

From: [REDACTED]noreply+8fbee9e2b121acc@formstack.com>
Sent: Friday, November 06, 2015 4:03 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/06/15 4:02 PM

Name (optional)::	Brad Mitchell
Company/Organization (if applicable) (optional)::	MA Farm Bureau Federation
Address (optional)::	[REDACTED]
Primary Phone (optional)::	[REDACTED]
Email (optional)::	[REDACTED]
CMR Number (If known): :	310 CMR 10.00
General Regulatory Themes::	Building Codes/Accessibility Standards
Please list the Agency or Agencies affiliated with this regulation::	MA DEP
Describe the regulatory issue or observation::	<p>Per statute, the Wetlands Protection Act has exemptions for agriculture. They were developed by a Farmland Advisory Committee established by statute that was supposed to meet periodically to consider these issues. Several issues:</p> <ol style="list-style-type: none">1. The Committee has not met in 20 plus years or so in violation of the statute.2. Much has changed since then:<ol style="list-style-type: none">a. the public values local agriculture moreb. there is a demand for farmland that didn't exist when the regs were written. they were written against a backdrop of loss of farmland.c. farming practices have improved considerably in their ability to protect water quality <p>There is currently a strong demand for farmland and these regulations are responsible for keeping a considerable amount</p>
Suggestions for improvements to the regulation::	<p>Re-establish the Farmland Advisory Committee (FAC). Stature calls for it to continue to exist and function anyway.</p> <p>Charge the FAC with re-examining the agricultural provisions of the wetlands act and consider the changes in agricultural practices, societal values and needs, and lessons learned in the 20 plus years since the</p>

existing provisions have been in place.

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Sent: Friday, November 06, 2015 10:14 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

x

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/06/15 10:13 AM

Name (optional):: Laura Marx

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

Address (optional)::

Primary Phone (optional)::

Email (optional)::

CMR Number (If known): : 330 CMR 30.05(3 and other sub numbers)

General Regulatory Themes:: Other

Please list the Agency or Agencies affiliated with this regulation:: Department of Ag Resources; both regulations (330 CMR 30.05 and Emergency Order 1-AH0-05

Describe the regulatory issue or observation:: A 2005 Emergency Order required that all animals entering the Commonwealth be placed in isolation for 48 hours. While this may make a lot of sense for livestock and even domestic cats, this Executive Order adds an unnecessary cost, burden for businesses and rescues, and source of stress when applied to rescue/shelter/foster dogs. I would ask that the administration consider amending the regulations to allow for animals with valid health certificates from other states (for example, a dog that is shipped to CT where it is seen and treated by a qualified veterinarian and given a clean bill of health) to be exempt from this requirement. This may sound like a small thing, but it is a big barrier to residents trying to provide good homes to good animals that just happen to be across the state border.

Suggestions for improvements to the regulation:: Either rescinding/revising Executive Order 1-AH0-05 or amending the regulations around quarantine to make clear that dogs entering the Commonwealth in order to be adopted or fostered do not need to be quarantined if they have already been quarantined and given a health certificate in another state. As written, the regulations and Executive Order go farther than they need to to safeguard public and animal health, by requiring a 48-hour quarantine even if a dog has, e.g. been in foster care and under the care of a vet mere miles across the border in a neighboring New England state for months. This is a significant added cost to a resident looking to adopt a dog, makes rescues reluctant to work with MA residents, and unnecessarily stresses dogs that have already been given a clean bill of health. Review of

both the Executive Order and the regulation would be appreciated. Thank you for the opportunity to comment.

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From: [REDACTED] <noreply+a4caae4f2ee8a6ec@formstack.com>
Sent: Thursday, November 05, 2015 11:44 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/05/15 11:44 AM

Name (optional):: Lexi Dewey

Company/Organization (if applicable) (optional):: Water Supply Citizens Advisory Committee

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 313 CMR 4.00

General Regulatory Themes:: Environmental Protection

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

Describe the regulatory issue or observation::

On behalf of the Water Supply Citizens Advisory Committee (WSCAC) these comments are in support of the Interbasin Transfer Act (IBTA) of 1984.

The IBTA includes all transfers of water and wastewater in all 28 basins across Massachusetts. The Act, administered by DCR staff and the Water Resources Commission is both relevant and efficient.

The criteria required in an application for approval assure that the water and/or wastewater leaving one basin and entering another is truly necessary and environmentally sound.

The IBTA provides the process and template for towns asking for additional water or transferring wastewater. It insures that due diligence in the form of assessment, conservation and planning has been done.

With many basins in the eastern part of the state designated as stressed and rivers experiencing low flows in the summer, it is critical that each community plan for their water needs.

It IBTA has been working successfully for the past 30 years. It serves a relevant and necessary function by working to address and help maintain

a clean and ample water supply for public use and the environment now and in the future.

Suggestions for improvements to the regulation::

We request that the IBTA be retained in its current form.

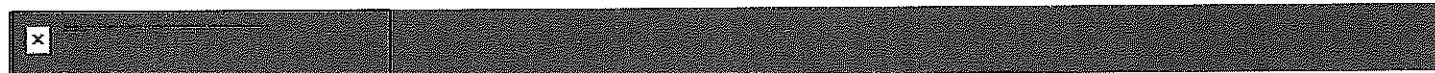
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From: [REDACTED]oreply+8fbee9e2b121acc@formstack.com>
Sent: Tuesday, November 03, 2015 2:04 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform



Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/03/15 2:04 PM

Name (optional)::	Brad Mitchell
Company/Organization (if applicable) (optional)::	MA Farm Bureau Federation
Address (optional)::	[REDACTED]
Primary Phone (optional)::	[REDACTED]
Email (optional)::	[REDACTED]
CMR Number (If known): :	see texts
General Regulatory Themes::	Other
Please list the Agency or Agencies affiliated with this regulation::	MA DAR
Describe the regulatory issue or observation::	<p>MGL Chapter 129 Section 21 gives DAR the authority to quarantine animals suspected of harboring contagious diseases. There is no CMR associated with this law. There should be regulations or internal, written policy governing the administration of this law as it is currently being abused by DAR in our opinion.</p> <p>MFBF strongly supports DAR's ability to quarantine animals suspected of being diseased, or which have shipped or otherwise been managed in manner required by regulation or law to prevent disease.</p> <p>However, quarantines should be based on science and should only be put in place when there is a reasonable likelihood that animals may have a communicable disease. We are aware of a number of situations where DAR has issued quarantines related to animal health violation, long after the violation occurred and where there was no scientific basis for a quarantine. Rather, quarantines were issued as punitive measures.</p> <p>This is inappropriate and we oppose this abuse of authority.</p>
Suggestions for improvements to the regulation::	Appropriate regulations or internal policy stating that quarantines should be used only when scientifically justified, and not as a means of administering punitive actions.

If DAR feels it needs greater punitive authority, we are happy to work with them and seek out appropriate punitive abilities through the legislature.

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From: [REDACTED] <[REDACTED]noreply+a468b445974d83d4@formstack.com>
Sent: Monday, July 20, 2015 7:15 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Categories: Red Category

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/20/15 7:14 PM

Name (optional):: Mike Crowley

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

Address (optional):: [REDACTED]

Primary Phone (optional)::

Email (optional):: [REDACTED]

CMR Number (if known): :

General Regulatory Themes:: Environmental Protection

Please list the Agency or Agencies affiliated with this regulation:: DCR, DCF

Describe the regulatory issue or observation::

In regard to executive order 562, I sincerely hope that the Governor bears in mind that requiring that no state regulations can exceed federal requirements, is basically saying we hold ourselves to the bare minimum. I realize that in many ways our state regulations and budgets require review, but using a catch all like this is "throwing out the baby with the bath water." Massachusetts has a long history of leading the way in American ideal, starting from the first idea of America. Its why we are the "spirit of America" on our license plates. Any changes to environmental Protection and heath services done for the simple short term solution of solving the budget today, while repay the cost many fold in days to come. I for one don't want to see the work my father and his generation had done cast aside, only to have my daughter's generation to face the same troubles again.

Suggestions for easing regulatory compliance::

Methodical review with the best interests of Massachusetts citizens in mind, not the interests of Californians' and Virginians' and a quick bottom line.

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From: [REDACTED]noreply+e01a4178b65c803f@formstack.com>
Sent: Monday, July 20, 2015 8:44 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform
Categories: Red Category

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/20/15 8:44 PM

Name (optional):: Maria Bartlett

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

Address (optional):: [REDACTED]
[REDACTED]

Primary Phone (optional)::

Email (optional):: [REDACTED]

CMR Number (if known): :

General Regulatory Themes:: Internal State Government Operations and Finance

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

Describe the regulatory issue or observation::

I am actually very upset about this Executive Order. Of course it is a good thing to review all regulations to see if they are still relevant and effective. However, I do NOT agree with the provision about limiting them to no more than the Federal mandate! I am proud that MA is often in the vanguard with strong regulations...why would we want to fall backwards to some lower standard? Citizens reap untold benefits by having high standards...why would we want to tailor ourselves after states that follow minimum Federal standards, such as Florida or Texas. Please do not accept this lowered standard!

Suggestions for easing regulatory compliance::

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Categories: Red Category

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Submitted at 07/20/15 8:44 PM

Name (optional):: Sharon Moulton

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

Address (optional):: [REDACTED]
[REDACTED]
[REDACTED]

Primary Phone (optional)::

Email (optional):: [REDACTED]

CMR Number (If known): : Executive Order #562

General Regulatory Themes:: Environmental Protection

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

Describe the regulatory issue or observation::

The executive order suggests that no existing regulation should be stronger than the comparable federal regulation. That would be a terrible mistake as Massachusetts has taken a position of leadership in the area of recognizing the dangers of climate disruption and striving to protect citizens. If Massachusetts' regulations are stronger than federal ones, that is a good thing. Especially at this time there is a movement in Congress to remove and/or weaken federal regulations protecting us from environmental dangers. This is a time to make sure that our state regulations will continue to protect us regardless of what mistakes are made by Congress.

Suggestions for easing regulatory compliance::

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Sent: Tuesday, July 21, 2015 9:01 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Categories: Red Category

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/21/15 9:00 AM

Name (optional)::	Allan Greenberg
Company/Organization (if applicable) (optional)::	member MACC, former chair Scituate Conservation Commission
Address (optional)::	[REDACTED]
Primary Phone (optional)::	
Email (optional)::	[REDACTED]
CMR Number (if known): :	
General Regulatory Themes::	Environmental Protection
Please list the Agency or Agencies affiliated with this regulation::	DCR
Describe the regulatory issue or observation::	Review and reduction of policies--for many years, Massachusetts has been appropriately striving to act positively vis-à-vis the environment, esp. in light of future generations' ability to enjoy and live in harmony with the environment. Massachusetts has been near the forefront in the past--well beyond sadly deficient national standards. The governor imposed review and recommended reduction in regulations and regulatory requirements is contrary to all that has been done in the past (along with underbudgeting and staff reductions), signals a negative and destructive position for the Commonwealth's environment, and needs to be reconsidered--for the health and benefit of current and future generations.
Suggestions for easing regulatory compliance::	Easing regulatory compliance is solely to benefit companies and bottom lines, disregarding the importance of the environment for everyone--especially those who are not of the few and the financially powerful.

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Categories: Red Category

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/21/15 9:33 AM

Name (optional):: Sue MacCallum

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

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::

Describe the regulatory issue or observation::

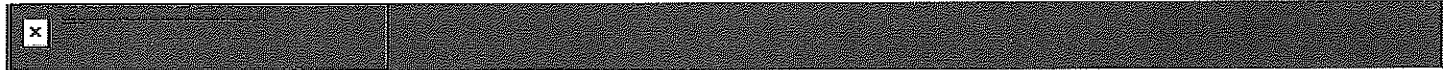
Massachusetts has often been the leader in environmental protection - helping to raise the bar for the rest of the nation. I am very concerned that if all state regulations are measured against the current federal regs/ not able to exceed federal regulations, we will lose important ground and be taking a step backwards for environmental protection and in our leadership role.

Suggestions for easing regulatory compliance::

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Sent: Thursday, July 23, 2015 3:39 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Categories: Red Category



Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/23/15 3:39 PM

Name (optional):: Jacqueline Stone

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

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Environmental Protection

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

Describe the regulatory issue or observation:: Massachusetts' suite of environmental regulations have protected our commonwealth's natural resources, leading the nation in the care of our environment and natural heritage for many years.

Suggestions for easing regulatory compliance:: Leave our environmental regulations alone!

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Sent: Thursday, July 23, 2015 4:41 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform
Categories: Red Category

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/23/15 4:40 PM

Name (optional):: michaelann bewsee

Company/Organization (if applicable) (optional):: Arise for Social Justice

Address (optional):: [REDACTED]
[REDACTED]
[REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Environmental Protection

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

Describe the regulatory issue or observation:: I am urging you not to eliminate Massachusetts being able to create environmental regulations which are stricter than the federal regulations. Don't throw away our commonwealth's legacy of progressive environmental leadership.

Suggestions for easing regulatory compliance::

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To: RegReform (ANF)
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Categories: Red Category

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 07/23/15 4:50 PM

Name (optional):: Irl Smith

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

Address (optional):: [REDACTED]

Primary Phone (optional)::

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Other

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

Describe the regulatory issue or observation::

It is my understanding that EO562 mandates that Massachusetts environmental regulations be no stricter than the corresponding Federal ones. This seems nonsensical. We in Massachusetts are proud to be leaders in many areas of stewardship of our planet. This has been done by trailblazing initiatives exceeding the Federal regulations. It is a profound error to now attempt to roll back these state regulations to the weaker Federal ones.

Suggestions for easing regulatory compliance::

Clarity is good. Reduction of standards is not. It's like saying that the way to get more kids to pass their examinations is to weaken the exam, rather than teach them better.

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From: [REDACTED] <noreply+5259545dc5ba643e@formstack.com>
Sent: Thursday, September 10, 2015 3:43 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform
Categories: Red Category

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 09/10/15 3:42 PM

Name (optional):: Julia Blatt
Company/Organization (if applicable) (optional):: Massachusetts Rivers Alliance
Address (optional):: [REDACTED]
Primary Phone (optional):: [REDACTED]
Email (optional):: [REDACTED]
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:: Hello - I am writing to let you know that the Massachusetts Rivers Alliance, the Massachusetts Land Trust Coalition, and the Massachusetts Association for Conservation Commissions have submitted a joint letter via email to Undersecretary Madden. Please let me know if you did not receive the letter and/or you would like us to send it to another email address (or send along a hard copy). We submitted the letter today (9/10/15) Thanks.

Suggestions for improvements to the regulation::

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From: [REDACTED] <noreply+d09d9bf938858527@formstack.com>
Sent: Thursday, December 03, 2015 10:46 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

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)::	[REDACTED] [REDACTED]
Primary Phone (optional)::	[REDACTED]
Email (optional)::	[REDACTED]
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::	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.

[REDACTED]

From: [REDACTED]
Sent: Thursday, November 12, 2015 10:14 AM
To: RegReform (ANF)
Subject: Comments on Regulatory Review under EO 562 - 310 CMR 36.00

To whom it may concern:

The Westford Water Department (Water Department) would like to provide comments on the Massachusetts Department of Environmental Protection's (MassDEP) regulatory changes as part of Executive Order 562 (EO 562).

We are very concerned about the recently-promulgated changes to the Water Management Act Regulations (310 CMR 36.00) permitting process. These changes incorporate costly burdens on public water suppliers in a noble but unsubstantiated effort to improve aquatic habitats of our rivers and streams.

The regulatory changes in question establish water withdrawal baselines for public water suppliers based on the average of 2003 - 2005 reported water withdrawals. Mitigation is then required for all withdrawals above this baseline in the next 20-year permit period. We feel this baseline definition is not only arbitrary, but penalizes systems that had successful water conservation programs already in place, and rewards systems that were not as conservation-minded (since lower withdrawals during this period will result in a lower baseline whereas higher withdrawals will provide a result in a higher baseline).

In Westford's case, we anticipate requesting an additional volume for withdrawal above our projected baseline – even though this “additional” withdrawal amount is well below our currently registered/permitted withdrawal volume! Simply put, we will be required to mitigate for less water than we are currently allowed to withdraw.

The mitigation requirement will result in a serious financial burden to the Water Department by necessitating the hiring of consultants and implementation of said mitigation project(s). Mitigation projects will compete directly with critical infrastructure improvements for funding and department resources.

We are strongly opposed to these Water Management Act changes and firmly believe they will result in unwarranted waste of Water Department funds and resources that are

desperately needed for infrastructure maintenance and improvement of our 100-plus year old distribution system. In fact, the Water Infrastructure Finance Commission was created by the Massachusetts Legislature in 2009 to analyze the Commonwealth's water infrastructure funding needs and to develop recommendations for financing these needs. This Commission identified a \$10.2 billion gap in resources for drinking water infrastructure projects. Considering this significant gap in funding for drinking water infrastructure it seems exceptionally counterproductive to require suppliers to spend what resources they have on withdrawal mitigation projects required under the new Water Management Act regulations!

We are especially concerned that significant money could be spent on these mitigation projects when there is no way to measure success or failure. Furthermore, we have no confidence that the SWMI framework provides credible evidence of improved aquatic habitats by reduced withdrawals.

At a time when we should be investing in our public water infrastructure public water suppliers will be forced to instead spend money on expensive mitigation projects of dubious value. The one-size-fits all approach taken by the revised Water Management Act Regulations is doubtful to result in any appreciable improvements to the environment and may simply result in higher water rates, deteriorating infrastructure, and suppressed economic development.

Mark Warren
Westford Water Department
Environmental Compliance Manager

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Sent: Tuesday, November 03, 2015 1:23 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/03/15 1:22 PM

Name (optional):: Brad Mitchell

Company/Organization (if applicable) (optional):: MA Farm Bureau Federation

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 330 CMR 16.02

General Regulatory Themes:: Other

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

Describe the regulatory issue or observation::

330 CMR 16.02 – There is absolutely no benefit associated with the licensing of riding instructors. The Department does not have the resources to properly administer this program. The instructor licensing program fails on every single count outlined in the Governor's Executive Order

- MA is the only state in the country that requires this.
- there is no enforcement. Many instructors remain unlicensed., those that comply in good faith with the regulations are at a competitive disadvantage to those who do not comply. They have a smaller pool of instructors to choose from and incur costs and delays with licensing.
- exams are offered at only one location in Eastern MA. Convenient for DAR
- not so much for instructors.
- It is not clear what the exam is supposed to assess for or what is the goal of licensing.. "Study materials" provided by the Department are simply a hodgepodge of equine and animal health laws of low pertinence to instruction. There is nothing on safety or horsemanship

Suggestions for improvements to the regulation::

Simply do away with the regulation. Legislation (SB 460) would accomplish this.

DAR seemingly is opposing the bill, actually revamping the program while failing to address any industry concerns or even stating an actual purpose of the program. The administration's support for this bill would be appreciated.

Note that there are efforts to replace this bill with CORI checks for stable personnel working with children under 18. MFBF has been part of the effort to move this forward and supports this requirement. While this would add costs and delays to hiring staff, there is a benefit in CORIs that outweigh the costs.

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Sent: Tuesday, November 03, 2015 12:53 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/03/15 12:53 PM

Name (optional):: Robert Audlee
Company/Organization (if applicable) (optional):: Stainless Steel Coatings, Inc.

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 310 CMR 50:00

General Regulatory Themes:: Environmental Protection

Please list the Agency or Agencies affiliated with this regulation:: MassDEP
TURI
Mass OTA
Department of Labor Standards

Describe the regulatory issue or observation:: We have been working with the Massachusetts Office of Technical Assistance, and have found their assistance invaluable in reducing the amount of toxic chemicals used in our business. With MassDEP/OTA assistance, we were able to qualify as a "Champions of Toxic Use Reduction" for the 25th anniversary of the Toxic Use Reduction Act. Mass OSHA staff, (both Safety and Health departments) have also been instrumental in improving the safety of our operation, and help ensure the continued good health of our Massachusetts Workers. Assistance from OTA and MassDEP, in cooperation with TURI have enabled us to become an industry leader in worker safety and in keeping our beautiful farming community uncontaminated. As a business person, the work these agencies do is extraordinarily helpful, and have helped us achieve a position of prominence we would otherwise have been unable to achieve.

These organizations are helping keep Massachusetts businesses such as ours highly competitive in a changing global environment, and I cannot praise any one of them highly enough.

Suggestions for improvements to the regulation:: We are pleased with the current and ongoing state of regulation to protect workers and citizens of the Commonwealth, and are confident that the MassDEP, OTA, TURI, and Department of Labor standards will continue to

be a competitive asset to Massachusetts businesses such as ours. We look forward to their continued funding, and full staffing with the same sort of exceptionally qualified personnel that it has been our pleasure to interact with. We anticipate to a long and continued partnership with these superbly well-managed State agencies.

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From: [REDACTED] <noreply+95f40149d62fa5db@formstack.com>
Sent: Tuesday, November 03, 2015 12:34 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/03/15 12:33 PM

Name (optional):: Lucas Wright

Company/Organization (if applicable) (optional):: Ware River Power/South Barre Hydroelectric Co.

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 225 CMR 14, 15 & 16

General Regulatory Themes:: Energy and Utilities

Please list the Agency or Agencies affiliated with this regulation:: Mass Dept. of Energy Resources

Describe the regulatory issue or observation::

Pre-existing hydroelectric facilities with less than 5 MWH of capacity with FERC licenses or exemptions have little or no chance of qualifying for the MA RPS or any RPS market due to stringent regulations imposed by the Massachusetts Dept. of Energy Resources. Requiring these hydro sites to go through the LIHI process is too expensive and cumbersome, especially for small sites under 1.5 MWH, but without access to the RPS market, small hydro sites cannot survive as viable renewable energy producers.

ISO rates for energy from hydroelectric facilities that do not have access to the RPS markets currently average .04 cents per Kwh. For this reason, small hydropower facilities earn considerably less average revenue than solar facilities producing the same energy output. For example, Powder Mill, which has an average annual output of 1,600,000 Kwh, has an average annual revenue of \$64,000, while a nearby solar farm with the same average annual output has an average annual revenue of \$448,000 – seven times the revenue brought in by Powder Mill for an equal amount of energy produced.

Powder Mill is in need of serious repairs in order to remain operational. For example, the trash racks have become corroded and started to collapse, and will not be able to be replaced in time for the dam to go back online this fall. One of the turbines at the South Barre dam badly needs to be repaired. Powder Mill and South Barre will not be able to afford to make these repairs if

its annual revenues stay as they are, and will be forced to shut down. Applying to LIHI would cost \$9000, which is already 36% of the plant's entire annual gross revenue. This does not include the additional \$750 Intake Review fees and LIHI annual fees, which total \$1350 for both sites. The site must also be re-certified every five years, which is extremely cumbersome and could potentially cost another \$4500 per dam. In addition, small hydro plants like Powder Mill and South Barre that do not qualify for the RPS market cannot get grant funding from the CEC.

In addition to the high application cost, LIHI has also imposed unnecessarily stringent requirements on the Powder Mill and South Barre facilities. The U.S. and Massachusetts Fish & Wildlife Services have the right to require upstream and downstream fish and eel passage as a requirement of the license exemption issued by FERC. To date, they have not. In our opinion, the reason for this is that the dam immediately upstream of Powder Mill and South Barre is the MWRA diversion shaft to the Quabbin Reservoir. There are twelve dams downstream of Powder Mill and South Barre and none of them have eel passage. However, LIHI, as a reviewer, has suggested that Powder Mill and South Barre would not be considered "low-impact" without providing eel passage. Even if eel passage were adopted on all fourteen dams in the Chicopee River Watershed up to the MWRA, it is doubtful that the MWRA would install eel passage and allow the American eel to infiltrate the Quabbin Reservoir and its drinking water.

**Suggestions for
improvements to the
regulation::**

Under the current DOER system, small hydropower facilities are being forced out of existence by low ISO rates and prohibitive LIHI application costs and requirements. Allowing small hydroelectric plants to cease operation or decrease capacity while simultaneously proposing importing hydropower from Hydro Quebec seems to be a very backwards energy policy. Allowing small hydro facilities to qualify as Class II Renewable without having to go through the LIHI process will ultimately increase sustainable energy production in Massachusetts.

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Sent: Monday, November 02, 2015 11:28 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 11/02/15 11:27 AM

Name (optional):: William Johnson

Company/Organization (if applicable) (optional):: Statewide Towing Association

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 220 CMR 272.00

General Regulatory Themes:: Building Codes/Accessibility Standards

Please list the Agency or Agencies affiliated with this regulation:: Department of Public Utilities - Transportation Oversight Division

Describe the regulatory issue or observation:: Under 220 CMR 272.00 the DPU - Transportation Oversight Div. sets the rates which privately owned tow companies can directly charge the consumer for involuntary tows such as police ordered, snow removal or trespass tows. This is not a State Fee. It is regulation of rates collected from a consumer or their designated agent by privately owned tow companies.

Suggestions for improvements to the regulation:: On behalf of the Massachusetts Statewide Towing Association (STA), I am writing relative to the proposed rate filing application (D.P.U. 13-124) currently before the Massachusetts Department of Public Utilities (DPU). Filed August 5, 2013, this rate petition is more than two years old. It is our understanding the rate increase petition is being held up by Administration and Finance though a waiver has been requested relative to Governor Baker's Executive Order 562 commissioning a thorough review of every Executive Branch regulation.

Statewide Towing Association (STA) represents over 200 tow companies registered with the DPU in the Commonwealth and is the only entity recognized by the DPU to file a rate increase petition on behalf of the more than 800 tow companies regulated by the Department. In accordance with S 6B of c. 159B, the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, the Department of Public Utilities

establishes maximum rates and charges applicable to police ordered towing, public authority ordered towing, snow removal and trespass towing also known as involuntary towing, in 220 CMR 272.00.

The towing industry last received an overall involuntary tow rate increase in 2004 which was based on 2003 Data. See Order Adopting Final Regulations, D.T.E. No. 03-70(2004), amending 220 CMR 272.00 et seq. The involuntary tow rates are designed to cover costs. Since 2003, Massachusetts businesses have seen a significant increase in costs. The towing industry is comprised of small, family owned businesses who are struggling to meet those increased costs. Inaction on the rate increase petition is forcing companies to curtail investment in new equipment and to reduce the number of secure, local, good paying jobs.

In February 2008, the DPU amended the subject regulation to allow for a fuel price surcharge adjustment. See Order Adopting Final Regulations, D.T.E. / D.P.U. No. 06-43-A (2008). The fuel surcharge adjustment only covers the cost of fuel.

Lack of action on STA's rate petition impacts public safety. The towing industry is a vital partner in Public Safety. As a signatory on the Commonwealth of Massachusetts Unified Response Manual (URM) for Roadway Traffic Incidents and as defined in the Mover Over law, MGL Chapter 89, Section 7C, tow trucks and their operators are designated as first responders. Tow companies provide 24/7 service to public safety organizations. The rate established by the DPU is supposed to insure sufficient compensation for tow companies to provide the level of services essential to public safety. Working with rates based on 2003 data is not sufficient compensation. It is imperative that this rate increase petition be moved forward to a rate hearing.

Thank you for your prompt attention to this matter. If I can be of any assistance, please feel free to contact me.

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To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 7:24 PM

Name (optional)::

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

Sudbury, Assabet & Concord Wild & Scenic River Stewardship Council

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::

Dept of Environmental Protection
Heritage & Endangered Species Program
Dept of Conservation & Recreation

Describe the regulatory issue or observation::

COMMENTS OF THE SUDBURY, ASSABET AND CONCORD WILD & SCENIC RIVER STEWARDSHIP COUNCIL ON EXECUTIVE ORDER 562

Portions of the Concord, Sudbury and Assabet (also known as the SuAsCo) watershed have been designated by the federal government as a "Wild & Scenic River." The SuAsCo Wild & Scenic River Stewardship Council, whose members represent federal, state and municipal governments, is charged with protecting and enhancing the aquatic resources that led to its wild and scenic designation. This includes protection of water quality and aquatic habitat, adequacy of stream flow for biological and recreational purposes, and public access to and enjoyment of the watershed.

Our environmental heritage and abundant resources are truly our common wealth. The state benefits by having strong laws and regulations protecting our environment for our quality of life, desirability as a place to live and work and the many economic benefits accrued from the innumerable ecological services provided by our lands, water, flora and fauna. Our state has carefully built a nuanced and strong web of environmental laws and regulations to preserve and protect our air, land and water. Our regulations are carefully developed by state employees with extensive experience and training in their pertinent fields. Each regulation is given a thorough review which typically includes information sessions, public hearings and public comment periods.

Considerable deliberation and public process is followed to produce a final regulation. To negate all of this work, to ignore the expertise of the state's own environmental secretariat and to negate the public's input and wishes would be a distressing course of action.

If properly understood, however, we do not believe that Executive Order (EO) No. 562 should lead to that result. Section 3 of the EO states:

In conducting (executive agency) review (of regulations), 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.

This clearly reflects the Governor's understanding that the Executive Branch does not possess the legal

authority to eliminate regulations whose purpose is to implement duly enacted statutory mandates,

but only to eliminate or revise those regulations for which there is no state statutory mandate or which, in light of statutory purposes, cannot be demonstrated to comply with the seven requirements listed in the EO. In other words, as the EO states, only "if less restrictive and intrusive alternatives have (not) been considered and found to be less desirable based on a sound evaluation of the alternatives."

In carrying out this Executive Order, it is essential that state environmental agencies keep this limited scope of regulatory review in mind. In addition to the seven factors listed in EO562, state environmental agencies should be made to demonstrate that any proposed rescissions or revisions of regulations will be equally effective in fulfilling the mandates of state environmental statutes.

For example, in the last Administration's regulatory "streamlining" proposal, the Department of Environmental Protection (DEP) attempted to eliminate all state permitting of Publically Owned (Sewage) Treatment Plants (POTWs). In our watershed, POTWs often provide the only flow to the rivers during dry summer months, therefore the quality of their effluent is critical to the rivers' health. It was

only after it was brought to DEP's attention during the public comment period that the Massachusetts Clean Waters Act requires it to issue at least some POTW permits, that the DEP agreed in its final regulations to retain regulatory authority over the least technically capable category of POTWs, those without EPA-approved Industrial Pre-treatment Programs.

Of particular concern to the SUASCO Wild & Scenic River Stewardship Council would be any weakening of environmental protection provided by current regulations implementing the mandates of the following Massachusetts General Laws, Acts and Statutes, all of which are essential to the protection of our watershed:

- Wetlands Protection Act
- Riverfront Protection Act
- Interbasin Transfer Act

- Chapter 91 Public Waterfront Act (which covers inland Great Ponds and navigable rivers and streams, along with tidelands)
- Water Management Act
- Massachusetts Endangered Species Act
- Surface Water Discharge statute
- Water Pollution Control statute
- State Superfund statute
- Sewer Connection statute
- Industrial Wastewater statute
- State Revolving Fund

The protection of the Commonwealth's natural resources—in particular water and wildlife—is key to our economy. The economic value of sustainable water supplies, healthy aquatic systems, flood protection and scenic landscapes, to name just a few resources, is enormous, and yet inadequately quantified for cost-benefit analysis. Diminishing the regulatory tools already in place to protect these resources, which were developed with thorough scientific and public input, would be very short-sighted.

Thank you very much for this opportunity to comment on the implementation of Executive Order No.

**Suggestions for improvements
to the regulation::**

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Sent: Friday, October 30, 2015 5:50 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 5:50 PM

Name (optional):: Ted Michaels

Company/Organization (if applicable) (optional):: Energy Recovery Council

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 225 CMR 15.08: Compliance Procedures for Retail Electricity Suppliers

General Regulatory Themes:: Energy and Utilities

Please list the Agency or Agencies affiliated with this regulation:: Energy and Environmental Affairs, Executive Office of (EOEEA)
Department of Energy Resources (DOER)
Department of Environmental Protection (MassDEP)

Describe the regulatory issue or observation::

The 2008 Green Communities Act included Waste-to-Energy (WTE) as a Class II renewable energy source which is consistent with 31 states, the District of Columbia, and the federal government. Most recently, the US EPA defined Waste-to-Energy as renewable energy in the new Clean Power Plan. In addition, both Europe and China have classified WTE as a source of renewable energy. Unique to Massachusetts, there is a requirement to give half of the value of any renewable energy credits (RECs) to the MassDEP's Sustainable Materials Recovery Program (SMRP). Municipal Grants to Massachusetts municipalities totaled \$5,476,658 paid in 2014.

When the RPS legislation was implemented by the Patrick Administration, a separate tier was created just for WTE along with its own Alternative Compliance Payment (ACP). This has significantly suppressed the value of Waste-to-Energy credits and, more damaging to the Commonwealth, it reduced the amount of money that the MassDEP can make available to invest in recycling efforts. This separate ACP plan was counter to the Legislative intent that clearly states, "The department shall establish and maintain regulations allowing for a retail supplier to discharge its obligations under this section by making an alternative compliance payment in an amount established by the department for Class I and Class II renewable energy generating sources." There was never discussion or language included to establish a separate

Waste-to-Energy ACP.

We believe that the DOER should use one ACP for all Class II renewables. This change would:

- be consistent with the Legislative intent,
- streamline the RPS program,
- increase revenues to MassDEP thereby providing more funding for recycling programs, and
- ensure the long term sustainability for this critical funding .

The REC market varies from year to year, but based on the past five years, a change to WTE ACP could create between \$2 and \$12 million more in value for MassDEP to use for recycling efforts.

Suggestions for improvements to the regulation::

225 CMR 15.00: RENEWABLE ENERGY PORTFOLIO STANDARD – CLASS II

15.08: Compliance Procedures for Retail Electricity Suppliers

New Language

(4) Alternative Compliance for RPS Class II Waste Energy Minimum Standard.

2. The ACP Rate for the RPS Class II Waste Energy Minimum Standard shall be consistent with the section (3) 2 of this section.

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To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 5:46 PM

Name (optional):: Scott Henderson

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

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known) : 225 CMR 15.08: Compliance Procedures for Retail Electricity Suppliers

General Regulatory Themes:: Energy and Utilities

Please list the Agency or Agencies affiliated with this regulation:: Energy and Environmental Affairs, Executive Office of (EOEEA)
Department of Energy Resources (DOER)
Department of Environmental Protection (MassDEP)

Describe the regulatory issue or observation:: The 2008 Green Communities Act included Waste-to-Energy (WTE) as a Class II renewable energy source which is consistent with 31 states, the District of Columbia, and the federal government. Most recently, the US EPA defined Waste-to-Energy as renewable energy in the new Clean Power Plan. In addition, both Europe and China have classified WTE as a source of renewable energy. Unique to Massachusetts, there is a requirement to give half of the value of any renewable energy credits (RECs) to the MassDEP's Sustainable Materials Recovery Program (SMRP). Municipal Grants to Massachusetts municipalities totaled \$5,476,658 paid in 2014.

When the RPS legislation was implemented by the Patrick Administration, a separate tier was created just for WTE along with its own Alternative Compliance Payment (ACP). This has significantly suppressed the value of Waste-to-Energy credits and, more damaging to the Commonwealth, it reduced the amount of money that the MassDEP can make available to invest in recycling efforts. This separate ACP plan was counter to the Legislative intent that clearly states, "The department shall establish and maintain regulations allowing for a retail supplier to discharge its obligations under this section by making an alternative compliance payment in an amount established by the department for Class I and Class II renewable energy generating sources." There was never discussion or language included to establish a separate Waste-to-Energy ACP.

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This change would:

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- increase revenues to MassDEP thereby providing more funding for recycling programs, and
- ensure the long term sustainability for this critical funding .

The REC market varies from year to year, but based on the past five years, a change to WTE ACP could create between \$2 and \$12 million more in value for MassDEP to use for recycling efforts.

**Suggestions for
improvements to the
regulation::**

225 CMR 15.00: RENEWABLE ENERGY PORTFOLIO STANDARD – CLASS II

15.08: Compliance Procedures for Retail Electricity Suppliers

New Language

(4) Alternative Compliance for RPS Class II Waste Energy Minimum Standard.

2. The ACP Rate for the RPS Class II Waste Energy Minimum Standard shall be consistent with the section (3) 2 of this section.

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To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

 [REDACTED]

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 3:39 PM

Name (optional):: Fran Ludwig

Company/Organization (if applicable) (optional):: Lexington Global Warming Action Coalition

Address (optional)::

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Environmental Protection

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

Describe the regulatory issue or observation::

Lexington's Global Warming Action Coalition supports state regulation of environmental pollutants and land use, which has played a large role in making Massachusetts a "green" state. However, in light of increasing threats to our air, water and land, we want to express concern about the goals for Executive Order 562, particularly the requirement about eliminating regulations that exceed federal guidelines, possible over emphasis on strictly "bottom line" decision making and the imprecise requirement that a regulation not "unduly and adversely affect MA citizens..." Given the disarray in the federal government and undue influence of large corporations, some federal regulations are not strong enough to truly protect the environment. Most regulations, by definition, adversely affect someone in exchange for benefitting society overall, and many statutes, as enacted by the Legislature, were specifically designed and intended to exceed minimum federal regulations.

Suggestions for improvements to the regulation::

We echo the Environmental League of Massachusetts and more than 75 other organizations: "EO 562 mandates an unprecedented set of criteria for evaluating current regulations that may have unanticipated and long lasting negative consequences. In order to better assist your administration and promote fairness and transparency in an expedited process, we propose the following: First, we recommend that each agency invite a representative group of stakeholders to participate in the review by providing expertise and feedback

at regular intervals through the use of working groups or similar format. Second, we feel strongly that priority regulations should be made public ahead of the official public comment period to provide ample time for deliberation prior to the March 2016 sunset deadline. Third, we recommend that all comments to the agencies, including on the web site and in public listening sessions, be made public. Fourth, in order to provide for constructive public input, it is important that the solicitation of comments be balanced. For example, the A&F website currently asks for "suggestions for easing regulatory compliance." We recommend expanding the questionnaire to ask whether "regulations should be strengthened or revised to better serve the public." As you also know, the existing Chapter 30A public comment process for regulations is triggered by an agency proposing a specific regulatory change, making it difficult to solicit general comments. Presumably those who are regulated will respond in opposition to regulations, whereas those who benefit from regulations may voice no concern. This informal comment process should be reviewed and revised accordingly to achieve a more credible result. Lastly, a set of milestones and deadlines for this process would be greatly appreciated."

We look forward to supporting you in protecting Massachusetts' environment and, to the extent that what we do here impacts the rest of the planet, the global environment as well.

Ricki Pappo and Kay Tiffany, Co-Chairs Fran Ludwig, Legislative Committee
Lexington Global Warming Action Coalition

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To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 11:35 AM

Name (optional)::	Kara Holmquist
Company/Organization (if applicable) (optional)::	MSPCA
Address (optional)::	[REDACTED]
Primary Phone (optional)::	[REDACTED]
Email (optional)::	[REDACTED]
CMR Number (If known): :	330 CMR 12.00 (12.05)
General Regulatory Themes::	Other
Please list the Agency or Agencies affiliated with this regulation::	Department of Agricultural Resources
Describe the regulatory issue or observation::	We would oppose any efforts to weaken the protections for commercial pet shops -- the entities regulated under 330 CMR 12.00. We have suggestions that would enable these regulations to better protect animals and consumers.
Suggestions for improvements to the regulation::	<p>Our recommendations:</p> <p>(1) Improve the current remedy in 330 CMR 12.05(3) to provide a stronger remedy for people who purchase sick animals. We hear from families who discover they have purchased a sick puppy or kitten diagnosed by a veterinarian as unfit for purchase who choose to retain the puppy or kitten rather than return to the seller, but face veterinary bills, often high ones. We feel part of this remedy provision should allow a consumer to recover allow some of the cost of veterinary bills in this circumstance;</p> <p>(2) In 12.05(2), requiring that the name, address, and United States Department of Agriculture (USDA) license number of the breeder and any broker who has had possession of the animal is displayed on the animal's cage so that a potential customer has this information to help make an informed purchasing decision.</p> <p>We would be pleased to discuss any of these suggestions and draft more specific language.</p>

From: [REDACTED] <noreply+e114b0dbea7b38e3@formstack.com>
Sent: Friday, October 30, 2015 10:57 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 10:54 AM

Name (optional):: Alison Field-Juma

Company/Organization (if applicable) (optional):: OARS: For the Assabet, Sudbury and Concord Rivers

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Environmental Protection

Please list the Agency or Agencies affiliated with this regulation:: Water Resources Commission--Interbasin Transfer Act Regulations

Describe the regulatory issue or observation:: We oppose any weakening of the regulations of the Interbasin Transfer Act (IBTA). This time-tested 30-year-old law benefits the entire state. It applies to all transfers of water and wastewater throughout Massachusetts. The intent is to keep water local, one of the core environmental principles of Massachusetts water policy. Water transfers approved under the act are permanent, so it is important to do it carefully. Given that climate change is disrupting precipitation patterns and threatening to reduce groundwater recharge, the careful stewardship of the state's water resources is critical. The process of thoughtful assessment that the IBTA requires is essential for Massachusetts to continue to be able to offer adequate water to its residents, businesses and wildlife into the future. Water is arguably the most important economic natural resource and it is the state's responsibility to ensure that it is protected.

Suggestions for improvements to the regulation::

The Concord basin is affected by water transfers into and out of the basin, regulated by the IBTA. The current IBTA regulations ensure the following and should not be weakened:

1. The IBTA protects both the donor and receiving basin. The IBTA process holds the applicant accountable to provide the necessary material documenting why a transfer is needed so that the decision can be based on sound information..
2. The IBTA is not a roadblock. Most requests for transfer take 3-4 months unless the applicant requests an extension. Once the transfer has been voted

through the Water Resources Commission, the decision is final.

3. The IBTA provides transparency and accountability to the process of moving water from one basin to another by including input from the public, other agencies and organizations.

4. The IBTA process ensures that transfers of vital and finite water resources receive the scrutiny they deserve. The process and the experienced staff that implement it do a thorough job and are available to any individual or entity needing assistance with compliance.

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To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 11:27 AM

Name (optional):: Kara Holmquist

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

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 330 CMR 10.00

General Regulatory Themes:: Other

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

Describe the regulatory issue or observation:: When a cat or dog has a Wound of Unknown Origin and the animal's vaccination status is unknown, 330 CMR 10.06 requires Strict Confinement for a period of six months.
At our shelters, we are brought animals that fall into this category. These are usually otherwise healthy and behaviorally sound animals and are able to be adopted once this confinement is completed.

However, the Rabies Quarantine Transfer Policy Statement (January 27, 2010) forbids using any foster or adoptive homes for this confinement. A private home can be used by the person who found an animal, but if the animal is presented to a shelter, it cannot be moved to a private home. This is despite the fact that foster homes receive training for how to safely foster animals.

Suggestions for improvements to the regulation::

We suggest that these regulations be amended to allow these transfers enabling a domestic animal to be in strict confinement at a private, foster or adoptive home, after approval by the Animal Inspector.

Such a provision would save the lives of many animals that may now be euthanized because they land at a facility that cannot provide this quarantine for 6 months. In addition, when an animal is confined for this amount of time in a shelter environment, it can create much undue stress for the animal. Safely

fostering in a home situation, with approval by the Animal Inspector, would be a much more humane solution.

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Sent: Friday, October 30, 2015 10:10 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 10:10 AM

Name (optional):: Cindy Hartwell

Company/Organization (if applicable) (optional):: L.P. Athol Corp.

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Energy and Utilities

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

Describe the regulatory issue or observation::

Small hydro (< 2MW) are subject to regulations in excess of MA regulations and FERC through the requirement to go through the LIHI (Low Impact Hydro Institute) process. This review process is excessive, grossly time consuming, and expensive. There is not a parallel process that the other renewables must go through. State statute requires small hydro to meet the Green Communities Act requirements. The extensive FERC process assures these requirements are fully met. LIHI is a duplicative review process that goes well beyond the Green Communities Act requirement.

Furthermore, small hydro (< 2MW) is currently NOT allowed to net meter. Rates paid for surplus electricity by the serving utilities (our only sales channel) are mere pennies per KW. Small hydro cannot afford the operations costs and routine maintenance at this rate. Operational costs and significant repairs quickly become a cost prohibitive. As a result, many small hydro operators are facing permanent shut down as the economics are not there.

Yet, small hydro is the "original" renewable as small hydro powered MA factories throughout the state in the early 20th century. Small hydros, many co-located with mill buildings also are a differentiator for mill redevelopment.

Small hydro complies with a myriad of environmental regulations through FERC, MA Fish and Wildlife and US Fish and Wildlife reviews. Small hydro is

environmentally friendly, clean and non-obtrusive. The State needs to be equally concerned about retaining existing small hydro as they are with incentivising the deployment of other new renewables. Green energy is green energy!

**Suggestions for
improvements to the
regulation::**

Remove the requirement for small hydro to comply with LIHI

Allow small hydro to net meter.

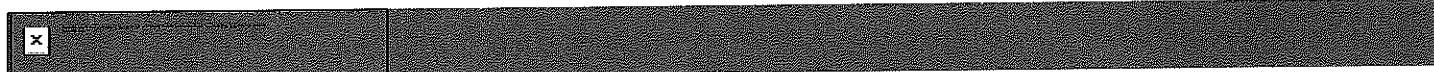
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From: [REDACTED] <noreply+63310712ca0b07f3@formstack.com>
Sent: Friday, October 30, 2015 8:47 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform



Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 8:47 AM

Name (optional):: Elisa Grammer

Company/Organization (if applicable) (optional):: 47 Coffin Street Ratepayer Advocates

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 225 CMR: Department of Energy Resources

General Regulatory Themes:: Energy and Utilities

Please list the Agency or Agencies affiliated with this regulation:: Department of Public Utilities
Department of Energy Resources

Describe the regulatory issue or observation::

QUALIFICATIONS AND INTEREST

47 Coffin comprises senior citizen, mostly retired, retail electric ratepayers residing at 47 Coffin Massachusetts. As National Grid ratepayers 47 Coffin is directly affected by DOER/DPU policies behind-the-meter standby generation, 47 Coffin is in a position to provide demand response to mitigate high prices resulting from uncontrolled coincident peak demand. Additionally, 47 Coffin has an electric vehicle, both of which could, if the regulatory regime permitted, provide enhanced demand response. Starting in the 1970s, 47 Coffin members have worked as lawyers and/or as a scientist at the Nuclear Regulatory Commission, Federal Energy Regulatory Commission, Environmental Protection Agency, and the Accountability Office. They have also worked in private practice representing clients ranging from pipelines to the San Diego Air Pollution Control District in federal and state forums. Having served as Washington, D.C., counsel to the California agency charged with managing the state's electric rate increases, 2001, counsel for 47 Coffin has extensive experience with and interest in state efforts such as electric rate increases. Counsel for 47 Coffin Street further represented the California Department of Water Project, perhaps the nation's largest single provider of wholesale, generation-quality demand response experience with and interest in demand response (particularly verifiable, dispatchable load demand response Ancillary Services).

POSITION: TO COMPLY WITH GOVERNING MANDATES, DOER & DPU SHOULD IMMEDIATELY PROMOTE RETAIL ELECTRIC DEMAND RESPONSE, PARTICULARLY INCLUDING DISPATCHABLE LOAD DEMAND RESPONSE

While Massachusetts is to be commended for its leadership in generalized energy efficiency, (<http://www.eia.gov/electricity/data/eia861/zip/f8612014.zip>) and Federal Energy Regulatory (<http://www.ferc.gov/legal/staff-reports/12-20-12-demand-response.pdf>) reports show the Cor in terms of demand response programs, particularly direct load control long effected by such controlled utility dispatch/cycling of hot water heaters, air conditioners, strip heaters and other. This situation is urgent: unless defenders of wholesale demand response programs like those Independent System Operator can convince the Supreme Court to overturn a decision vacati response program, Massachusetts will have no current, viable demand response except for v and pilot programs, principally offered by National Grid in Worcester. It is indeed startling that expansive responsibility to "ensure that utility consumers are provided with the most reliable s (<http://web1.env.state.ma.us/DPU/FileRoomAPI/api/Attachments/Get/?path=15-37%2fDOER> citing M.G.L. Ch. 164 § 76) apparently has no "Plan B" to replace wholesale demand respons programs.

Credible studies indicate that electric demand response can provide Massachusetts utility cur over cost, including relief from stunning capacity cost increases (<http://info.aee.net/hubfs/PDF/strategy.pdf?t=144502229466>) and National Grid has reported impressive savings from its c Worcester (<http://www.utilitydive.com/news/national-grid-demand-response-pilot-nets-particip> Yet 47 Coffin has seen no indication that DOER has made a comparable analysis or is taking additional retail demand response, aside from eventual implementation of time-sensitive ene Lack of strong retail, state-based leadership in demand response is consistent neither with th consumers are provided with the most reliable service at the lowest possible cost" nor with th gas objectives. Moreover, demand response in the form of direct load control provides unique forgo significant savings and reliability enhancements cannot be reconciled with DOER's core inexplicable in view of the reasonable possibility that the Supreme Court will not rescue whole

Suggestions for improvements to the regulation::

RELIEF SOUGHT: IMMEDIATE USE OF EXISTING MODELS TO DEVELOP RETAIL DEMA MASSACHUSETTS

47 Coffin respectfully requests that DOER, working with DPU, begin immediately to:

- Use the analyses cited above or urgently build on them to develop an analytical base for de
- Rapidly evaluate and develop tariff provisions (e.g., <https://www.bge.com/myaccount/billsrates/ratestariffs/electricservice/electric%20services%20> offering customers an option to participate in direct load control—which has been done elsew controls or wifl, not necessarily requiring smart meter roll out
- Continue to pursue accurate price signals to promote demand response, including not mere for energy costs, but also demand or fixed charges based on coincident peak usage (also kn capacity-related costs

Thank you for your consideration of these urgent matters.

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To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/30/15 7:56 AM

Name (optional):: Michael O'Friel

Company/Organization (if applicable) (optional):: Wheelabrator Technologies, Inc

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 225 CMR 15.00 – 15.08: Compliance Procedures for Retail Electricity Suppliers

General Regulatory Themes:: Energy and Utilities

Please list the Agency or Agencies affiliated with this regulation:: Energy and Environmental Affairs, Executive Office of (EOEEA)
Department of Energy Resources (DOER)
Department of Environmental Protection (MassDEP)

Describe the regulatory issue or observation::

The 2008 Green Communities Act included Waste-to-Energy (WTE) as a Class II renewable energy source which is consistent with 31 states, the District of Columbia, and the federal government. Most recently, the US EPA defined Waste-to-Energy as renewable energy in the new Clean Power Plan. In addition, both Europe and China have classified WTE as a source of renewable energy. Unique to Massachusetts, there is a requirement to give half of the value of any renewable energy credits (RECs) to the MassDEP's Sustainable Materials Recovery Program (SMRP.) Municipal Grants to Massachusetts municipalities totaled \$5,476,658 paid in 2014.

When the RPS legislation was implemented by the Patrick Administration, a separate tier was created just for WTE along with its own Alternative Compliance Payment (ACP). This has significantly suppressed the value of Waste-to-Energy credits and, more damaging to the Commonwealth, it reduced the amount of money that the MassDEP can make available to invest in recycling efforts. This separate ACP plan was counter to the Legislative intent that clearly states, "The department shall establish and maintain regulations allowing for a retail supplier to discharge its obligations under this section by making an alternative compliance payment in an amount established by the department for Class I and Class II renewable energy generating sources." There was never discussion or language included to

establish a separate Waste-to-Energy ACP.

We believe that the DOER should use one ACP for all Class II renewables.

This change would:

- be consistent with the Legislative intent,
- streamline the RPS program,
- increase revenues to MassDEP thereby providing more funding for recycling programs, and
- ensure the long term sustainability for this critical funding .

The REC market varies from year to year, but based on the past five years, a change to WTE ACP could create between \$2 and \$12 million more in value for MassDEP to use for recycling efforts.

**Suggestions for
improvements to the
regulation::**

225 CMR 15.00: RENEWABLE ENERGY PORTFOLIO STANDARD – CLASS II

15.08: Compliance Procedures for Retail Electricity Suppliers

New Language

(4) Alternative Compliance for RPS Class II Waste Energy Minimum Standard.

2. INSERT - The ACP Rate for the RPS Class II Waste Energy Minimum Standard shall be consistent with the section (3) 2 of this section.

DELETE - (\$10per MWh for Compliance Year 2009. For each subsequent Compliance Year, the Department shall publish the ACP Rate by January 31st of the Compliance Year. The ACP Rate shall be equal to the previous year's ACP Rate adjusted up or down according to the previous year's Consumer Price Index.)

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From: [REDACTED] <noreply+e114b0dbea7b38e3@formstack.com>
Sent: Thursday, October 29, 2015 4:21 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/29/15 4:21 PM

Name (optional):: Alison Field-Juma

Company/Organization (if applicable) (optional):: OARS: For the Assabet, Sudbury and Concord Rivers

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Environmental Protection

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

Describe the regulatory issue or observation:: Should the state expand its Renewable Energy Portfolio Standards eligibility to include small-scale hydropower? No.

Suggestions for improvements to the regulation::

Small-scale hydropower should be excluded from the renewable portfolio standard because it creates more environmental damage than benefit. We have direct experience of the negative effects of small dams and small-scale hydropower in this watershed. Dams interrupt river flow, damage wildlife habitat, increase water temperature and lead to loss of water quality and dissolved oxygen (necessary for aquatic species). These problems will only become worse as climate change results in hotter water temperature and more droughts affecting stream and river flow, resulting in fish kills, lost recreation and tourism opportunities, and diminished property values.

Many of our state's 3,000 dams are on small streams that would produce very minimal amounts of power. Massachusetts has in fact been investing in removing dams to restore river habitats and recreation. In recognition of the harm dams do to our rivers, the state recently instituted a fund to remove dams to improve both safety and wildlife habitat. It goes contrary to established environmental policy to encourage people to construct new dams or keep old ones in place for the sole reason of providing a small amount of energy.

The Renewable Portfolio Standards are meant to encourage environmentally preferable kinds of energy with financial incentives. It makes no sense for the state to provide financial incentives for hydropower because it is "environmentally preferable." This environmental seal of approval should be used only for energy sources that do not damage our natural resources.

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Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/29/15 12:45 PM

Name (optional):: Elizabeth Ainsley Campbell

Company/Organization (if applicable) (optional):: Nashua River Watershed Association

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 314 4.0 and 350 CMR 11

General Regulatory Themes:: Doing Business in MA

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

Describe the regulatory issue or observation::

The Nashua River Watershed Association appreciates this opportunity to comment on the regulatory review process initiated under Executive Order 562, and offers the following comments:

1. Interbasin Transfer Act. 313 CMR 4.00

The Interbasin Transfer Act, passed in 1984, should not be weakened. The IBTA offers a transparent, thorough environmental review when a request for a transfer of water from one basin to another is made.

The IBTA protects the donor basin by:

- protecting the water-dependent resources of the donor basin;
- ensuring that a reasonable instream flow is maintained in the donor basin river;
- evaluating the impacts of all past, authorized or proposed transfers on streamflows in the donor basin (cumulative effects).

The IBTA ensures that in the receiving basin, minimum requirements are met, including:

- the search and development of all local, viable water sources has been exhausted before a request for outside water outside their watershed;

- all practical measures to conserve water have been taken in the receiving community;
- a water resource management plan has been developed in the receiving community.

The IBTA requires a complete review by the Water Resources Commission, but does not impede requests for transfers. The process is open to public review and offers the opportunity for donor and receiving basins to become involved through the MEPA process. As the decisions to grant a transfer of water are permanent, this process should be strengthened, not weakened or streamlined.

2. Watershed Protection Act

The Watershed Protection Act regulates land use and activities within critical areas of the Quabbin and Wachusett Reservoir watersheds, and the Ware River watershed for the purpose of protecting the quality of drinking water. Active trails for single-track mountain biking are not compatible with water supply protection in these watersheds, whose management is governed by the EPA's Surface Water Treatment Rule and the Massachusetts Watershed Protection Act. We ask that recreation in these areas be restricted to compatible uses allowed by DCR.

Suggestions for improvements to the regulation::

The Interbasin Transfer Act should be strengthened, not weakened.

Recreation in DCR managed water supply watersheds should be restricted to compatible uses allowed by DCR.

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Sent: Wednesday, October 28, 2015 9:32 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/28/15 9:31 PM

Name (optional):: Dan Pedtke

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

Address (optional):: [REDACTED]

Primary Phone (optional)::

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Energy and Utilities

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

Describe the regulatory issue or observation::

I installed solar panels on my house, but did all the work myself as I am an engineer. I signed up for the Solar Carve Out SREC Program to get and sell solar energy credits, to help pay for the solar installation. It turns out to be a very bad deal for small system owner/operators, since these energy credits are set up to be bought and sold in some uncontrolled open market thing.

Two big problems with this:

1) The advantage of solar power to the homeowner is diminished by introducing a money-making middle man in the whole process, for which there was no need for at all, and who walks off with 15% or more of the homeowner's gain, penalizing them for supporting renewable energy. These "aggregators" also maintain a system of monopolistic control over small producers. They claim it is caused by the regulations requiring large overhead for each transaction, making it not worth the effort for small producers.

2) The greatest advantage (and motivator) for investing in renewable energy is made variable and unpredictable. The energy credits can range from zero value to huge value, the latter only if the DOER decides to arrange things so there is a shortage. But it is a supply-demand thing where there are artificial controls, unpredictably set by a closed-door organization not subject to checks and balances. No financial planning for installation can be done.

The whole system that is set up is overly complicated, creating large barriers to entry for unsophisticated small producer. Application process is ridiculously complex and confusing, and several organizations get involved. My system has 5 different identifiers that are all different, each used by a different organization involved. Why is there more than one?

**Suggestions for
improvements to the
regulation::**

Really simple - instead of the open market SREC buy-sell, do this:

1) set up a repository of energy credits, a computer database that simply allows registered generators to deposit their credits, where buyers can just select a bunch and pay into the system, which automatically distributes the payments to the right owners. This is a real easy system to set up these days. It should cost about 0.1% of the money it handles to maintain it. The costs can be fixed, which would also make the utility buyers very happy.

2) Give the SREC owner some certificate of ownership for the credits that is truly open market, something that can be bought or sold to anyone looking for carbon credits, like airlines or car makers. Right now an SREC is a private thing that cannot be "owned" by anyone, just sold to a utility. If you're going to mint credits, mint something that is truly marketable by anyone to anyone, not just an aggregator.

In all my attempts to understand this SREC system, I have never been able to figure out why the system was made so complicated. No one from the DOER has offered any kind of support for the small producer, which is the vast majority of the registered generators. My e-mails just asking questions go unanswered. Everyone accepts that you just hire someone to handle it all for you, and give up the 15% as a necessary fee to gain anything. This has created a whole industry of charlatans and con artists trying to steal money through confusion, something government is supposed to prevent, not create.

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To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/28/15 10:03 AM

Name (optional):: EkOngKar Singh (EK) Khalsa
Company/Organization (if applicable) (optional):: Mystic River Watershed Association
Address (optional)::
Primary Phone (optional):: [REDACTED]
Email (optional):: [REDACTED]
CMR Number (If known): :

General Regulatory Themes:: Environmental Protection
Please list the Agency or Agencies affiliated with this regulation:: MA DEP, MA DCR, MWRA

Describe the regulatory issue or observation::

1. Interbasin Transfer Act.

We do not support weakening of Interbasin Transfer Act regulations. The Interbasin Transfer Act (IBTA) of 1984 is a time-tested framework that has benefited the entire state for almost 30 years. It applies to all transfers of water and waste water throughout Massachusetts. The intent is to keep water local, one of the core environmental principles of Massachusetts water policy. Water transfers approved under the act are permanent, so it is important to do it carefully.

- The IBTA protects the donor basin as well as the receiving basin. The IBTA process holds the applicant accountable to provide the necessary material documenting why a transfer is needed.

- The IBTA is not a roadblock. Most requests for transfer take 3-4 months unless the applicant requests an extension. Once the transfer has been voted through the Water Resources Commission, the decision is final.

- The IBTA provides transparency and accountability to the process of moving water from one basin to another by including input from the public, other agencies and organizations.

- The IBTA process ensures that transfers of vital and finite water resources

receive the scrutiny they deserve. The process and the experienced staff that implement it do a thorough job and are available to any individual or entity needing assistance with compliance.

2. Toxics Use Reduction Act

The Toxics Use Reduction Act protects public health and the environment for all who live and work in Massachusetts. Please do not weaken the regulations to this important law to accommodate the request of some chemical manufacturers who consider it burdensome to comply with its requirements.

3. Watershed Protection Act

The Watershed Protection Act (WsPA) regulates land use and activities within critical areas of the Quabbin Reservoir, Ware River and Wachusett Reservoir watersheds for the purpose of protecting the quality of drinking water. We understand some people are seeking permission for single track biking in the Quabbin Reservoir.

These reservoirs provides an unfiltered public water supply for 2.5 million people, and its management is governed by stringent state and federal regulations designed to protect water quality, including EPA's Surface Water Treatment Rule and the Massachusetts Watershed Protection Act.

There are numerous trails throughout the state available for single-track mountain biking. DCR carefully considers requests for recreational use of this land and allows limited compatible uses, such as boating.

Mountain biking in the Quabbin is not compatible with the watershed's use for water supply and could threaten its legal status as an unfiltered water supply, requiring the MWRA to invest in extremely expensive filtration. We ask you to oppose this request.

**Suggestions for
improvements to the
regulation::**

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From:
Sent:
To:
Subject:

[REDACTED] <noreply+5259545dc5ba643e@formstack.com>
Tuesday, October 27, 2015 6:53 PM
RegReform (ANF)
A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/27/15 6:52 PM

Name (optional):: Julia Blatt

Company/Organization (if applicable) (optional):: Massachusetts Rivers Alliance

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Building Codes/Accessibility Standards

Please list the Agency or Agencies affiliated with this regulation:: EEA, DOER, DEP, DCR

Describe the regulatory issue or observation::

1. Interbasin Transfer Act.

We do not support weakening of Interbasin Transfer Act regulations. The Interbasin Transfer Act (IBTA) of 1984 is a time-tested framework that has benefitted the entire state for almost 30 years. It applies to all transfers of water and wastewater throughout Massachusetts. The intent is to keep water local, one of the core environmental principles of Massachusetts water policy. Water transfers approved under the act are permanent, so it is important to do it carefully.

- The IBTA protects the donor basin as well as the receiving basin. The IBTA process holds the applicant accountable to provide the necessary material documenting why a transfer is needed.

- The IBTA is not a roadblock. Most requests for transfer take 3-4 months unless the applicant requests an extension. Once the transfer has been voted through the Water Resources Commission, the decision is final.

- The IBTA provides transparency and accountability to the process of moving water from one basin to another by including input from the public, other agencies and organizations.

- The IBTA process ensures that transfers of vital and finite water resources

receive the scrutiny they deserve. The process and the experienced staff that implement it do a thorough job and are available to any individual or entity needing assistance with compliance.

2. Hydropower

We are aware of requests from hydropower advocates asking that the state expand its renewal portfolio standards eligibility for small hydropower. We oppose this for the following reasons:

Hydropower is not "green" energy, because it seriously harms rivers. Dams interrupt river flow, damage wildlife habitat, increase water temperature and lead to loss of water quality and dissolved oxygen (necessary for aquatic species).

Our state has about 3,000 dams, many of them on small streams. For the last few years, Massachusetts has been removing dams to restore river habitats and recreation. In recognition of the harm dams do to our rivers, the state recently instituted a fund to remove dams to improve both safety and wildlife habitat. It goes contrary to established environmental policy to encourage people to construct new dams or keep old ones in place.

The Renewal Portfolio Standards are meant to encourage environmentally preferable kinds of energy with financial incentives. We are not arguing that dams should not be legal, merely that the state shouldn't include financial incentives for hydropower because it is "environmentally preferable." This environmental seal of approval should be used only for energy sources that do not damage our natural resources.

We do not support permanently tying up a public resource (a river or stream) to provide a small amount of private benefit (the small amount of energy generated by these little hydro plants).

3. Toxics Use Reduction Act

The Toxics Use Reduction Act protects public health and the environment for all who live and work in Massachusetts. Please do not weaken the regulations to this important law to accommodate the request of some chemical manufacturers who consider it burdensome to comply with its requirements.

4. Watershed Protection Act

The Watershed Protection Act (WsPA) regulates land use and activities within critical areas of the Quabbin Reservoir, Ware River and Wachusett Reservoir watersheds for the purpose of protecting the quality of drinking water.

We understand some people are seeking permission for single track biking in the Quabbin Reservoir.

These reservoirs provides an unfiltered public water supply for 2.5 million people, and its management is governed by stringent state and federal regulations designed to protect water quality, including EPA's Surface Water Treatment Rule and the Massachusetts Watershed Protection Act.

There are numerous trails throughout the state available for single-track mountain biking. DCR carefully considers requests for recreational use of this land and allows limited compatible uses, such as boating.

Mountain biking in the Quabbin is not compatible with the watershed's use for water supply and could threaten its legal status as an unfiltered water supply, requiring the MWRA to invest in extremely expensive filtration. We ask you to oppose this request.

5. Waterways, 310 CMR 9.00

The proposed changes to the 310 CMR 9.00 Waterways regulations, 310 CMR 9.00, by

adding "Facilities of Limited Accommodation" as an option in lieu of the longstanding requirement of "Facilities of Public Accommodation" (FPA) will seriously erode the public trust that the statute and regulations are designed to protect. Allowing property owners to substitute businesses that are "open to the public by appointment" is a radical and sweeping change. In return, these businesses must only provide funding for programs that enhance public access and enjoyment of the waterfront. A doctor's office is not really "open to the public" unless you have the right insurance, nor is a day care center, unless your child is accepted. This proposed change applicable to nonwater-dependent uses will likely render the FPA requirement meaningless. We urge MassDEP to reject payment in lieu of FPAs and not to adopt this.

Further weakening the public trust protections in c. 91, a proposed regulatory change would allow property owners to relocate the FPA to an alternative location that will "more efficiently" promote public use and enjoyment when only a portion of the building is subject to c. 91 jurisdiction. The use of the words "more efficiently" make this decision subject to the what the owner deems "efficient" and will result in FPAs being placed away from the waterfront. At a minimum, the word "effectively" should be added so that an alternative placement "more effectively and efficiently" promotes public use and enjoyment. We also think alternative placement should not be permitted if 50% or more of the building is in c. 91 jurisdiction.

6. Ground Water Discharge Permits Program, 314 CMR 5.00

Given the potential public health and environmental impacts of noncompliant privately owned wastewater treatment facilities and the difficulties encountered in enforcement actions against them, MassDEP should not allow these private facilities to self-certify that they meet regulatory requirements regarding single-entity.

Suggestions for improvements to the regulation::

It is difficult for us to anticipate which regulations will be targeted for review (and weakening). The above list is a response to issues we have heard raised in public listening sessions and other meetings, but it is a partial list. We have raised additional concerns in our recent letter to Undersecretary Madden (dated 9/10/15).

I am urge the administration to resist attempts to weaken these regulations because they are "burdensome" for some people who must comply with them. These regulations exist to protect human health and the quality of our environment. Decisions to allow large interbasin transfers, encourage more dam-building, allow bikers on reservoir lands, limit public access to Ch. 91 lands, or let down our guard against chemical toxins in the environment are not easily reversible, and have permanent consequences for us and our children. Thank you for your consideration of this comments.

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Sent: Tuesday, October 27, 2015 3:13 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

 [REDACTED]

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/27/15 3:12 PM

Name (optional):: Lucas Wright

Company/Organization (if applicable) (optional):: Ware River Power/South Barre Hydroelectric Co.

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 225 CMR 14, 15 & 16

General Regulatory Themes:: Energy and Utilities

Please list the Agency or Agencies affiliated with this regulation:: Massachusetts Dept. of Energy Resources

Describe the regulatory issue or observation:: Pre-existing hydro less than 5 MWH of capacity with FERC license exemptions have little or no chance of qualifying for the MA RPS or any RPS market due to stringent regulations imposed by the Massachusetts Dept. of Energy Resources.

Suggestions for improvements to the regulation::

All existing hydro under 5 MWH with FERC licenses or exemptions should be considered Class II Renewable by the nature of their existence. Requiring these hydro sites to go through the LIHI process is too stringent, expensive, and cumbersome, especially for small sites under 1.5 MHW. Powder Mill Hydroelectric, for instance, is currently considering shutting down due to lack of income. With current energy rates as low as they are and a \$9000 application fee required by LIHI to review the application, this amount is 36% of this plant's entire gross revenues for one year. The site's capacity is 150 kW and annually averages 500,000 kW. Gross revenues for this plant in this market are \$25,000 a year. Comparatively, within a 10-mile radius, there have been three solar fields installed that average similar annual kilowatt production. These plants are averaging between 20 and 35 cents per kW. The future of Powder Mill Hydro, like the future of several hydro facilities in similar conditions and size, up to 1.5 MWH, are in serious jeopardy. Powder Mill, for instance, is in desperate need of new trashracks and will not go back online this fall as a result. CEC grant funds are not available to any hydro that does not qualify for the RPS market. There is no future for Powder Mill or many

other facilities that were built in the 80s and 90s that are under 1.5 MWH. For every solar field that is installed, there is a similar amount of renewable energy that is being lost by the shutdown of existing hydro plants in Massachusetts. Ware River Power has been in business since 1981. We'd be happy to provide you with a list of hydro power sites that are on the brink of extinction. We attempt to service and repair many of them.

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[REDACTED]

From: [REDACTED] <noreply+9e3e11f30513d061@formstack.com>
Sent: Monday, October 26, 2015 9:05 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

 [REDACTED]

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/26/15 9:04 AM

Name (optional):: Michael Barry

Company/Organization (if applicable) (optional):: Bay State Forestry Service

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 304 CMR 8 (chapter 61 - forest classification)

General Regulatory Themes:: Environmental Protection

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

Describe the regulatory issue or observation::

I am a consulting forester, working for private landowners in Massachusetts. As a part of my services, I prepare chapter 61 forest management plans for landowners to maintain the lower property tax rate under this program.

The process for filing forest management plans is extremely inefficient at this time due to several factors, including staffing shortages, non-use of available technologies, and increasing requirements of the program. In order for a forest landowner to maintain chapter 61 status, they must submit a forest management plan every 10 years to DCR, who reviews and approves the plans. These plans are then sent to the landowner who is responsible for submitting the plan to the town assessor to maintain the lower tax rate under Chapter 61. Plans are due to DCR by June 30th, and the approved plans from DCR are due to the assessor by Oct 1.

This year, the two offices statewide that collect these 61 plans lost the secretaries who process the plans to retirements. Each office was able (eventually) to secure part time summer help to complete this task. As was expected, there were a lot of bumps in the road with this transition. It took longer for DCR to process the plans, which resulted in the risk of landowners losing their 61 tax status. With technology that is available in this day and age, this process could be simplified in order to reduce processing errors and delays, to increase communications about the status of plans, and to save the

state time and expense with the processing.

At this time, it is required that an original, signed plan and two copies be submitted to DCR. The forester preparing the plan never receives confirmation of receipt of the plan, or confirmation of approval of the plan. When there are questions about the plan or requests for changes, these often happen very close to the deadline for the landowner to submit the plan to the town assessor. It is not due to lack of effort by the state service foresters, but simply due to the inefficient process and the tight deadlines in which we operate.

**Suggestions for
improvements to the
regulation::**

Establish an online filing system for Chapter 61 renewals.

A web-based database could be established to coordinate all chapter 61 lands and management plan records. This system could be set up so that state employees, consulting foresters and landowners all have access to the system with different permissions. Landowners could check on the status of their property and management plan. Consulting foresters could check on the status of management plans that they have prepared and could submit new management plans through the database. State foresters could view new management plan submissions and approve plans in the system, updating the status. Town assessors could use this system to check on the status of 61 landowners in their town.

At this time, I prepare my forest management plans on the computer, print them out, and send them to DCR. At DCR, the secretary takes the paper copy and types info back into the computer for their records. Online filing will eliminate a lot of extra work and will prevent potential typos and omissions.

Potential issue - original signature.

I can file my taxes online without an original, pen signature. I don't see why we cannot file management plans in the same way, without an original signature from a landowner in blue ink.

Example - DEP

Mass DEP has an online filing system for Notices of Intent. An applicant can either file on the paper forms and send them in the mail, or can use the online filing system. I envision that the same options could be used for the filing of chapter 61 management plans.

Please feel free to contact me if anything in this submission is not clear, or if you have questions about how this could work.

Thank you for your time

Mike Barry

MA Licensed Forester #11

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From: noreply@formstack.com
Sent: Wednesday, October 21, 2015 2:45 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 10/21/15 2:43 PM

Name (optional):: Patrick Sullivan

Company/Organization (if applicable) (optional):: 28 Business Council

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:: Massachusetts Executive Office of Energy and Environmental Affairs

Describe the regulatory issue or observation::

1. Support the inclusion of an Expedited Reporting/Certification Process (ER/CP) as a key component in the Regulation Reform of the current Rideshare Regulation.
2. Amend the language of M.G.L. Chapter 30, Section 61 to include a new regulation requiring that project applicants for major real estate and infrastructure projects work with and become a member of the local TMA.

Suggestions for improvements to the regulation::

1. Under the provisions of the Massachusetts DEP's Rideshare regulation, some companies in the Commonwealth are required to survey employees bi-annually and submit annual reports that identify the number of employee commute trips by mode with the goal of reducing drive alone trips by 25%. Reductions of this size are typically achieved through substantial investment in TDM programs and incentives. The inclusion of an ER/CP will adjust the focus of the regulation from surveying/reporting to implementation of Transportation Demand Management (TDM) measures with the intent of developing a more effective regulation that – as indicated by the results of the MassCommute DEP Rideshare Regulation survey of TMA and non-TMA members conducted in 2010 and 2011- will encourage greater private investment in TDM resulting in increased promotion of and participation in commuter options programs by employees.