attructures or compensate other than pipes, ducts or wires and which does not

have as its principal purpose the removal, enclosure or encapsulation of asbestos or asbestos-containing material. Such activity shall include but not be limited to general building maintenance, electrical and low voltage wiring, plumbing, carpentry, masonry, HVAC and heating service.

It can only be concluded that MassDEP was being deceptive when it informed the public prior to the January 2013 hearings that the regulations needed to be streamlined and brought into alignment with other regulations.

The published regulation did neither of these things in fact it added bureaucratic procedures and intentionally disregarded the established principles upon which other regulations were based.

*less restrictive and intrusive alternatives have been considered and found less desirable based on a sound evaluation of the alternatives;

Clearly they have not when it pertains to 310 CMR 7.15.

At seemingly every opportunity Mass DEP makes it harder to perform the work.

SURVEY REQUIREMENTS -

MassDEP is not simply satisfied with a through inspection being conducted per NESHAP, but they also want presence, location, quantity and condition.

Why do they want the condition of asbestos destined to be removed anyway?

One reason might be found in one of their prohibitions

"Except as otherwise permitted by 310 CMR 7.15, [and I can find nowhere else that it is otherwise permitted] no person shall fail to maintain ACM in a facility in good condition, and serving the intended purpose for which it was originally installed.

How does this prohibition fall under MassDEP authority?

It is plucked out of State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation which are to protect the health, safety and well-being of the occupants of housing and of the general public.

410.353: Asbestos Material

Every owner shall maintain all asbestos material in good repair, and free from any defects including, but not limited to, holes, cracks, tears or any looseness which may allow the release of asbestos dust, or any powdered, crumbled or pulverized asbestos material. Every owner shall correct any violation of 105 CMR 410.353 in accordance with the regulations of the Department of Environmental Protection appearing at 310 CMR 7.00 and in accordance with the regulations of the Department of Labor and Workforce Development appearing at 453 CMR 6.00.

Additionally MassDEP added a new provision which goes on to state the report format to be used and that the survey report must be retained for two years following a renovation or demolition. How does this in any way protect the atmosphere?

NICTIFICATION DECLIDEMENTS

Under NESHAP the 10 day notification period starts at the postmark. (the 10 working days is to account for the postal service, and a review of a hand written notification as the regulations predate wide use of the internet.). MassDEP the 10 days start upon receipt.

MassDEP also changes the definition of working days:

NESHAP definition Working day means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

MassDEP definition WORKING DAY means any day that the Massachusetts Department of Environmental Protection is open for business.

So a contractor must wait simply because MassDEP is not open on Columbus Day or Veterans Day.

The purpose of the Notification is to make the Departments job easier, it's purpose is so the Department does not need to roam the state looking for asbestos projects wasting its time and energy. DLS and EPA do not charge for their notifications, Yet by contrast MassDEP charges \$100.00 and as of the 2014 revision \$35.00 for any revisions.

They also added a prohibition "(h) No person shall make, or cause any other person to make, any false, inaccurate, incomplete or misleading statement(s) in any notification or any other record or report submitted to or required by the Department pursuant to 310 CMR 7.15. Each owner/operator of a facility subject to any asbestos abatement activity shall notify the Department in writing immediately but in no event more than 24 hours after the discovery of any false, inaccurate, incomplete or misleading statement(s) in any such notification or other record or report submitted to or required by the Department pursuant to 310 CMR 7.15."

MassDEP treats the notification as a permit. With a notification a person simply informs the state department of their intention; they do not need state department permission to carry out their intent. Yet blanket notifications must be approved, and emergency renovations must obtain a waiver before proceeding.

It is my understanding that the online notification feeds directly into a database. Has this database not already been paid for by the taxpayers or those paying notification fees several times over? (I have heard MassDEP personnel state that the system is antiquated).

Additionally MassDEP holds up jobs if there is a change of the start date. "
The original start date ... may be revised (i.e. moved forward or postponed), and asbestos abatement activity may start on said revised date provided that a revised notification form is received and accepted by the Department at least ten working days prior to the new start date for the asbestos abatement activity..."

Why must there be 10 days from the revision, rather than simply stating that no planned demolition or renovation can begin without meeting 10 day requirement from the first notification?

SPECIFIC ASBESTOS ABATEMENT WORK PRACTICE STANDARDS, VISUAL INSPECTION REQUIREMENTS, and REQUIREMENTS FOR ASBESTOS GLOVEBAG OPERATIONS

These three provisions have their origins in 453 CMR 6.14 where they are one provision.

Perhaps the simplest example of a more restrictive and intrusive provision is found in the Isolation of Work Area paragraph,

"For asbestos abatement activities defined at 310 CMR 7.15(1), large openings such as open doorways, elevator doors, and passageways shall be first sealed with solid construction materials, such as plywood over studding, which shall constitute the outermost boundary of the asbestos work area. All cracks, seams and openings in such solid construction materials shall be caulked or otherwise sealed, so as to prevent the movement of asbestos fibers out of the work area."

In the DLS regulation the paragraph is applicable for Asbestos Response Actions performed in Public Facilities. The solid construction materials are supposed to protect the asbestos work area from the public and not the other way around.

How determined does the MassDEP think this asbestos fiber is to get to the atmosphere. The removal is inside a building(typically), behind 1 to 3 layers of 6-mil plastic sheeting, while that work area maintains a negative pressure and yet another sealed solid construction material is required in all instances, whether the material is friable or nonfriable.

Another complicating factor is when this large opening is not a open doorway, elevator door, or passageways, but is an opening where a large room contains a smaller work area that exceeds 8' in height, or when the opening is located in a plenum between the ceiling and the roof deck this solid construction such as plywood over studding can be precariously assembled, which might lead to injury.

Mass DEP also requires covering of ceiling surfaces. "Ceiling surfaces within the work area shall be covered with a minimum of two layers of four mil thick plastic sheeting or shall be cleaned and decontaminated by wet wiping and HEPA vacuuming in accordance with 310 CMR 7.15(7)(f)4."

While this provision contains a choice (as the word 'or' is present) at an outreach session when someone asked what would need to be done with a suspended ceiling, the one where the group was assembled was used as an example, The MassDEP representative stated that it must be covered as it was porous and could not be cleaned. While factually untrue, pouous items can be cleaned it is often just not worth the labor to do so, this demonstrated that compliance would not only be based on the regulatory language, but upon whether MassDEP believed a contractor had made a correct choice.

It should be noted that prior to MassDEP's covering of ceiling surfaces, Designers were requiring and asbestos contractors were installing plastic barriers under suspended ceiling tiles when removing friable ACM or nonfriable that produced asbestos dust, based upon requirement to seal all openings out of the work area. The openings around the individual ceiling tiles just happened to be at the top.

When MassDEP extended the requirement to asbestos abatement activities that concept was either thwarted with the cleaning provision or augmented with the requirement of two additional layers of 4-mil plastic.

In the requirements for work area ventilation evetom "The ventilation chal

be equipped with an operating alarm system capable of indicating when the unit is not working properly, and utilizing a clean filter specified for that unit and capable of filtering 0.3 micron particles with 99.97 % efficiency.

1. While vague some portable air filtration devices have an alarm system while others have a signal system, neither these systems are "capable of indicating when the unit is not working properly", but rather they are a change filter indicator. This indicator works by measuring air pressure from both the clean and dirty side of the filter, as the filter clogs negative pressure on the clean side of the filter builds. Once the negative pressure reaches the set point an alarm would sound indicating that it was time to change the filter. However in several of the machines if there was no filter in place, no alarm would sound as there would be nothing within the cabinet of the unit to create a pressure drop. The alarm would not sound if power was lost to the machine, these are just two examples of a unit not working properly.

Further smaller units are only equipped with a magnehelic gauge or indicator light which while serving the same function does not meet the standard. "No later than June 20, 2017 the operating alarm system shall be an audible and visual alarm system capable of indicating the unit is working properly, and utilizing a clean filter specified for that unit and capable of filtering 0.3 micron particles with 99.97 % efficiency."

This requirement adds approximately \$200 per unit capable of drawing 2000 CFM of air (approximately 20-25% of the unit cost). A cost I feel outweighs the benefit of the regulation, as a contractor could simply keep an eye on their filter or change it at the prescribed number of run hours in the manual. Further this does not protect the atmosphere as an alarm could be ignored almost as easily as a dirty filter.

2. From the moment it is first turned on the filter will no longer be "clean" it will be blocking and trapping particulates getting progressively dirty until it is time to change the filter in the unit.

Additionally can the department explain how a person complies with the following provision "Make-up air entering the work area shall pass through the HEPA system", because the corresponding DLS regulation states Make-up air entering the Work Area shall pass through the decontamination system whenever possible.

And both state exhaust air shall be HEPA-filtered before being discharged outside of the Work Area.

Complicating matters MassDEP did not adopt the DLS exception to work area ventilation system requirement for work less than 25 linear/ten square feet, where OSHA states "The enclosure shall be placed under negative pressure by means of a HEPA filtered vacuum or similar ventilation unit:"

Since MassDEP did not include the provision ventilation equipment utilized shall be equipped with an operating alarm system, which typically would mean a 2000 CFM unit run on low (approximately 1000 CFM) which in these small containments could create such a negative pressure (vacuum) that the isolation barriers might be torn down form the force of the suction.

MassDEP Visual Inspection Requirements state "in addition to the specific asbestos abatement work practice standards set forth at 310 CMR 7.15(7), upon completion of an asbestos abatement activity, the owner/operator shall ensure that the following visual inspection precedures are performed for all

asbestos abatement activities. The visual inspection shall be performed only by an asbestos project monitor. (a) An asbestos project monitor shall inspect all surfaces within the work area for visible debris. (b) Should any visible debris be found in the work area, it shall be repeatedly cleaned by the asbestos contractor in accordance with 310 CMR 7.15 until there is no visible debris."

This extends the provisions to have a project monitor perform a visual inspection on work operations which involve Category I or Category II non-friable ACBM where such work does not result in the production of asbestos dust or the material becoming friable, which are not be subject to the requirements of 453 CMR 6.00, and asbestos associated projects where All surfaces within the Work Area shall be visually inspected for dust, debris and other particulate residue by the owner of the facility or by persons who have been trained pursuant to 453 CMR 6.10(4)(b) -worker, (c)-supervisor, (g)-project monitor or (h)-asbestos associated project worker.

It is also unclear if a visual inspection by a project monitor is truly required for "all" asbestos abatement project.

Requirements for Asbestos glovebag operations do not reference 310 CMR 7.15(8), but DLS would require it above a single glovebag.

Requirements for the removal of asbestos-containing asphaltic roofing and siding materials do not do not reference 310 CMR 7.15(8). DLS may or may not require it depending on the use of a roof cutter.

Requirements for Window Painting and/or Repair Work that Result in the Disturbance of Asbestos-Containing Glazing and/or Caulking Compounds state "Visual inspection of the work area required by 310 CMR 7.15(8) above shall be conducted by a person who has completed the asbestos operations and maintenance projects worker training specified in 453 CMR 6.00." so it cannot be performed by a project monitor, due to poor phraseology. Which is ironic since "disturbing" ACM creates asbestos dust and DLS would require a project monitor perform the visual inspection if the quantity exceeded 3 square feet.

Requirements for exterior asbestos-containing cementitious shingles, siding and panels do not reference 310 CMR 7.15(8). DLS not would require it.

However, the work practice standards for asbestos incidental maintenance projects or work states all surfaces within the work area shall be visually inspected for dust, debris and other particulates residue in accordance with 310 CMR 7.15(8).

The regulation does not unduly and adversely affect Massachusetts citizens and customers of the Commonwealth, or the competitive environment in Massachusetts:

For all the above reasons, and more that I could enumerate, 310 CMR 7.15 unduly and adversely affects Massachusetts citizens and customers of the Commonwealth, and the competitive environment in Massachusetts.

While I would prefer that the Commonwealth return authority to the EPA saving the citizens the cost of enforcement, thus shrinking the size of the Department. I have reasonable expectations. I strongly urge the MassDEP to rescind 310 CMR 7.15 and replace it with 40 CMR 61 Subpart M. The MassDEP should ideally incorporate it by reference so that the Department can abide the requirement that every [Massachusetta] regulation is clear.

concise and written in plain and readily understandable language. I fear that if MassDEP were to make a regulation to plain English translation of the NESHAP they could not help themselves and would reinterpret rather than translate the regulation. NESHAP already has plain English guidance documents and persons who perform asbestos work are required to be trained where the regulations are explained to them.

Returning to the NESHAP would also affect 310 CMR 19.061 which would also have to be revised. This is something that MassDEP did not account for.

For example the Requirements for the Removal of Asbestos-Containing Asphaltic Roofing and Siding Materials state "If the requirements of 310 CMR 7.15(10) are followed, asbestos-containing asphaltic roofing and siding may be disposed of in any landfill permitted by the Department to accept solid waste pursuant to 310 CMR 19.000. If the asbestos-containing asphaltic roofing and siding are not handled in accordance with this section or if the Department has determined that asbestos fibers may be released during handling, removal or disposal, then the materials shall be disposed of in a landfill that has obtained a special waste permit to accept asbestos wastes or is managing such wastes in accordance with 310 CMR 19.061."

However 310 CMR 19.061 state "(2) Exclusions. The following special wastes are not subject to the management requirements of 310 CMR 19.061(3): ... 2. asphaltic asbestos-containing siding products and asphaltic asbestos-containing roofing materials such as roofing felts and roofing shingles;

So if the asbestos-containing asphaltic roofing and siding are not handled in accordance with this section they are handled as "special waste" where they are not subject to the management requirements of 310 CMR 19.061(3) Management Requirements for Asbestos Waste, Medical or Biological Waste, and Sludge.

Suggestions for improvements to the regulation::

Return delegated authority for the Clean Air Act back to the EPA.

Alternatively, rescind 310 CMR 7.15 and incorporate by reference 40 CFR 61 Subpart M to comply with EO 562.

noreply@formstack.com

Sent:

Friday, July 24, 2015 9:44 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/24/15 9:44 PM

Name (optional)::

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

None

General Regulatory Themes::

Other

Please list the Agency or Agencies affiliated with this regulation:: MA Department of Agricultural Resources, Bureau of Animal Health (MDAR)

Describe the regulatory issue or observation::

It's unlikely the MDAR has brought the decade old Emergency Order to the Governor's attention. The requirements of this long-standing Emergency order are costly to implement and are a burden to non-profit rescues and shelters. As someone that works in rescue I can personally attest to the burden and undue stress it can put on organizations trying to save animals. There has not been any due-process, public input, or alternative approaches explored or discussed. Many rescues have been forced to shut down or spend huge amounts of money to comply to the Emergency Order. Many rescues have been harassed, threatened, and fined by the MDAR. I have been a witness to this personally. Rescue and shelters and being held to impossible standards that even breeders and pet stores are not being held to we continue to allow breeders luxuries while animals are euthanized in our shelter systems daily.

Suggestions for easing regulatory compliance::

The MA DAR needs to work with the rescue and shelter community to develop less burdensome requirements and approaches. There needs to be a rescue friendly attitude which makes the MDAR more approachable in order to work together for the future of our shelter animals that continue to languish and die. There may be a non-regulatory approach that will suffice. If regulations do need to enacted, it needs to be clear that the statutory authority - other than a decade old Emergency order - exists. Change needs

to happen, rescue needs to continue.

<noreply+14a11e1a1a0ddd91@formstack.com>

Sent:

Friday, July 24, 2015 1:12 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

Х

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/24/15 1:12 PM

Name (optional)::

Nancy Hazard

Company/Organization (if applicable) (optional)::

Greening Greenfield

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes::

Building Codes/Accessibility Standards

Please list the Agency or Agencies affiliated with this regulation::

Describe the regulatory issue or observation::

Executive Order #562---

Suggestions for easing regulatory compliance::

It has been brought to my attention, that Executive Order #562 urges a review of all state regulations and compare them to federal regulations, and to consider changing state regs to be no more stringent than Federal regulations.

This is a BAD IDEA.

Historically, states create new regulations that meet our needs - and only after success has been demonstrated are similar, federal regulations passed. Because of this approach, the Fed regs are usually less stringent than state regulations.

In the case of Massachusetts - we are a leader in the nation in, among other things, demonstrating that addressing climate change by reducing CC emissions is GOOD for Business! Our economy has flourished with many new jobs involved in installing energy efficiency measures that also reduce energy costs for businesses and residents and keeps our preciously earned dollars in our pockets and in our state. Another example of job growth is in the renewable energy arena - with the increase of jobs involved with solar and

wind installations.

There are many more examples of where MA regulations are more stringent than Fed regulations.

In summary, comparing and reassessing our regulations is a waste of tax payer money, and basically it is a BAD idea to consider lowering the bar to the level of Fed regulations.

noreply@formstack.com

Sent:

Friday, July 24, 2015 10:02 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/24/15 10:02 AM

Name (optional)::

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

310 CMR 36.00

General Regulatory Themes::

Building Codes/Accessibility Standards

Please list the Agency or Agencies affiliated with this regulation:: : Executive Office of Energy and Environmental Affairs; Department of Environmental Protection; Water Resources Commission

Describe the regulatory issue or observation:: These regulations have been in place since the mid 1980's and regulate water withdrawals over 100,000 gallons per day in Massachusetts. The existing regulations provided a thorough review/approval process for any applicant wishing to apply for a permit. Numerous groundwater, water quality, and environmental testing was done to ensure there are no negative impacts from the withdrawal. A typical municipal drinking water well would take on the order of 3-5 years to go through the entire process for approval and cost millions of dollars. Once this intense review process was complete, the property owner of the withdrawal was issued a permit informing him how much can safely be withdrawn. These permits were required to be reviewed and re-issued every five years. The new regulations completely disregards the existing process that has been in place for 30 years by placing new and arbitrary withdraw limits on all permits. These new withdraw limits are much lower than current approved withdrawal amounts and there is no reason or science behind these new arbitrary limits. So if a Town has a water well that could safely produce 1 million gallons per day (and was permitted for this amount) but on average was only withdrawing 500,000 gallons per day, that Town will receive a new permit that only allows them to withdraw the amount they currently use (even though they could safely withdraw more). And if demands increased because a new business came to Town, the Town would have to an hank to the regulatory agency and as through a longthy and coetly process to obtain the additional water withdraw. And in these new regulations, the regulatory agency now has broad discretion as to what they can require the Town to do in order to get back the lost volume of water from the water withdraw. This include virtually any type of environmental project the regulators deem viable. It could be something not even related to the water withdraw such as a stream restoration project on the other side of Town. In addition, any group of individuals can object to the permit issued by the regulators and can instantly become a negotiator in the process. You can have a small group of activists (not even from the Town where the well is), object to the permit and then be allowed to sit into the negotiation process with the Town and state regulators. These groups have no standing or skin in the process and can therefore make very radical and costly demands of the Town. Once the demands are made, the regulators would decide how much of the demands would be put into the permit.

Suggestions for easing regulatory compliance::

First this entire section of regulations is above and beyond any federal requirements. The regulations are written in far too broad a manner allowing broad discretion and interpretation from the regulators. Over the years the regulators have struck a close relationship with environmental activists and these regulations allow the regulators to utilize the activists to place more costly and prohibitive environmental restrictions on Towns and businesses in the Commonwealth through this permitting process. There is no limit on how much the regulators can require to be spent on projects (that may not even be directly related to the water withdrawal). And there is no means to measure or document any type of perceived benefit from such projects. Therefore Towns will be required to raise water rates to their customers to pay for projects required by the regulators and activist groups. This comes at a time when Towns cannot even raise enough funds to made basic repairs to their water sources and infrastructure to provide safe drinking water. These regulations have no scientific basis and were completely politically driven and rushed through by the last administration as they new these regulations would not be allowed by future administrations. These regulations must be rescinded and reviewed with an eye on capping costs and proving a more reasonable avenue for communities to withdraw water that has already been shown to be safely withdrawn from their sources. They must be rewritten in a more detailed and precise fashion so that Town and business can have a clear understanding of their costs and obligations. At present the regulations are far too broad and allow the regulators to place virtually any requirement at any cost to the Town or business.

<noreply+183bb61bdf2516ec@formstack.com>

Sent:

Friday, July 24, 2015 10:01 AM

To:

ReaReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

X

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/24/15 10:01 AM

Name (optional)::

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (if known): :

None. There is no reg or law for what they are doing.

General Regulatory Themes::

Other

Please list the Agency or Agencies affiliated with this regulation::

MA Department of Agricultural Resources, Bureau of Animal Health (MDAR)

Describe the regulatory issue or observation:: It's unlikely the MDAR has brought the decade old Emergency Order to the Governor's attention. The requirements of this long-standing Emergency order are costly to implement and are a burden to non-profit rescues and shelters. There has not been any due-process, public input, or alternative approaches explored or discussed. Many rescues have been forced to shut down or spend huge amounts of money to comply to the Emergency Order. Many rescues have been harassed, threatened, and fined by the MDAR. Rescue and shelters and being held to impossible standards that breeders, pet stores and out of state PUPPY MILLS are not being held to.

As well, the MDAR has employed people that have violated the state's Conflict of Interest law. I know this as I was a state employee until very recently and had to take the yearly Conflict of Interest quiz and I understand it very well.

For fear of retribution I do not feel safe putting my name or organization's name to this form, however, I have written and taped communications with the MDAR Dept. of Animal Health, that prove I have been personally slandered, treated disrespectfully, falsely accused of being dishonest and told I do not know "how to run a responsible organization." That our state government resorts to personal attacks, false accusations and outright disdain towards resource who are trying to save the lives of believes animals and excise the

lives of the citizens of the Commonwealth is a travesty. I leave you my email address if you wish to contact me for any reason and I thank you for providing this avenue so that our voices might be heard and that change may occur. Our state deserves better.

Suggestions for easing regulatory compliance::

We simply do not deserve the condemnation, slander and bullying that exists towards responsible rescues and shelters in the Commonwealth. We deserve better and the citizens of our state, who want to rescue a dog from certain death or a life of misery, need an easier and less costly path to adoption.

The MA DAR needs to work with the rescue and shelter community to develop less burdensome requirements and approaches. There may be a non-regulatory approach that will suffice. If regulations do need to be enacted, it needs to be clear that the statutory authority - other than a decade old Emergency order - exists. It needs to be respectful to rescues, and shelters and provide our citizenry with an easier and less costly path to adopting a new family member.

<noreply+b07bd24abf043d7c@formstack.com>

Sent:

Tuesday, October 06, 2015 7:51 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/06/15 7:51 AM

Name (optional)::

Rosemarie Hollandsworth

Company/Organization (if applicable) (optional)::

The Campanion Animal Protection Act of MA

Address (optional)::



Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes::

Other

Please list the Agency or Agencies affiliated with this regulation::

Our proposed mandates concern the animal sheltering system which falls under the jurisdiction of MDAR. Concerned citizens have formed a group and have been conduct research for two years. We have formed The Companion Animal Protection Coalition, (CAPA-MA) and our mission is to increase the save rate of animals in our sheltering system. Our group feels strongly that although there are many regulations protecting our animals there are three key mandates missing.

Describe the regulatory issue or observation::

We have discovered that our public and private shelters are not required to keep data on impounded animals, or to report this data on a regular basis. Studies have shown that when shelters are also required to keep and report data, just these two regulation alone saves animal's lives. Presently, we do not know how many animals are adopted or killed as there are no records. We have also discovered that approved and licensed rescue groups (501.3 C) are not allowed access to animals in the shelter. That often animals are administered behavior tests when they are most stressed and more apt to 'fail' the unfair test and consequently killed unjustly. We make an exception with dogs deemed viscous by a court of law or irremediably sick or injured such as the case of a rabid animal.

Suggestions for improvements to the regulation::

- 1. That a uniform MA Statistics Form be used statewide by all ACO's, public and private shelters to record and report data on impounded animals.
- 2. That all public and private shelters keep data monthly data on impounded animals and post this data in a conspicuous place in the shelter, on their website or facebook page if they have one or on a city website if available. Additionally, a summary shall be submitted yearly to a central agency.

3. That all public and private shelters shall make available the rescue of any animal in a shelter upon request providing that rescue is licensed by the state as a non profit rescue group. excluding dogs deemed vicious by a court of law, or irremediably sick or injured.

From: Sent:

<noreply+c7d00e40ab84039c@formstack.com>

Monday, October 05, 2015 5:27 PM

To:

Subject:

A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/05/15 5:27 PM

Name (optional)::

Kip Kumler

RegReform (ANF)

Company/Organization (if applicable) (optional)::

Mass Farm Wineries & Growers Assn

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

General Regulatory Themes::

Building Codes/Accessibility Standards

Please list the Agency or Agencies affiliated with this

regulation::

ABCC MDAR

Describe the regulatory issue

or observation::

Drowning in regulations & a la carte permits.

Suggestions for improvements to the regulation::

Harmonization of Regulations for Farmer Wineries

in the Commonwealth Combine Ancillary Permits

A farmer winery pays for a Farmer Winery license (\$22.00 - 110.00) and usually also pays for a Shipping license (\$100.00). This shipping license application essentially repeats the request for all the information that the basic permit requires. In addition, the Farmer Winery must obtain a Salesman's permit (\$200.00), a transportation permit (\$150.00) for the salesman, and a transportation permit for delivering wine (\$150.00) for each vehicle. This transportation permit can only be used with a specific, identified vehicle. Recommended solution: Combine the shipping license with farmer winery

(it is separate for out of state wineries because they do not possess the instate license) for in- state wineries. Also combine all these a la carte permits into single permit for a Farmer Win-ery.

Eliminate the Bond for ABCC

Each Farmer Winery is required to post a bond annually in the amount of \$3000.00 with the ABCC. In the past the Mass DOR had the same requirement for Farmer Wineries but has since eliminated it.

Of all creditors, the ABCC is in the unique position of revoking the license of any Farmer Winery; the bond serves no useful purpose and should be eliminated for all wineries below a certain size, for example, 15,000 gallons. Base Reporting Requirement Frequency on Federal Requirements The Federal Treasury Department (TTB) requires operational reports from all wineries and collects excise taxes based on that report. The frequency of reporting, however, is based upon the size (revenue) of the winery and for smaller wineries, the requirement is annual.

In addition, the TTB allows the itemization of the consumption of wine by the winery for purposes of testing and tasting. Wine, so consumed, generates no revenue and is not included in calculating federal excise taxes.

At present, Mass excise taxes do not allow any deduction for wine consumed in testing and tasting. Base the ABCC requirements on the same set of standards as for the federal govern- ment.

Recommended solution: mirror the ABCC policy on the federal policy. Follow the lead and exclude excise taxes on wine which is used for tastings or testing.

Kipton Kumler

Chairman, Government & Regulatory Affairs Committee Massachusetts Farm Wineries & Growers Association 5 October 2015

knoreply+ad4156d3c702e638@formstack.com>

Sent:

Monday, October 05, 2015 1:29 PM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/05/15 1:29 PM

Name (optional)::

Margaret McDougall

Company/Organization (if applicable) (optional)::

Address (optional)::

Primary Phone (optional)::

Email (optional)::

330 CMR 12.07(1)

CMR Number (If known)::

Other

Please list the Agency or Agencies affiliated with this

General Regulatory Themes::

regulation::

Department of Agricultural Resources

Describe the regulatory issue or observation::

Under state regulation 330 CMR 12.07(1), all animals coming through pet stores and offered for adoption (even pets in the care of rescue organizations), must be guarantined in the pet store for 48 hours. That's an unnecessary step and it's harming our ability to adopt healthy pets.

Suggestions for improvements to the regulation::

Common Sense should prevail.

If a rescue organization has been sanctioned and under scrutiny by the state (ie Buddy Dog in Sudbury, MA) to handcuff them and any pet store trying to do community service by offering healthy adoptable pets; a quarantine order for 48 hours is unconscionable. These stores are donating their space and instead of receiving a thank you, they are being penalized. Wake UP your negligent in passing bills taking care of children but your all over a beneficial program.

Summary:

Healthy, veterinarian-checked animals should be allowed in pet stores without this unnecessary quarantine. This regulation causes our state's adoption levels to decrease, which is bad news for animals and doesn't show MA state Department of Agricultural Resources in a favorable light.

If you have any questions, feel free to contact me, otherwise I'll assume that you have reconsidered based on the above.

noreply@formstack.com

Sent:

Wednesday, September 30, 2015 10:24 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/30/15 10:23 AM

Name (optional)::

Anonymous

Company/Organization (if applicable) (optional)::

Anonymous

Address (optional)::

Anonymous

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): :

310 CMR 50

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this

regulation::

MassDEP

Describe the regulatory issue or observation::

The goals of the Toxics Use Reduction Act are noble. The intent is to reduce the use of toxic chemicals in Massachusetts. However, after 20 years in place, this regulation has run its course. Our business and many others have exhausted all options for chemical reduction. There are simply basic chemicals that are required, or mandated (in the case of military specification) for our day to day operations. We stress that just because we use certain chemicals for wastewater treatment or other processes, it does not mean that these harmful chemicals leave our facility as wastes. They are often consumed or neutralized completely.

It is unnecessary for facilities to have to pay fees for the chemicals we use when they simply can't technically be eliminated. It is burdensome that we are required to reoprt our chemical use on an annual basis to the MassDEP when the same information is being reported to the EPA under the Toxics Release Inventory Program. And it is offensive that my facility has to pay TURA Planning "experts" a fee of in excess of \$10,000 on an annual basis to pretend they understand our processes enough make reasonable suggestions about chemical use. We dread this process every other year. It is a waste of time and money. Chemical use is a fundamental aspect of our husinges and loss toxic and lost agetly alternatives are constantly being

evaluated as part of our good business practices.

Suggestions for improvements Eliminate this regulation. **to the regulation:**

<noreply+82ff3c0177cfb63b@formstack.com>

Sent:

Wednesday, September 30, 2015 9:59 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/30/15 9:59 AM

Name (optional)::

Peter Romano

Company/Organization (if applicable) (optional)::

Independent Oil Marketers Association of New England

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (if known)::

310 CMR 30.000

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation:: MassDEP

Describe the regulatory issue

UST Containment / Spill Bucket Fluids

Suggestions for improvements to the regulation::

or observation::

The current Massachusetts Department of Environmental Protection (MassDEP) Underground Storage Tank (UST) Regulations ("UST Regulations") require the periodic testing of spill buckets and containments to insure their integrity in the event of a release of regulated product to a containment area. These requirements result in the production of large quantities of testing fluids per site that can cost UST system owners hundreds to thousands of dollars to dispose of at a water treatment facility.

The MassDEP UST Regulations do not specify that the testing fluids can be transported to other UST facilities for re-use as testing fluids. MassDEP has previously stated that liquids found in spill buckets and containment need to be managed under MassDEP Hazardous Waste Regulations (310 CMR 30.000) either as a hazardous waste or as a non-hazardous industrial wastewater ("Management of Petroleum-Contaminated Waters at Petroleum UST Facilities" draft fact sheet, 2011). Absent specific guidance or regulation that states the testing fluids can be re-used at multiple sites, the industry believes MassDEP expects testing fluids to be managed the same as the

fluids found in spill buckets and containment sumps during routine inspections / maintenance (i.e. under Hazardous Waste Regulations that do not allow the re-use).

The Petroleum Marketers Association of America (PMAA) recently requested clarification from the United States Environmental Protection Agency (USEPA) with respect to ability to transport and re-use testing fluids when conducting integrity testing at multiple locations. The USEPA responded that the 2015 UST regulations they recently adopted does not prohibit vendors from reusing testing liquids and transporting the testing fluids to different sites, and the pre-amble to the regulation discusses this as a practice done by some vendors.

Not allowing the re-use of containment testing fluids between sites is a financial burden to the regulated community, is inconsistent with USEPA expectation of testing and provides no benefit to the environment. The UST or Hazardous Waste regulations should be amended to specify that the transport and use of testing fluids between sites is allowable if the following criteria is met: 1) the testing containments are free of fluids prior to introduction of testing fluids; and 2) upon completion of the use of the fluids as a testing fluid, they shall be properly disposed of in accordance with applicable regulations.

<noreply+82ff3c0177cfb63b@formstack.com>

Sent:

Wednesday, September 30, 2015 9:57 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/30/15 9:56 AM

Name (optional)::

Peter Romano

Company/Organization (if applicable) (optional)::

Independent Oil Marketers Association of New England

Address (optional)::



Primary Phone (optional)::

A SERVED WITH A

Email (optional)::

CMR Number (If known)::

310 CMR 19

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation:: MassDEP

Describe the regulatory issue or observation::

Solid Waste Program

Suggestions for improvements to the regulation:: The Massachusetts Department of Environmental Protection (MassDEP) regulates solid waste facilities under 310 CMR 19.000 – Solid Waste Management. Presently, the program is overseen entirely by MassDEP staff.

It is proposed to the Administration that this program be privatized in like manner to the oil and hazardous waste site clean-up regulations found at 310 CMR 40.0000 – Massachusetts Contingency Plan (MCP). In this privatized program managed by the Bureau of Waste Site Cleanup (BWSC) within the MassDEP, Licensed Site Professionals (LSPs) implement the MCP regulations and MassDEP guidance documents at all but the most contaminated sites which are typically State Superfund Sites. This program has operated successfully since 1993 and has resulted in the closure of over 30,000 spill sites.

Implementing a privatized Solid Waste Program will have the same beneficial results to the citizens of the Commonwealth. The beneficial results include a more streamlined MassDEP and more cost-effective management of solid

From: Sent: <noreply+82ff3c0177cfb63b@formstack.com>

Wednesday, September 30, 2015 9:56 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

×

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/30/15 9:55 AM

Name (optional)::

Peter Romano

Company/Organization (if applicable) (optional)::

Independent Oil Marketers Association of New England

Address (optional)::



Primary Phone (optional)::

CMR Number (If known): :

ALEAN AND THE CONTROL OF THE CONTROL



Email (optional)::

310 CMR 40.000

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation::

MassDEP

Describe the regulatory issue or observation::

Proposal to Assess Natural Resource Damages for Small to Medium Oil Spills

Suggestions for improvements to the regulation:: The Secretary of the Executive Office of Environmental Affairs (EEA) is the designated natural resource Trustee (M.G.L. Chapter 21A Section 2A). Within the EEA, the Massachusetts Department of Environmental Protection (MassDEP) administers the natural resource damages (NRD) program. MassDEP has in the past assessed NRD on a case by case basis for spills of oil and/or hazardous materials (OHM) within the Commonwealth.

MassDEP is proposing to standardize the process for assessing NRD for small to medium oil spills. Since MassDEP already has a process to assess NRD on a case by case basis, there is no need to develop a standardized process to be applied only to oil spills.

The Mass DEP Massachusetts Oil and Hazardous Materials List (MOHML) (310 CMR 40.0000 Subpart P) contains approximately 1,800 different chemicals or compounds. Therefore, singling-out one compound, i.e., oil, on the MOHML is discriminatory. Since a process already exists for assessing NRD by MassDEP on a case by case basis, it is not cost effective to develop

another, duplicative process.

Finally, any process developed to assess NRD should apply to all of the chemicals and compounds listed on the MassDEP MOHML, not just one (1) out of approximately 1,800.

<noreply+82ff3c0177cfb63b@formstack.com>

Sent:

Wednesday, September 30, 2015 9:55 AM

To:

RegReform (ANF)

Subject:

A Clearer Code: Regulatory Reform

Categories:

Red Category

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/30/15 9:54 AM

Name (optional)::

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CMR Number (If known)::

310 CMR 80

General Regulatory Themes::

Environmental Protection

Please list the Agency or Agencies affiliated with this regulation::

MassDEP

Describe the regulatory issue or observation::

UST Installation Testing Requirements

Suggestions for improvements to the regulation::

The Massachusetts Department of Environmental Protection (Mass DEP) regulates the installation of Underground Storage Tanks (UST) under 310 CMR 80. Currently there is a requirement that mandates tanks and piping to be tightness tested after being backfilled but prior to putting regulated substance into the tank. This is a new requirement that was put into place by the Mass DEP without the opportunity for public comment.

For years, the installation process has been to perform air tests on tanks and piping prior to backfilling the UST system. Once the UST system has been backfilled, a regulated substance would be put into the tank and a tightness

test would be performed on the tank and piping.

The US EPA requires that the installation of USTs be conducted in accordance with a code of practice developed by a nationally recognized organization. The Petroleum Equipment Institute (PEI) and the American Petroleum Institute (API) are nationally recognized organizations that have developed standards for the installation and testing of USTs. Neither PEI or AP require tightness testing prior to introducing regulated substances into the tank. There have been no releases from newly installed USTs during the

testing process in the past.

UST owners will incur additional costs and time during the installation process without any environmental benefit. This requirement should be removed from the existing UST regulations.