

**Massachusetts Department of Environmental Protection**  
**Program Plan and Performance Partnership Agreement (PPA)**  
**Federal Fiscal Year 2016-2019 &**  
**Two-Year Workplan for FFY16 & FFY17**

March 2017

**Massachusetts Department of Environmental Protection and the**  
**U.S. Environmental Protection Agency**  
**New England – Region I**

This document is the Performance Partnership Agreement (PPA) between the Massachusetts Department of Environmental Protection (MassDEP) and the United States Environmental Protection Agency (EPA) - Region I for Federal Fiscal Years (FFY) 2016 -2019 (10/1/15–9/30/19). The PPA includes MassDEP’s Annual Program Plan and Two-Year Workplan under the PPA for FFY2016 (10/1/15 –9/30/16) and FFY2017 (10/1/16 – 9/30/17).

The Program Plan/PPA Work plan outlines the commitments that MassDEP has made to EPA Region I for FFY16 and FFY17 under the first two years of the 2016-2019 MassDEP-US EPA Region I Environmental Performance Partnership Agreement (PPA). These commitments are organized according to the EPA’s goals and objectives for FFY16 and FFY17. Negotiations for the FFY18 and FFY19 P&C List will begin in the spring or summer of 2017. The FFY 2016-2019 PPA may be found at <http://www.mass.gov/dep/about/priorities/ppahome.htm>.

This final Work Plan is an agreement resulting from negotiations between MassDEP and EPA Region I starting in the summer and early fall of 2015. The Work Plan consists of MassDEP’s 4 Year Strategic Priorities as well as priorities of the Executive Office of Energy and Environmental Affairs (EEA) and the New England region’s environmental Commissioners; Highlights of MassDEP’s 1 year Priorities, Core Functions Initiatives and Activities; the final modified “Priorities and Commitments” list (P&C List) for FFY16 and FFY17; MassDEP reporting Requirements overview; the FFY16 Projected Budget; and the confidential final compliance and enforcement inspection and targeting initiatives. This agreement shall remain in effect until September 30, 2019. This PPA is intended to be a working document. Therefore, it may be amended by mutual consent, as necessary, to ensure that it remains relevant, up-to-date, and reflective of any significant changes.

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Martin Suuberg  
Commissioner

Date

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Deborah A. Szaro  
Acting Regional Administrator

Date

# **Massachusetts Department of Environmental Protection** **Program Plan/Performance Partnership Agreement Work Plan FFY2016-2019**

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**Massachusetts Department of Environmental  
Protection  
Program Plan/Performance Partnership  
Agreement FFY2016-2019**

**Introduction**

This document is the Performance Partnership Agreement (PPA) between MassDEP and the United States Environmental Protection Agency (EPA) for Federal Fiscal Years 2016-2019 (10/1/15-9/30/19). It includes discussions of programmatic priorities to be carried out under the 4-year (FFY16-FFY19) PPA between the two agencies. This PPA includes the Massachusetts Department of Environmental Protection's (MassDEP's) Program Plan for Federal Fiscal Years 2016 (10/1/15-9/30/16) and 2017 (10/1/16-9/30/17), which consists of a combined statement of goals, objectives, and activities that will be the framework for MassDEP's program-specific work for FFY16 and FFY17.

## **MassDEP's 4-Year Strategic Priorities** **(FFY2016-2019)**

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

MassDEP has secured its status as one of the most innovative and effective state environmental agencies in the nation, and we plan to build on this position in 2016. It is the agency's agenda to support Massachusetts as a healthier and more sustainable place in which to live, to raise families, to grow our businesses and to protect the ecosystems upon which we and future generations depend.

MassDEP's major **Strategic Initiatives** for the four-year period of FFY16-19 includes the following:

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

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

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

**2. Innovation: Develop a Cutting-Edge Information Technology System.** MassDEP is transforming its current information technology system and creating a new framework for information management with a system called EIPAS (Energy and Environmental Information and Public Access System). This new system will better serve our customers, and maximize our work efforts through better use of shared data and online tools. It will eventually provide secretariat-wide and agency-wide paperless online permitting, provide detailed information about regulated facilities, enforcement activities and environmental conditions to citizens online, greatly expand agency efficiency through computer-assisted tools like remote sensing instruments and hand-held electronic devices and automate compliance screening of reports and other data. Fundamental system design work and construction of the permitting features for a selected number of permits, agency process optimization (APO) activities and roll-out of some early-win services and functionality will be a priority for FFY 2016. Additional permitting functions and other complementary modules to

improve compliance and enforcement processes, automating selected data and report screening are planned to be added to the EIPAS system over the next four years.

**3. Regulatory Evaluation and Reform – Executive Order 562.** In accordance with Governor Baker’s Executive Order #562, MassDEP will conduct a comprehensive review of all of its regulations, considering their associated benefits, costs, and impacts on cities and towns, businesses, and the competitive environment in Massachusetts. The review will also include an assessment to ensure regulatory clarity and the use of plain language. MassDEP will conduct outreach and encourage input from stakeholders and the general public through the regulatory evaluation process to satisfy the Executive Order. Through this process MassDEP will reduce duplication, improve regulatory programs, and create efficiencies in existing regulations.

**4. Supporting the Cape Cod Regional Water Quality Plan (Section 208 Plan).** The Certification of the Cape Cod Regional Water Quality Plan Update by Governor Baker in June of 2015 was the beginning of an implementation phase for this Plan, the purpose of which is to address serious water quality impairments. Developed by the Cape Cod Commission with state support, the Plan was the subject of an extensive outreach effort to engage and increase local interest in moving toward sustainable and long term water quality improvements. The Plan was approved by EPA in September 2015. MassDEP is now committed to providing ongoing assistance to Cape Cod communities, and specifically to develop a watershed based permitting approach. Towns interested and ready to incorporate both conventional and innovative technologies into Comprehensive Wastewater Management Plans and targeted watershed plans will benefit from MassDEP technical assistance.

**5. Investigating NPDES Delegation.**

MassDEP is preparing to seek authorization from the U.S. Environmental Protection Agency (EPA) to oversee and implement the federal National Pollutant Discharge Elimination System (NPDES) program. The NPDES

program, which includes permit issuance, compliance and enforcement for facilities that discharge pollutants into surface waters in Massachusetts, is currently administered by EPA. Forty-six states across the country have obtained authorization from EPA to administer the NPDES program, and one state is in the process of receiving delegation. Since early 2015, a number of organizations have requested that MassDEP pursue delegation. In 2013, at the direction of the Legislature, MassDEP convened a stakeholder group and prepared a report about the feasibility, cost, advantages, and disadvantages of being authorized to run the federal NPDES program. In November 2015, MassDEP reconvened an advisory committee in order to further evaluate and identify the needed elements of a successful program, identifying staffing needs and cost estimates, the best method for funding, and lessons learned from other delegated states. MassDEP is in the process of pursuing legislative changes to its State Clean Water Act to support M-S application. MassDEP will continue to keep EPA informed of its progress.

**6. Climate Change, Greenhouse Gas Reductions and Supporting the Clean Energy Economy.** Climate change is a defining issue of our time, and Massachusetts is a nation-leading force to address this issue on many different levels: reducing greenhouse gas (GHG) emissions, mitigating energy price volatility, improving energy security and growing clean energy jobs, and assisting local governments increase their climate resiliency through risk assessment and planning.

Massachusetts will continue to lead on the reduction of power plant emissions under the nine-state Regional Greenhouse Gas Initiative (RGGI). With its lower adjusted regional emissions cap, the program will significantly cut GHG emissions while making funds available for energy efficiency efforts in Massachusetts. With the newly released national program for reducing GHGs from power plants, MassDEP and its partners will ensure that the Commonwealth meets the federal requirements while attaining the state’s goals under the Global Warming Solutions Act, particularly working towards our 2020 goal. Working with the Department of Energy Resources (DOER), we will also ensure that Massachusetts will comply with the Federal Clean Power Plan through RGGI and make any necessary adjustments with the other participating RGGI states.

We will also keep up our efforts to support the deployment of more zero-emission and alternative technology vehicles, zero net energy drinking water and wastewater treatment facilities, as well as place solar panels or wind turbines on closed landfills or once-contaminated parcels.

In addition, MassDEP will work with municipalities to analyze local risks and vulnerabilities, design and implement mitigation strategies, and support emergency response capabilities, in order to minimize the long term negative effects of climate changes on infrastructure, public health and natural systems. By supporting these changes, we will be supporting job growth and technological innovations in this sector.

MassDEP will work as part of the Energy and Environmental Affairs (EEA) team to advance state Greenhouse Gas (GHG) reduction programs. This work will involve updating the 1990 and 2020 “business as usual” GHG emission inventories, providing assistance in data analysis, goal setting, and public participation opportunities. MassDEP will also work with EEA and Massachusetts Department of Transportation (Mass DOT) to implement the transportation regulations and policies to reduce emissions from that sector. We will continue to be involved in and propose other transportation efforts like the Massachusetts electric vehicle initiative and administering MassDEP grants for electric vehicles and charging stations for municipalities.

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

bolster energy efficiency and renewable energy at regulated sites and facilities and expand activities to:

- Encourage and support installation of innovative technological applications and development to scale through piloting and efficient permitting pathways for technologies advancing both energy efficiency and renewable energy generation.
- Working with the Department of Energy and Resources (DOER) and the Clean Energy Center (CEC), encourage, where feasible, hydropower installations or upgrades at sites that MassDEP regulates, including surface water impoundments and in-conduit locations at wastewater and drinking water facilities and systems.
- Encourage dramatic expansion of recycling/conversion of organics to renewable energy (via anaerobic digestion) with the goal of diverting 450,000 tons per year of organic material from landfills and incinerators by 2020 and increasing energy production from aerobic and anaerobic digestion to 50 megawatts (MW) (from under 10 MW today).
- Achieve by 2020, 50 MW of new solar photovoltaic on underutilized contaminated land and Brownfields, helping meet the Renewable Energy Portfolio Standard (RPS) Solar Carve-Out target of 1600 MW of solar photovoltaic (PV), and creating green jobs and tax revenue benefitting Massachusetts communities.
- Achieve by 2020, 150 MW of new solar photovoltaic on closed and capped municipal and private landfills, helping meet the target of 1600 MW of solar PV.
- Expand energy management programs for Wastewater and Drinking Water Plants with goal of achieving zero-net energy at 20 percent of drinking water and wastewater treatment facilities (74 facilities) by 2020.
- Ensure safe siting and use of renewable energy sources (wind, solar, Anaerobic Digesters, hydropower, sustainable biomass, etc.)

## Highlights of MassDEP's 1 Year Strategic Priorities, Core Functions, Initiatives and Activities (FFY16)

In addition to the Strategic Initiatives above, the following priorities will be pursued by MassDEP in FFY16. The annual workplan goals also set out below are designed to implement programs to advance the long term strategic methods of achieving more effective environmental protection in Massachusetts.

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

- a. Participation in the Regional Greenhouse Gas Initiative (RGGI):* This cooperative effort by nine Northeast and Mid-Atlantic states to reduce emissions of carbon dioxide through a market-based, multi-state cap-and-trade program will require a 10% reduction in emissions of carbon dioxide from electric power generators by 2018. Each year the nine states cooperate in auctioning emissions allowances and invest the proceeds in energy efficiency, renewable energy and other clean energy techniques. The greenhouse gas reduction efforts in RGGI are working for Massachusetts' residents and businesses, and we will continue to support this important program.

- b. Implementation of the Massachusetts Global Warming Solutions, Green Communities, and Clean Energy Biofuels Acts:* MassDEP, along with the MA Executive Office of Energy & Environmental Affairs (EEA) and the MA Department of Energy

Resources (DOER), will continue to implement these important laws. Some of our activities include: implementing a mandatory greenhouse gas (GHG) reporting program; making progress towards the 2020 GHG reduction target of 25% below 1990 emission levels; participating in the statewide stakeholder Advisory Committee and Subcommittees developing metrics and plans to meet the 2020 reduction goal; and working with 10 other states on a framework for a *Low Carbon Fuel Standard program*. In addition, MassDEP will be working with EEA and the Massachusetts Climate Change Adaptation Advisory Committee to evaluate climate change adaptation strategies and DEP will develop rules to implement the Supreme Judicial Court's decision in *Kain v. DEP*.

- 2. Improvements to Air Quality** MassDEP will continue work on its State Implementation Plan (SIP) for attaining the National Ambient Air Quality Standards (NAAQS) for ozone, and our regional haze plan while maintaining attainment of the other National Ambient Air Quality Standards (NAAQS): Carbon Monoxide (CO), Lead, Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Dioxide (NO<sub>2</sub>), and Particulate Matter (PM). In addition, MassDEP will continue to control toxic air pollution.

- a. Ozone Attainment:* Attaining and then maintaining the Ozone standard will involve continuing to develop and implement programs to control nitrogen oxides (NOX) and volatile organic carbon (VOC) pollutants which are the precursors to ozone, and will involve working with the Ozone Transport Commission to minimize ozone transport into Massachusetts. Programs that help MassDEP to reach these goals include tail pipe emission control inspection and maintenance programs, limits on VOCs in consumer and building maintenance products and further emission reductions at combustion sources.

- b. Regional Haze Improvement:* EPA's Regional Haze Rule calls for states to establish goals and emission reduction strategies for improving visibility in Federal Class I areas with the first increment of progress to be achieved by 2018. Massachusetts will

continue to work with the Mid-Atlantic-Northeast Visibility Union (MANE-VU) states on regional strategies. Many of the measures taken to control ozone and fine particulates help to control regional haze. In addition, Massachusetts is implementing activities outlined in the Massachusetts Regional Haze Plan submitted to EPA in August 2012.

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

### **3. Water Resource Management and Water Quality Improvement Strategy:**

#### *a. Southeastern Massachusetts and Cape Cod*

*Nitrogen: Watershed Based Reductions*: Nitrogen pollution is a critical issue in the bays and estuaries of southeastern Massachusetts and Cape Cod. MassDEP has committed substantial resources to develop a solid scientific understanding of the causes of the problem and to developing total maximum daily loads (TMDLs) which will assist in the development of plans for achieving needed load reductions. In the coming years, MassDEP will continue partnering with the communities, EPA, and other interested stakeholders to find and implement cost-effective solutions and achieve Nitrogen load reductions

#### *b. Supporting Cape Cod Regional Water Quality Plan*

*Implementation (Section 208)*: MassDEP will continue to prioritize working with Cape Cod communities to address water quality issues on Cape Cod. In June 2015, Governor Baker certified and submitted to U.S. EPA the Cape “208” water quality plan, developed by the Cape Cod Commission

(CCC), to address the longstanding problem of excessive amounts of nitrogen pollution, primarily from septic systems, discharged into the water bodies and estuaries on Cape Cod. The 208 Plan will facilitate development of the most effective and affordable solutions to the problem, tailored to local needs. One of the first tasks called for in the 208 Plan was for Cape communities to develop “watershed reports” for all the watersheds on the Cape. These reports will serve as a starting point for discussions regarding effective and cost-efficient solutions, particularly in watersheds shared by more than one town. In March 2016, Secretary Beaton awarded a \$950,000 grant to Barnstable County to provide the planning tools, technical assistance and monitoring needed to create effective plans. In September 2016, the CCC provided completed reports for all the watersheds on the Cape. MassDEP will continue to work with the Cape communities and CCC to develop and implement final plans to restore the Cape’s water quality.

c. *Stormwater Management*: The revised final MS4 permit was released by EPA and MassDEP on April 4, 2016 for municipal stormwater systems, and will become effective on July 1, 2017. The permit covers approximately two-thirds of the geographic area of the state. Compliance with this general permit will require significant municipal effort over several years, as the permit contains many more detailed requirements for meeting the 6 minimum control measures than the previous 2003 permit. MassDEP will continue to offer assistance to municipalities and collaborate with our local and federal partners throughout this process. The agency will work to develop and share best practices and outreach materials to the municipalities covered by the new permit.



- d. *Protecting and Ensuring Public Access to the Waterfront via c.91, including assessment of improvements to the facilities of public accommodation requirements on new developments:* The Commonwealth's primary tool for protection and promotion of public use of its tidelands and other waterways is Massachusetts General Law Chapter 91, the waterways licensing program, which regulates activities on both coastal and inland waterways, including construction, dredging and filling in tidelands, great ponds and certain rivers and streams. In 2015 and 2016, MassDEP will promulgate new regulatory standards for our "facilities of public accommodation" (FPA) under the Chapter 91 waterfront regulations, and provide more flexibility (with associated Coastal Zone Management regulations) for Designated Port Area boundary adjustments and activities. The changes were developed with stakeholder groups and will be implemented in order to better activate the waterfront and encourage its use and enjoyment by the public. In 2016, MassDEP will also continue implementing its new General License for Small Docks and Piers, a new licensing tool that is designed to provide a faster process, with local input, for residential piers.
- e. *Continuing to Protect Wetland Resources: Wetlands resources are critical contributors to quality of life.* Every year, MassDEP and our local Conservation Commission partners review thousands of applications from developers, homeowners, and other parties who want to conduct work in or near wetlands. In order to most effectively deploy the significant agency resources currently spent on Wetlands Protection Act (WPA) permitting, DEP will prioritize and implement a variety of wetland program activities including immediate issuance of file numbers; increased focus on Superseding Orders of Condition; and increased prioritization based on the significance of wetlands resource impacts. This will reduce agency time spent on lower value added tasks and

will reduce delays for project proponents and Conservation Commissions. In addition, as a result of significant work with an Advisory Group of Wetlands experts, the program will continue to develop and evaluate a new regulatory proposal on standards for Land Subject to Coastal Storm Flowage. The rules will be designed to preserve the essential wetland functions of these areas, which are of particular importance to mitigating the impacts of climate change: storm damage prevention responsive to increasing storm severity and flood control and storage capacity responsive to increased volume and frequency of flooding.

- f. *Implement New Underground Storage Tank Program:* The new Underground Storage Tank (UST) program is a major component of the Massachusetts groundwater resource protection effort, and also a key federal grant commitment. To protect the environment from leaking underground chemical and petroleum products from storage tanks, MassDEP will fully implement federal requirements addressing registration and inspection of UST systems used to store petroleum fuels or hazardous substances. Providing a publicly available database of information on underground tanks in Massachusetts, and implementing a third party inspection program are key components of this groundwater protection effort.
- g. *Implement new Revised Total Coliform Rule for Drinking Water Systems:* The Drinking Water program will promulgate regulatory changes necessary to implement this new federal rule and will apply for approval from EPA to administer this Safe Drinking Water Act provision for Massachusetts. The new rule will address bacteriological contamination events with investigatory requirements to find the causes of

contamination and take corrective actions to prevent future contamination. This critical part of drinking water protection will be advanced with the new rule taking effect in Massachusetts in FFY16, and all public water suppliers moving to the new federal testing and compliance framework. MassDEP will provide current sampling schedules and work with systems to achieve compliance with the new rule. When contamination events occur, the Drinking Water program will continue to provide technical assistance and assessment services.

#### **4. Solid Waste Management:**

a. *Maximizing Composting, Recycling and Reuse:* MassDEP is forging a 21st century approach to solid waste using strategies such as source reduction, recycling, composting, and reuse that minimize the amount of waste generation and maximize the amount of materials that are returned to productive commerce. The end result reduces to the maximum extent feasible the amount of waste disposed. MassDEP will continue to further expand recycling and materials re-use which in turn will help foster growth in green jobs statewide.

b. *Minimizing the amount of solid waste disposed:* Unlocking the hidden energy value of waste and other organics is a priority for MassDEP. MassDEP will continue to explore the potential to convert waste that cannot otherwise be recycled or reused into energy, creating additional economic development opportunities. We are working to change statutes, regulations, and procedures as needed to attain these goals, including implementing waste bans such as a commercial organics disposal ban. The Green Communities Act established new renewable energy credits, and required that a share of the proceeds be used to fund waste reduction activities. We will be using the proceeds of the sale of these energy credits sold by municipal waste combustion facilities

to provide financial assistance for municipal and commercial recycling programs and recycling market development.

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

d. *Implement new tools to improve solid waste management facilities, including enhanced third-party inspections:* Under the Regulatory Reform Initiative, MassDEP will expand upon the solid waste program's existing use of 3rd party inspections, reviews, and/or audits to allow the agency to focus its staff on highest priority activities that will benefit environmental compliance. This will enable MassDEP to require certain facilities or activities to undergo review more frequently than MassDEP's resources currently allow. These 3rd party reviews can identify compliance issues for prompt correction and can also identify conditions that require action to avoid violations. MassDEP will work with stakeholders to design a program that creates incentives to identify and promptly correct issues, and supports high compliance levels.

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

- a. *Focus our oversight on identifying and expediting mitigation and cleanup measures at those sites that pose the greatest risk to human health or the environment, including sites with a complete vapor intrusion pathway.*
- b. *Ensure the continued efficacy of the privatized cleanup program* through ongoing risk reduction efforts, site management, audits and enforcement, guidance development and training.
- c. *Continue to develop the Natural Resource Damages (NRD) program* by building institutional capacity to expedite assessments, restoration planning, and implementation with in-house and targeted contractor support; to advance new cases under 21E, CERCLA, and OPA; and to restore natural resources and the services that they provide to the ecosystem and the public as quickly as possible.
- d. *Continue to implement the multi-agency Massachusetts Brownfields Support Teams:* The Brownfields Support Teams Initiative, a multi-agency pilot program that provides municipalities (and potential developers) with coordinated advice, funding and technical assistance to facilitate Brownfields redevelopment, gives MassDEP another tool to use while shepherding complex projects through the redevelopment process. As we work to reinvigorate historic sites and neighborhoods – often in urban areas across the Commonwealth – we also have an opportunity to advance our climate change and energy priorities.

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

- a. *Enhancing coordination* within the Commonwealth's Incident Command Structure.
- b. *Continuing to participate in drills* with EPA, Coast Guard and Massachusetts Homeland Security staff.
- c. *Continuing to develop MassDEP's Emergency Operations Center* to integrate and exchange information with other agencies that respond to significant incidents.
- d. *Continuing to refine, and optimize operations of MassDEP's Field Assessment and Support Team (FAST)*, including its primary asset, a 27-foot long mobile laboratory vehicle which has improved the agency's ability to generate and evaluate data in the field and to support and enhance routine environmental assessment activities, enforcement efforts and emergency response operations.

*e. Anticipating events and patterns likely to occur as a result of climate change and proactively encouraging measures to reduce detrimental impacts.*

- 7. Providing Core Regulatory Services and Assistance.** Permitting, monitoring, inspections, report review, compliance assistance, enforcement and technical assistance are at the core of what we do every day. It is through these actions that MassDEP most closely engages with those whom we regulate, the public, businesses, municipalities and other stakeholders. These activities will always be a priority, and always be the means through which we protect the environment, conserve our natural resources, protect public health and support and build the right landscape for economic growth.

Annually, the agency typically:

- Conducts 2300 inspections to evaluate compliance with air pollution, industrial wastewater, hazardous waste, solid waste, asbestos, underground storage tank and toxics use reduction requirements annually,
- Issues 500 air pollution, hazardous waste, and solid waste management permits
- Licenses 225 third party reviewers
- Reviews 19,000 compliance, monitoring, and environmental reports and certifications submitted

- 8. Compliance Assurance:** Despite many years of budget reductions, MassDEP continues to place priority on maintaining compliance and enforcement activities. Ultimately, the credibility and effectiveness of any environmental program depends upon our success in ensuring compliance with our protective environmental standards. MassDEP employs a comprehensive Compliance Assurance Strategy that promotes environmental compliance

through compliance assessment activities, enforcement, technical assistance, and public education. We are proud that Massachusetts' regulated community generally has high rates of compliance. However, to ensure that we maintain and improve compliance rates and environmental performance, we must strategically utilize and integrate all these compliance assurance tools.

In FY16, MassDEP will strive to:

- Set priorities for our limited resources based on relative risk, requiring increased reliance on assessment of environmental monitoring and performance data for particular sectors. This includes working with EPA to implement the Alternative Compliance Monitoring Strategies for the Air Pollution and RCRA Hazardous Waste programs whereby inspections of the large sources covered by the Compliance Monitoring Strategies are reduced in exchange for additional inspections of carefully targeted smaller sources.
- Establish performance measures linked to environmental objectives and compliance rates. These are an integral component of initiatives' design, operation and evaluation—we cannot rely solely on traditional enforcement output measures.
- Design strategies that streamline the compliance assurance process by placing increased responsibility on the regulated community to self-identify and correct violations, and promote environmental stewardship and sustainable practices.
- Provide technical assistance, outreach and education to targeted segments of the regulated community, with continued focus on providing assistance to our municipalities.
- Enhance our information management systems and better utilize technology to make our compliance and enforcement efforts more efficient and effective. For example:
  - a. Use remote sensing, aerial surveillance and digital

- mapping and other innovative non-compliance detection strategies and equipment;
  - b. Link inspectors in the field with centralized facility databases and digital maps; and
  - c. Automate the reporting analysis of facility discharge and environmental monitoring data and the generation of compliance and enforcement documents.
- When violations are discovered, take consistent, appropriate and timely enforcement action to:
  - a. Deter non-compliance and ensure a level playing field by making non-compliance substantially more costly than compliance;
  - b. Require violators to cease actions impacting the environment or public health, and to restore impacted environmental resources; and
  - c. Capitalize on opportunities to induce the regulated community to permanently reduce pollution and adopt environmental management systems, and establish best management practices.

**9. Toxics/Emerging Contaminants:** MassDEP will contribute to national and state cutting-edge research and policy development on toxic chemicals. A key component of our work in the next 3 years will be to collaborate with federal agencies to facilitate appropriate federal action on toxics and emerging contaminants. In addition, MassDEP will be implementing other state-led initiatives and programs to manage priority toxic contaminants. Specific activities will include:

- a. Providing technical assistance, outreach and education;
- b. Recommending standards and guidelines in air, water and soil (including updating / implementing air toxics guidelines) when appropriate;

- c. Continuing to work at state, regional, national and international levels to reduce mercury in the environment;
- d. Maintaining research, monitoring scientific findings, and responding to issues on emerging contaminants (such as Pharmaceuticals and Personal Care Products, Trichloroethylene, tetrachloroethane, and perchlorate);
- e. Continuing to implement the reporting and toxics use reduction and conservation planning requirements as refined in the 2008 *Toxics Use Reduction Act (TURA)* amendments.

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

**11. Management Objectives** for the agency for Federal Fiscal Year 2016 have at the forefront our ultimate mission of environmental protection. They also support innovative thinking, advance the commonwealth's diversity goals, and lead the agency's staff in effective information technology use, while ensuring delivery of the highest quality of services to the public. The agency will:

- Create a work environment that is supportive of the MassDEP mission of protecting natural resources and the public health, and advancing a clean energy economy;
- Create a respectful work atmosphere that engenders a willingness to listen and explore innovative ideas and

approaches through collaborative teamwork, good communication and trust;

- Continue to strive in making the agency a workplace with a diversity of staff and pursue a human resources hiring strategy to support the agency into the next era of environmental protection;
- Consciously manage significant cultural changes needed as part of the transformation of its information technology system;
- Maintain the highest expectations for the superb quality work that is the hallmark of MassDEP's public reputation; and
- Provide the highest quality service to the public and our many and diverse stakeholders.

### **FFY16 Priorities for MassDEP from the Massachusetts Executive Office of Energy and Environmental Affairs**

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

- Continuing to implement the Major Information Technology (IT) Redesign & Upgrade known as the "Energy & Environmental Information and Public Access System" (EIPAS). Embark on the first full year of system construction and design work for the multi-year, secretariat wide redesign.
- Reevaluate staffing needs after the Early Retirement Incentive Program group of retirements, effective June 30, 2015, and engage in strategic hiring and personnel planning processes to support

critical agency functions, and implement associated business process improvements where appropriate.

- Strengthen the State's bond with Municipalities. Advance municipal support services through MassDEP's new Office of Municipal Partnerships and Governmental Affairs and the Office of Permit and Regulatory Ombudsman and Special Projects. These offices will strengthen partnerships with cities and towns, support local environmental protection programs and stakeholder involvement, and promote increased understanding about the agency's programs that protect the environment and the public health.
- Regulatory Review: In coordination with EEA, perform an evaluation of MassDEP's regulations under Governor Baker's Executive Order #562 to ensure they are clear, concise, and written in plain language. All of the agencies of the Commonwealth, including the energy and environmental agencies will evaluate their respective regulations for their associated benefits, costs, impacts on cities and towns, businesses, the competitive environment in Massachusetts, and conduct outreach to encourage public input in the regulatory evaluation process to satisfy the Executive Order.
- Clean Energy and Climate Protection: Collaborate with the federal government on implementing the new national greenhouse gas reduction rules for power plants (111[d]), and ensure the Commonwealth satisfies the new federal requirements while still meeting commitments under the state Global Warming Solutions Act (GWSA) and the Regional Greenhouse Gas Initiative (RGGI). Continue implementing the Clean Energy Results Program (CERP) to encourage and facilitate clean energy (including siting of pilot anaerobic digester facilities on state lands; expanding energy management programs for wastewater and drinking water treatment plants; and re-evaluating air guidelines for noise from wind turbines).

- Solid Waste – Commercial Organics Materials Ban: Implement the activities and programs needed to carry out the new regulations which ban commercial organics from disposal in landfills. This ban will divert large quantities of organic materials from the disposal stream in order to save landfill capacity and will put this material to beneficial uses such as harvesting beneficial energy via anaerobic digestion, and increasing composting production.
- Clean Air – Progress on Priority Air Pollution: Continue to focus on priority air pollution issues, including striving to meet the national standard for ozone, as well as focus on regional haze and fine particulate matter.
- Brownfields Redevelopment and Revitalization: The Department's Brownfield redevelopment efforts have been refocused during the year on Governor Baker's Urban Agenda, Lt. Governor Polito's Community Compact, MassDevelopment's Transformative Development Initiative, and our own Urban Compliance/Environmental Initiative. The agency continues to work with municipalities to reinvigorate urban sites across the Commonwealth and facilitate Brownfields redevelopment.
- Environmental Justice: MassDEP began to implement the new Environmental Justice (EJ) Executive Order #552 in Fiscal Year 2015, which requires all Secretariats to take action by developing EJ strategies that promote positive impacts in EJ communities. Following the issuance of the Executive Order, MassDEP actively participated in listening sessions and worked to develop EJ strategies with the support of the Secretary. The agency will implement the adopted EJ strategies over the course of Fiscal Year 2016.

## **FFY16 Collaboration Priorities of the Northeastern States Environmental Commissioners:**

The state environmental commissioners of the seven northeastern states continue to collaborate on areas of shared priorities. Much of this collaboration is facilitated via the Coalition of Northeastern Governors (CONEG) and the New England Governors / Eastern Canadian Premiers. Priority areas for regional collaboration in FFY16 will include the following areas:

- Climate change mitigation and preparation, including 111(d) & RGGI, and carbon intensity of fuels
- Electric vehicles
- Transport of hazardous materials by rail

## **MassDEP's 1 Year Strategic Priorities, Core Functions, Initiatives and Activities (FFY16)**

With the longer four-year term of this Performance Partnership Agreement, MassDEP is also committed to working on annual priorities that build on and align with EPA's National Strategic Plan. EPA explains how the National Strategic Plan "... identifies the measurable environmental and human health outcomes the public can expect over the next four years and describes how we intend to achieve those results. The Plan represents a commitment to our core values of science, transparency, and the rule of law in managing our programs." The plan is organized around 5 Strategic Goals and 4 Cross Agency Strategies. MassDEP's one year priorities follow these themes, and support the 5 Strategic Goals of:

- Goal 1: Addressing Climate Change and Improving Air Quality
- Goal 2: Protecting America's Waters
- Goal 3: Cleaning Up Communities and Advancing Sustainable Development
- Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution
- Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance

Specific commitments for each Goal are set out in the Priorities and Commitments List for FFY16 and FFY17, which is part of this Agreement. They include the following highlights.

Goal 1: *Addressing Climate Change and Improving Air Quality*

### Climate Protection

- Regional Greenhouse Gas Initiative (RGGI):
  - Power plant compliance oversight of GHG requirements in 310 CMR 7.70;
  - Continue to review and approve applications for auction participants, certify auctions; oversee work of contractor conducting auctions;
  - Assist in allocating RGGI auction funds and participate in RGGI strategic communication efforts to publicize use of RGGI funds.
  - Evaluate RGGI as a compliance option under section 111(d) of the Clean Air Act and EPA's standards for existing power plants.
- The Climate Registry (TCR): Continue to participate in voluntary reporting of GHG emissions for MassDEP.
- Update the 1990 GHG Baseline inventory.
- MA Global Warming Solutions Act implementation:
  - Implement regulations mandating GHG emission reporting (310 CMR 7.71);
  - Support the 2020 Clean Energy Climate plan implementing recently promulgated regulations limiting Sulfur hexafluoride (SF6) emissions;
  - Support EEA's activities in its assessment of climate change adaptation strategies.
  - Develop §3(d) rules under the GWSA to comply with the Supreme Court decision in *Kain v. DEP* and Governor Baker's Executive Order #569.
- MEPA GHG Policy: Continue to help implement EEA's policy for reporting and mitigating GHG emissions from large projects subject to the Massachusetts Environmental Policy Act (MEPA); finalize a guidance document for developers, consultants, and agency reviewers.
- Participate in the Zero Emission Vehicle (ZEV) Task force to implement the provisions of the multi-state ZEVMOU to advance the deployment of electric vehicles.
- Clean Fuel Standard (CFS) Reporting and Tracking Program: In conjunction with NESCAUM and other states, discuss pursuing



development of a regional carbon intensity reporting and tracking program for Transportation Fuels.

- Transportation Climate Initiative (TCI): Work with 10 other states and DC to develop regional plans/policies to reduce GHG emissions from the transportation sector.
- Continue to work with the Mass Department of Transportation (MassDOT) on the GreenDOT initiative: Implement regulations to codify GHG reduction targets for transportation in the Clean Energy and Climate Plan for 2020.
- Biomass Certifications for Renewable Portfolio Standards: Continue to work with DOER, the lead for RPS regulations.
- Implement rideshare reporting program, possibly evaluating program improvements under EO 562.
- Participate on ISO committee (s) to advise on decisions that might adversely affect air quality or GHG.
- Continue to implement the Massachusetts Electric Vehicle Incentive Program grants to municipalities, universities, and for workplace charging.
- Continue implementation of efforts to assist Municipal Wastewater and Drinking Water Treatment Plants to reduce their energy use, in collaboration with partners: EEA, EPA Region 1, Clean Energy Center, DOER and energy utilities. This will include assisting wastewater and drinking water facilities with projects financed by State Revolving Fund (SRF) Green Infrastructure funds; DOER Green Community grants and other funding sources, collaborating with EPA on outreach and training on efficiency and renewable generation in new and upgraded plant designs; and implementing creative financing plans for energy related improvements for these plants.
- Facilitate clean energy development through timely permitting and technical assistance.

#### Ambient Air Quality Protection

- NAAQS: Continue actions to remain in, or achieve, attainment with National Ambient Air Quality Standards (NAAQS), with particular attention to ozone - the only national standards that one county (Dukes) of the Commonwealth does not meet.

- Continue to work with the Ozone Transport Commission (OTC) to reduce air pollution transported into the state and ensure that it does not contribute to violations of the ozone NAAQS in Massachusetts.
  - Work with the Mid-Atlantic and New England states (MANE VU) to develop and implement strategies for the control of regional haze.
  - Participate in regional and national air pollution transport discussions as organized by ECOS, OTC and EPA
  - Submit SIP revision and regulations phasing out Stage II vapor recovery program, implementing enhanced Stage I, to EPA.
  - Develop proposed revisions to the Minor New Source Review SIP to meet federal requirements
  - Submit the Reasonably Available Control Technology (RACT) SIP for the Control Technology Guidance documents (CTGs) for VOC controls at certain stationary sources.
- Review proposed NAAQS revisions and provide comments on protection of public health and sensitive subgroups in coordination with NESCAUM, and coordinate with Massachusetts Dept. of Public health on interpretation of NAAQS and appropriate risk communication messaging.
  - Control Technology Guidance Documents: Promulgate regulations implementing CTGs for certain stationary sources, including:
    - Negative Declaration for Automobile and light duty truck Assembly Coatings;
    - Regulations for 1) Industrial Cleaning Solvents; 2) Offset Lithographic Printing & Letterpress Printing; 3) Flexible Package Printing; 4) Paper, Film, and Foil Coatings; 5) Metal Furniture Coating; 6) Miscellaneous Metal Products and Plastic Parts Coatings; 7) Fiberglass Boat Manufacturing Materials; 8) Large Appliance Coatings; and 9) Miscellaneous Industrial Adhesives.
  - Other Air Regulations targeted for FFY16:

- Develop revisions to the regulations regarding the design, installation and maintenance of Engines and Turbines.
  - Develop a replacement for the Massachusetts Clean Air Interstate Rule.
  - Develop regulations to clarify exemptions to plan approval requirements.
- Permitting & Compliance Assurance for Stationary Sources: Continue to allocate permitting & compliance assurance resources based on environmental risk and the environmental performance of the various groups of sources we regulate. Major activities will include:
  - Issuing and renewing air operating permits and incorporating new emission control requirements (MACT, GHG) as applicable into operating permits.
  - Issue plan approvals for new, expanded and modified facilities, operations or equipment.
  - Reviewing compliance reports from major sources of air pollution, and inspecting the portion of them due for inspection under the alternative compliance monitoring strategy (ACMS).
  - Taking appropriate follow-up enforcement action in response to compliance problems identified through inspections or report reviews.
  - Inspecting a sub-set of the 2,000+ minor air pollution sources as per the ACMS and agency priorities.
  - Manage the Stage I vapor recovery program, including managing compliance reports and conducting appropriate follow up inspections and enforcement.
  - Maintaining the stationary source emissions inventory including the collection and analysis of over 1,000 reports per year and completing the conversion to e-DEP.
  - Responding to requests for assistance from regulated entities as well as cities and towns, including as resources allow responding to complaints from residents and businesses regarding dust, noise and odor or possible illegal activities.
- Providing compliance assistance to Fire Departments, including enforcement back up where necessary, so they can manage open burning and minimize air quality impacts.
  - Reduce Emissions from area sources -- Implementing programs/regulations to minimize the air impacts of fuels, consumer products, and commercial and industrial formulations, such as architectural coatings including the new Low-Sulfur Oil Rule.
- Reduce Emissions from Transportation Sources by:
  - Work towards release of an RFR for a new contract for the vehicle inspection and maintenance program.
  - Continued enforcement of tailpipe emissions control requirements (Automobile Enhanced Inspection and Maintenance Program).
  - Implementing Low Emission Vehicle (LEV) Standards for vehicles sold in Massachusetts.
  - Implementing transportation control programs that minimize vehicle miles traveled.
  - Ensuring compliance with the “Big Dig” Administrative Consent Order and Transit System Improvements regulation.
- Issuing annual “conformity” approvals of regional transportation plans and improvement programs.
- Reduce diesel and vehicle emissions by:
  - Identifying and implementing additional diesel reductions and vehicle projects, as funding allows.
  - Implementing state-owned vehicle retrofits and the Massachusetts Markets Program under the Diesel Emissions Reduction Act (DERA) Federal funds.
  - As needed conducting anti-idling assistance, inspections and follow-up. (School bus idling inspections on hold due to enforcement settlement discussions.)
- Controlling other air toxics by:

- To the extent resources allow, implementing the 2006 mercury legislation and other mercury control/reduction strategies (including participation in regional mercury initiatives). (See Goal 4 below.)
  - Implement the revised asbestos program regulations and continue oversight strategies to focus on the highest priority asbestos emissions.
  - Develop and provide guidance documents, internal and external training, outreach, assessment, penalty buckets, policies and procedures, forms and templates for the new Asbestos regulations.
  - Implementing maximum achievable control technology (MACT) programs for which we have delegation and for which MassDEP may choose to seek delegation.
- Ambient Air Quality Monitoring
  - Continue to operate, maintain and analyze the data from state-operated monitors located at 30 Monitoring stations in 20 municipalities
- “Air Online” Web Page – Continue to maintain the MassDEP air monitoring program and Air Online that provides real-time ambient air quality data as well as information about trends and health effects.
- Allowable Ambient Limits (AALs) – Continue to update AALs as needed to support air and toxics programs.

## Goal 2: *Protecting America's Waters*

### Water Management and the Sustainable Water Management Initiative

- Continue developing far-reaching policy and guidance to implement the major regulatory revisions for the Water Management Act program to improve the quality and quantity of our water resources.
- Apply the regulations in permitting proceedings and develop additional needed implementation tools and supporting documents.

- Coordinate closely with Water Management Act permittees on appropriate strategies to identify and implement minimization, mitigation, and offset provisions in permits using an interagency consultation process.
- Administer available state grant programs to advance Sustainable Water Management Initiative goals.

### Drinking Water

- Ensure Public Water Systems (PWSs) Compliance with Standards – Conduct various efforts to ensure that PWSs continue to comply with the state public drinking water standards for water sources, treatment, distribution, management and operation.
- State Drinking Water Lab Certification -- Seek recertification from US EPA for drinking water laboratory primacy under the Safe Drinking Water Act (WES).
- Private Drinking Water Lab Certification -- Continue work to certify laboratories for testing of chemicals and micro-biological samples on potable and non-potable water, according to the Wall Experiment Station (WES) Lab Certification and Fee Regulations.
- Human Health Risk Assessments for Contaminated Drinking Water -- Provide technical support regarding cases of contaminated drinking water supplies. (ORS)
- Technical Support related to Uranium and Arsenic in Private Drinking Water Wells: Continue to provide support and answer or refer public inquiries about the USGS study, and coordinate response with MA Department of Public Health (DPH), MassDEP Office of Research and Standards (ORS) and the Bureau of Resource Protection (BRP) Drinking Water Program.
- Drinking Water Standards and Guidelines -- Update MassDEP's List of regulated contaminants (ORS).
- Long Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 Disinfectants and Disinfection Byproducts Rule – Continue to implement these new federal rules for PWSs.
- Ground Water Rule – Continue to implement this new federal rule for PWSs with targeted education, outreach and assistance. This may

require more inspections at facilities triggering action from testing results.

- Promulgate drinking water regulations necessary to administer the Revised Total Coliform Rule before the deadline in 2016.
- Optimize State Revolving Fund (SRF) for Drinking Water -- Promote sustainability in infrastructure by optimizing available SRF financing, including energy efficient and renewable energy generation in work scopes at drinking water treatment facilities.
- Implement a technical assistance program for schools to comply with the Federal Lead Contamination Control Act.

#### Wastewater Discharges to Surface Waters and Groundwater

- Continue to track Sanitary Sewer Overflows (SSOs) to assist in identifying and mitigating problem areas within sewer communities.
  - Enhanced Utilization of Water Resource Data – Continue to work on expanding statewide a technological interface drawing on geographic information system (GIS) mapping data, SSO reports, and archives of executed enforcement documents to evaluate vulnerable areas and target enforcement efforts.
  - Assist with Issuance of Federal National Pollutant Discharge Elimination System (NPDES) Permits – Assist EPA in issuing permits, enforcing the permit limits. Continue efforts to streamline permit issuance with EPA.
  - Continue to implement the newly developed NetDMR state enhancements which will allow for the electronic filing of the State Operation and Maintenance form and interface with the EPA data base. Work with POTW's to register them in the state electronic data base.
  - Provide input to EPA on the new Federal Stormwater Permits (MS4s) and coordinate with EPA on the issuance and implementation of the new MS4 permit, including development of best management practices.
  - Provide technical assistance to municipalities to increase compliance with new MS4 Stormwater Permit.
- Coordinate Implementation of any new Federal Residual Designations in the Upper Charles River with EPA, including developing and sharing best management practices.
  - Optimize State Revolving Fund (SRF) for Wastewater -- Promote sustainability in infrastructure by optimizing available SRF financing, and including energy efficient and renewable energy generation in work scopes at wastewater treatment facilities.
  - Develop a watershed permitting approach as directed by Chapter 259 of the Acts of 2014 (“An Act Improving Drinking Water and Wastewater Infrastructure”) to address and optimize nitrogen management measures.
  - Laundromat General Permit – Publicize the availability of the general permit for Laundromats discharging non-sanitary (classified as “industrial”) wastewater to the ground.
  - Continue to work with Department of Agricultural Resources (“DAR”) to develop standard operating procedures for farms and other agricultural facilities for the handling and disposal of wastewaters (milk, cheese & yogurt products, etc.) in order to protect groundwater. In addition, work with DAR, breweries and wineries in the development of wastewater disposal options that are protective of groundwater.
  - Industrial Wastewater Sewer Permitting – Implement regulatory reform recommendations, by continuing to permit IWW sewer permit applications requiring a permit as they are submitted, and continue responding to POTW requests for technical assistance related to industrial discharges or operational issues
  - In response to the need for operators with management skills NEIWPCC/MassDEP completed the second year long management training program. This program exposes operators to all the aspects that a chief operator or manager of a facility would use in his/her (s) daily responsibilities. Due to overwhelming interest, this course will now be offered every year in one form or another.

#### State Revolving Fund Program Improvements

- Adopt new and revised regulations to implement the provisions of Chapter 259 of the Acts of 2014 (“An Act Improving Drinking Water

and Wastewater Infrastructure”). The changes will align and conform the State Revolving Fund program to the new requirements of the federal Water Resources Reform and Development Act and other applicable requirements.

- Administer the planning and technical assistance grants authorized and funded in Chapter 259 of the Acts of 2014 (“An Act Improving Drinking Water and Wastewater Infrastructure”) to fund Asset management plans, green infrastructure plans and comprehensive wastewater management plans.
- Within one year of publications of EPA’s guidance on implementation of the Water Resources Reform and Development Act 2014, create guidance on best management practices in consultation with the Mass Clean Water Trust and Massachusetts Department of Revenue.
- With the Mass Clean Water Trust, review SRF loan and financial application process as required by Chapter 259 of the Acts of 2014 (“An Act Improving Drinking Water and Wastewater Infrastructure”) for towns with populations less than 10,000 inhabitants. The review will focus on identifying efficiencies and potential cost reductions without compromising fiscal accountability. Submit the findings and recommendation to the legislature as required by the Act.

#### Watershed Planning

- Implement actions to add additional staff over to address resource shortfalls and accomplish federal commitments.
- Total Maximum Daily Loads (TMDLs): Develop TMDLs based on available water quality data and continue to develop TMDLs for the Massachusetts Estuaries Project (MEP).
- Nitrogen Reduction in the southeastern Massachusetts Estuaries: Continue to work with southeast coastal communities to comprehensively evaluate all options and plans to achieve anticipated nitrogen reduction requirements from TMDLs for impaired estuaries.
- Southeast New England Program (“SNEP”): MassDEP will continue to work with EPA and other partners to implement the Southeast New England Program and further support restoring the ecological health of southern facing coastal estuaries, watersheds, and coastal waters from Chatham, MA to Westerly, RI. MassDEP’s participation is part of the

multi-agency public private collaboration aimed at using innovative and effective approaches and increasing regional cooperation and communication.

- Monitor and evaluate nitrogen reduction projects and technologies in their effectiveness in accomplishing nitrogen reductions. Some of the strategies and tools which may be further evaluated in FFY2016 include inlet widening, shellfish farming, permeable membranes, wetland restoration and enhancements, removing tidal restrictions and innovative and alternative wastewater systems. Some of these approaches may be elements of watershed plans developed as part of the Cape Cod Section 208 Plan implementation. Mass DEP will publicize results of alternative technology evaluation and testing on the MassDEP website.
- Continue to assess and monitor priority watersheds on the 5-year basin cycle.
- Surface Water Quality Data Management – Continue to work towards fully implementing the new “WRATS” database or equivalent functional database, and the Assessment Database (ADB) to help address existing data backlogs via rapid data transfer to EPA through the Water Quality Exchange (WQX) node.
- State Nutrient Criteria – Continue to work with EPA and external stakeholders towards the development of nutrient response criteria, and phosphorus and nitrogen criteria for Massachusetts surface waters.
- MassDEP will begin working with federal and state partners to review our Aluminum criteria as well as our marine dissolved oxygen criteria for the Mount Hope Bay/Taunton River Estuary System.
- Cranberry Bog Nutrient Loading Best Management Practices (BMPs) – Continue to work with bog owners to implement BMPs.
- Bacteria Source Tracking Program (BST) – Conduct limited select source tracking investigations as resources allow to follow up on enforcement on most damaging illegal sources of bacterial pollution
- Continue to address data backlog issues as resources allow.
- Continue to monitor surface water quality based on available resources, in support of developing water quality assessments and the state Integrated List of Waters.

- Implement the well drillers program as resources allow. Continue updating the database; improve on-line access to information on existing wells, and certification process for drillers and drilling equipment.
- Promulgate regulatory updates to the well drillers program.
- Promulgate regulatory updates to the Underground Injection Control rules to conform to federal primacy requirements.
- MassDEP will take a lead role in coordinating with DCR and DPH to evaluate the sources that impact water quality at local beaches and associated mitigation for improving water quality.

### **Goal 3: *Cleaning Up Communities and Advancing Sustainable Development***

- Conduct comprehensive training for staff and Licensed Site Professionals on the Vapor Intrusion Guidance on assessing and mitigating the vapor intrusion pathway at disposal sites under the MCP. Implement regulatory changes related to mitigation, assessment and closure of vapor intrusion sites.
- Complete final Vapor Intrusion Guidance to reflect regulatory changes.
- Develop a strategy for managing contaminated soil resulting from site cleanup and/or development activities so as to minimize disposal in rapidly-filling MSW landfills and protect public health and the environment around receiving locations.
- Support and facilitate solar, wind, and renewable thermal energy development on contaminated sites.
- Continue to update eDEP Transmittal Forms to better integrate current electronically-submitted reports, and planning for the EIPAS data systems restructuring.
- Continue integration of Natural Resource Damages (NRD) Program into the agency's programs; manage existing assessment and restoration caseload, form four new Trustee Councils to implement restoration of groundwater and ecological resources, conduct new assessments, and pursue regulatory development as resources allow.
- Complete final Guidance on Implementing Activity and Use Limitations (AULs) to make it consistent with amended regulations and practice.
- Complete guidance on Light Non-Aqueous Phase Liquid (LNAPL) to support the amended regulations.
- Promote use of "Greener Cleanups" through outreach and training on guidance and case studies.
- Develop and implement incentive program for overall reduction of net environmental footprint of assessment and remediation activities.
- Continue to ensure immediate and appropriate response to environmental emergencies:
  - Identify specific critical infrastructure areas for emergency response preplanning and focused efforts.
  - Implement and maintain interagency OHM response communication protocols.
  - Ensure EPA's Emergency Planning & Response Branch receives significant spill incident and response notification.
  - Conduct post-event analyses of significant spill events and response operations to evaluate interagency responses, performance and identify areas for improvement.
  - Coordinate interagency development of ethanol spill response protocols.
  - Coordinate preventative SPCC inspections with EPA Emergency Planning & Response Branch.
- Ensure the Quality, Efficiency and Rate of Cleanup at Waste Sites:
  - Continue enforcement actions for cleanup-related violations.
  - Provide and manage state contractors engaged to conduct assessment and cleanup actions.
  - Coordinate with EPA on OHM removal actions conducted by EPA's Emergency Planning & Response Branch; Assist with National Priority List (NPL) Sites – Continue to provide input to EPA on Records of Decision (RODs) and other deliverables, and (as resources allow) assist with cleanup of federal CERCLA/Federal Facilities.
  - Implement regulatory amendments that provide for the use of Notice of Activity and Use Limitation in lieu of Grant of

Environmental Restriction as an institutional control at NPL sites.

- Continue comprehensive training and outreach program to the Licensed Site Professional (LSP) and regulated communities, as resources allow.
  - Implement Resource Conservation and Recovery Act (RCRA) corrective action by transitioning RCRA sites into the 21E program, implementing the RCRA Corrective action site oversight at current or former TSDFs, and auditing RAOs and closures as they are received.
  - Continue the Waste Site Cleanup Audit Program – Implement audit program activities. Focus regional audit work on: (a) broad screening efforts to identify and follow up on non-compliance work earlier in the site cleanup process, and (b) targeted audits based on key submittals.
  - Continue to review site-related human health and ecological risk assessment reports (ORS).
  - As resources allow, incorporate Greener Cleanup BMPs into site remedy Operation & Maintenance overseen by MassDEP (e.g. publicly-funded cleanups), including incorporating energy
- Continue long-term operation and maintenance at NPL sites (including but not limited to Baird & McGuire, Silresim, Charles George, Atlas Tack, and, Groveland Wells).
  - Evaluate implementation of specific recommendations from the EPA-developed Optimization Reports for the Groveland Wells Baird and McGuire, and Silresim NPL sites and evaluate report recommendations for implementation. Continue development of exit strategies with the assistance of EPA based on the Optimization Reports. Continue in evaluating modifications to address net environmental footprint of assessment and remediation activities through incorporation of Greener Cleanup BMPs Initiate Optimization Study for Silresim.
  - Begin work on two newly listed NPL sites (Creese & Cook and Walton & Lonsbury).
- Work with EPA on the potential listing of the BJAT site in Franklin. Continue working with the PRPs on the Fireworks site to determine whether NPL listing is warranted.
  - Consider/evaluate conservation/alternative energy when awarding MassDEP O&M contracts.
  - Enhance the Restoration and Redevelopment of Brownfields:
    - Continue to provide technical assistance to municipalities, MassDevelopment, Attorney General's Office, Department of Revenue, Executive Office of Housing and Economic Development, and other proponents of Brownfields Redevelopment in Economically Distressed Areas.
    - Continue developing the Brownfields Assistance Database to capture data, share information, and track metrics associated with the sites with which MassDEP is involved.
    - Continue work on MassDEP's Prepared Municipal Workbook, a web-based tool for Brownfields reuse.
    - Enhance outreach efforts by improving web experience, facilitating the Massachusetts EPA Brownfields All Grantees Meeting; and continuing regional Brownfields Sustainable Community Forums.
    - Continue work on Urban Farming, Open Spaces, Healthfields, and Solar projects on Brownfields.
    - Work with other state and federal agencies as well as municipalities and non-profits to promote cleanup and redevelopment of projects as part of Round 2 and Round 3 of the multi-agency Brownfield Support Team Initiative.
  - Revenue Billing and Collection System – Continue billing and collection. In conjunction with OGC, continue initiative for collection of outstanding 21E cost recovery and compliance fee receivables.

#### **Goal 4: *Ensuring the Safety of Chemicals and Preventing Pollution***

##### Hazardous Waste & Toxics

- Compliance Oversight of Hazardous Waste generators, transporters and Treatment, Storage and Disposal Facilities (TSDFs) including:
  - Annual TSDF inspections
  - Inspections of large quantity hazardous waste generators; as needed inspections of small and very small generators, and compliance report reviews as per our ACMS
  - Follow-up enforcement in response to compliance problems
  - Registration of hazardous waste generators
  - Hazardous Waste TSDF licenses renewals
  - Hazardous Waste Transporters, and issue transportation vehicle identification numbers (VIDs) license issuance
  - Management of the hazardous waste shipment reporting program (EMORES), including report collection, analysis, and enforcement of the reporting requirement
  - Implementation of the Financial Assurance provisions that require that TSDFs have adequate financial instruments in place to respond to close the facility and respond to releases
- Implement the new streamlined TSDF license renewal process developed with EPA – Region 1
- Working with other New England states, discuss compliance oversight strategy for pharmacies and other stores that are Large Quantity Generators of hazardous waste due to returned or expired pharmaceuticals
- Streamline the Hazardous Waste Transporter compliance checks
- EPA Authorization of the Massachusetts Hazardous Waste Management Regulations – Continue working toward full federal authorization where appropriate and warranted.
- Toxics Use Reduction-- Continue to implement the toxics use reporting and toxics use reduction planning requirements of the Massachusetts Toxics Use Reduction Act including report collection and management

and enforcement of the reporting and planning requirement, and releasing the data

- Chemical Hazard Support – Provide technical support to the TURA Science Advisory Board on chemical hazards
- Underground Storage Tank (UST) program -- Implement the federal UST program by:
  - Implement revisions to the program regulations and provide technical assistance and training on the revised requirements
  - Register Third-Party Inspectors and follow up on Third Party Inspection reports
  - Finalize new program policies and guidance
  - Build DEP staff capacity
  - Implement the UST Class A, B and C Owner/Operator Training and exam program
  - Implement new data systems and eDEP capabilities
  - Manage UST registrations and third party inspection reports
  - Conduct inspections and enforcement follow-up at UST facilities
  - Provide technical assistance to the regulated community
- Mercury -- Mercury Management Act Implementation, Regional Mercury TMDL, and NEGC/ECP Mercury Action Plan, including:
  - As resources allow, continue implementation of the Massachusetts Mercury Products law and items below
  - Receive certifications from manufacturers mercury-containing products, auto salvage yards, auto shredders, and auto manufacturers;
    - Require auto manufacturers to improve vehicle switch collection/recycling program;
    - Follow up on annual vehicle switch recycling rate determination;
    - Continue to participate in IMERC;
    - Implement the new reporting requirements related to thermostats and mercury containing lamps established by the 2014 amendments of the Mercury Management Act.



- Update the dental mercury Environmental Results Program compliance certification regulations and certification forms
- Continue (at a reduced level) long-term strategic monitoring of mercury in freshwater fish tissue and the environment, and analyze trends.
- Revisit and update as necessary the Massachusetts Mercury TMDL, as well as support the NE states 319(g) petition efforts and the efforts of the ECOS Quick Silver Caucus.
- Emerging Contaminants: On-going efforts to prioritize and assess the potential impacts from emerging contaminants and develop management strategies (e.g. Pharmaceuticals & Personal Care Products [PPCP] and Engineered Nanoparticles), including maintaining involvement in PPCP research with UMASS and USGS, and maintaining awareness of PPCP/EDC health and environmental levels, and participation in interagency nano-materials workgroup. Issue waivers from household hazardous waste collection regulations to municipalities and others collecting waste medications from residents.
- Prepare a risk assessment protocol to protect children's health, and implement (as feasible) via air guideline derivations and MCP standards (ORS).

#### Solid Waste

- Compliance Oversight of Construction and Demolition (C&D) Debris Processors:
  - Conduct routine inspections
  - Publish C&D recycling rate data if resources allow
- Conduct the Waste Ban Compliance Initiative
- Solid Waste Master Plan Implementation: Implement the 2010-2020 Solid Waste Master Plan, in order to maximize the amount of materials that are put back into productive commerce through recycling, composting or reuse, and minimize the amount of waste disposal.
- Implement the commercial organics waste ban effective October 1, 2014. Conduct extensive outreach and deliver compliance assistance,

guidance, and information resources through Recycling Works in Massachusetts

- Encourage Solid Waste Re-use, Beneficial Use, and Innovation -- Encourage solid waste reduction through municipal grants, loans and technical assistance, with particular attention on:
  - Commercial Recycling -- Provide technical assistance through "Recycling Works" and "Waste Wise" programs
  - Commercial organics -- Support pilot collection efforts and support development of a handful of capacity projects
  - Initiate strategic planning and targeted implementation to establishing recycling infrastructure to enable a future disposal ban on organics (commercial), carpet and textiles.
  - Improve the overall municipal recycling rate efforts by offering grants under the Sustainable Material Recovery Program to include grants for "Pay as You Throw", carts, drop-off equipment, local enforcement coordinators and small scale investments
  - Provide technical assistance to municipalities on improving waste reduction programs through the Municipal Assistance Coordinators.
  - Continue to promote a statewide educational effort to increase textile diversion
  - On-going management of the Recycling Loan Fund including the expanded funding for Anaerobic Digestion Projects.
  - Oversee the Springfield Materials Recovery Facility (MRF) including overseeing the contract, day to day operations and facility maintenance, participating on the advisory council and evaluating how to increase tonnage.
  - Review annual reports for the Municipal Waste Combustor Material Separation Plans including monitoring mercury diversion.
  - Administer the Bottle Deposit Law and Redemption Center Registration Program, including responding to consumers, bottlers, redemption centers, and legislator's comments/inquiries regarding potential program expansion.
  - Conduct enhanced compliance assessment and enforcement regarding disposal bans with enforcement on haulers and

generators of material Administer Class II Recycling Program Permits, including ensuring third party waste ban inspections are completed; monitoring waste characterization studies by facilities; and tracking credit sales and contributions to SMRP.

- Respond to requests for information from the public and recycling industry.
  - Implement the Recycling Dividends Program (RDP).
  - Issue a state-wide procurement (RFR) for recycling services for several non-traditional materials: carpet, textiles and mattresses.
- Develop and Implement Regulatory Reform Initiatives
    - Implement Anaerobic Digestion and organic conversion and diversion regulations.
    - Develop and implement an enhanced third party inspection program for waste management facilities
    - Develop and implement permits by rule/performance standards and compliance certifications in lieu of permits for certain solid waste management facilities
  - Solid Waste Management Facility Safety:
    - Continue to conduct routine inspections, review compliance reports, and take appropriate enforcement actions to ensure wastes are handled properly.
    - Respond to requests from BWP for assessments of chemicals emanating from landfills with respect to interpreting air, soil and groundwater data (ORS).
    - Continue to issue permits and plan approvals for solid waste management landfills, transfer stations, composting facilities, and Beneficial Use Determinations.
    - Revise targeted Waste Ban Plans in accordance with results from the C&D processor waste ban initiative.

**Goal 5:** *Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance*

Despite years of significant budgetary constraints, MassDEP continues to place priority on maintaining compliance and enforcement activities. Ultimately, the credibility and effectiveness of any environmental program depends upon our success in ensuring compliance with our protective environmental standards. MassDEP employs a comprehensive compliance strategy that promotes environmental compliance through assurance assessment activities, enforcement, technical assistance, and public education.

We are proud that Massachusetts' regulated community generally has high rates of compliance. However, to ensure that we maintain and improve compliance rates and environmental performance, we must strategically utilize and integrate a variety of compliance assurance tools. In FY15, MassDEP will strive to:

- Set priorities for our limited resources based on relative risk, requiring increased reliance on assessment of environmental monitoring and performance data for particular sectors. We will continue, in cooperation with EPA Region 1, to increase inspections of "minor" facilities and reduce the inspections of major facilities whose environmental compliance record is proven and strong.
- Establish performance measures linked to environmental objectives and compliance rates. These are an integral component of initiatives' design, operation and evaluation – we cannot rely solely on traditional enforcement output measures.
- Provide technical assistance, outreach and education to targeted segments of the regulated community, with continued focus on providing assistance to our municipalities.
- Enhance our information management systems and better utilize technology to make our compliance and enforcement efforts more efficient and effective.
- When violations are discovered, take consistent, appropriate and timely enforcement action to:
  - Deter non-compliance and ensure a level playing field by making non-conformance substantially costlier than compliance;

- Require violators to cease actions impacting the environment or public health, and to restore impacted environmental resources; and
- Capitalize on opportunities to induce the regulated community to permanently reduce pollution and adopt environmental management systems, and establish best management practices.

#### Compliance Assurance Targets & Significant Activities for FFY 2016

Significant planned Compliance Assurance activities include:

- EPA Approved Alternative Compliance Strategy: MassDEP will continue to implement the Alternative Compliance Strategies for the RCRA and Air programs as approved by US EPA. This strategy focuses increased resources on smaller sources that may have significant, aggregate environmental impacts, while maintaining an appropriate and more targeted inspection program for the major sources, which generally have high compliance rates. MassDEP has applied continue to implement this strategy in FFY16 and report to EPA on the results for the prior years
- EPA Mandated Compliance Activities:
  - Meet PPA inspection commitments for RCRA, Air, UST, NPDES, and water supply.
  - Follow-up enforcement on significant violators.
  - Continue to work with EPA on actions related to the State Review Framework for MassDEP.
- Organics Waste Ban: In FY14 MassDEP promulgated regulations that effect large commercial facilities generating more than one ton of waste per week. In FY16 MassDEP will conduct outreach to the regulated community to inform them about the requirements under the new regulations.
- Laboratory Compliance: In FY14 MassDEP completed its planned inspections of the laboratory sector which resulted in four Attorney General enforcement cases. In FY16 MassDEP will be conducting increased compliance outreach to the lab sector.
- Public Water Supply Compliance: MassDEP will undertake a number of initiatives related to public water supply (PWS) compliance, including:
  - Provide compliance assistance to PWSs on the MassDEP manganese health advisory
  - Assist and educate PWSs to maximize compliance with the new Revised Total Coliform Rule (promulgated in April 2016)
  - Create “Compliance Scheduled Action (CSA) Notice of Noncompliance” for monitoring and reporting violations. These NONs will include a compliance scheduled action (CSA) form or section so that EPA can consider issuance of these NONs “formal-enforcement.”
- Stormwater Management: MassDEP will continue to pursue a combination of intensive compliance activities to help municipalities improve stormwater management and to meet, or exceed, the requirements in the new 2016 MS4 permit. This includes continued support for permit implementation and expansion of the successful model first created by the “Central Massachusetts Regional Stormwater Coalition” The model of cooperation has been adopted in the creation and ongoing work of five additional regional coalitions.
- Wastewater Priorities:
  - Inspection of pump stations – MassDEP will continue its initiative from FFY14 into FFY16 with both follow up enforcement when appropriate and additional inspections.
  - Provide compliance assistance for new regulatory requirements including Inflow/Infiltration (I/I) plans and sewer system evaluations
  - Begin performing desktop audits on pretreatment program annual reports. There are approximately 47 Massachusetts pretreatment programs with an annual report requirement.
- Wetlands Priorities: In FFY16 MassDEP will continue the wetland change initiative with aerial photography and field assessment to identify, triage, and address unpermitted alterations.
- State Revolving Fund (SRF) Priorities: In support of wastewater priorities in FFY16 MassDEP will solicit and finance projects that

rehabilitate pump stations especially those procuring energy efficient pumps. The Clean Water Trust will also continue to solicit and finance projects that include SSES and Infiltration and Inflow (I/I) studies and subsequent sewer system improvements.

- In support of drinking water priorities, in FFY16 MassDEP will solicit and finance projects that treat for manganese, at systems that cannot meet the new standard; with particular emphasis on financing projects proposed by small systems.
- Underground Storage Tanks (UST): In FY15 MassDEP will promulgate the new UST program regulations. These program changes were deemed to be needed after the UST program was transferred from the Massachusetts Division of Fire Safety (DFS) to MassDEP in July 2009. MassDEP's will continue to inspect 60 randomly selected facilities to evaluate sector compliance with EPA's measures of significant operational compliance, and enforce the Third Party Inspection and 18-month compliance certification requirements. Waste Site Cleanup: In FY16 MassDEP will continue to provide compliance assistance to help the regulated community implement the amended Massachusetts waste site cleanup regulations, which were fully effective June 20, 2014. There will be an emphasis on the regulatory provisions regarding source control, LNAPL and vapor intrusion.
  - This will include MassDEP efforts to update and streamline screening/auditing procedures and reviews while analyzing new submissions to determine areas to be targeted for compliance assistance.

#### Internal Compliance & Enforcement Quality Control

- Participate in the New England States/Region 1 compliance and enforcement coordination and planning process.
- Implement a mix of operational and policy changes to improve the efficiency and effectiveness of the enforcement process.
- Continue to participate in, and follow up on findings from the EPA State Review Framework process.

#### FFY16 Compliance Targeting/Inspection Plan

- The FFY16 PPA Inspection Plan is included as a CONFIDENTIAL attachment to this PPA Work Plan/Program Plan, and is provided only to the U.S. EPA.

### *Cross-Cutting Issues*

#### Energy Efficiency and Renewable Energy

Continue to implement the Clean Energy Results Program (CERP) established in November 2011 in partnership with the Department of Energy Resources (DOER) and the Mass Clean Energy Center (MassCEC). Under this program, MassDEP undertakes a broad range of activities designed to achieve greater environmental protection by facilitating the siting and development of energy efficiency and renewable energy projects. MassDEP will achieve this through a number of new initiatives described below, as well as through some of its traditional permitting, assistance, fiscal and enforcement activities. Activities include, but are not limited to:

- Continue activities to support and facilitate siting solar energy at closed municipal and privately-owned landfills.
- Continue efforts to reduce the amount of energy used by municipal facilities in the treatment of drinking water and waste water by as much as 20% by working with EPA, DOER, utilities, and other partners. Work to increase renewable energy generation at these facilities and increase the number of "zero net energy" facilities in Massachusetts with the goal of 20% of water utilities (74 utilities) achieving zero-net energy by 2020.
- Continue efforts to reduce the net environmental footprint of assessment and remediation activities through the incorporation of Greener Cleanup BMPs and utilize contaminated lands and brownfields for renewable energy, including increasing activities to support and facilitate solar, wind, and renewable geothermal energy development on contaminated sites; updating and maintaining the Contaminated Sites Profile List; conducting outreach to potential energy developers and training/outreach to LSPs.
- Support the development of anaerobic digestion projects that generate methane for fuel for use in combined heat and power operations at farms, wastewater treatment facilities and stand-alone operations by

implementing the organics waste ban (effective October 1, 2014), mapping organics generation and providing financial support for project development.

- Promote energy efficiency at sites and facilities MassDEP regulates, working with the Office of Technical Assistance;
- Complete the Research Study on Wind Turbine Acoustics review with the Wind Turbine Noise Technical Advisory Group (WNTAG) to determine what, if any, regulatory or policy changes may be needed related to wind turbine noise. As resources allow, draft revisions to the noise regulation, accept public comment at public hearings and promulgate the revisions.
- Support further exploration of hydro/ocean/tidal power possibilities to evaluate regulatory/permitting obstacles and protection standards.
- Enhance the assistance provided to project proponents and communities through increased technical support and establish clear and predictable permitting pathways for renewable energy.

#### Enhanced Use of Information Technology

Radically improve the effectiveness and efficiency of MassDEP's activities and services using state-of-the-art Information Technology, including acquiring major capital funds for a sweeping, multi-year information management transformation effort. This redesign is laid out in MassDEP's IT redesign roadmap (called the Environmental Information and Public Access System Study) which was developed in FY12. (See 3-year priorities and Strategic Focus above.) In addition, MassDEP will continue the following IT-related endeavors:

- Continue to work with the Mass. Executive Office of Energy & Environmental Affairs on the secretariat-level consolidation of IT (launched in 2009) – particularly via the new EEA IT Governance Group.
- Maintain and improve MassDEP's website services and capabilities.
- Improve geospatial analysis tools for MassDEP personnel.
- Continue MassDEP's participation in EPA E-Enterprise Activities to support EPA/MassDEP information sharing activities.

#### Emergency Planning, Environmental Disaster Response & Homeland Security

- MassDEP will take steps to enhance its agency-wide emergency preparedness and response capabilities, with particular focus on enhanced planning and coordination related to storm preparedness and climate change hazards, avian flu, and man-made hazards. MassDEP will establish the function of an emergency planning officer that will provide high level planning and coordination between MassDEP programs/regions, and with other agencies to improve these efforts.
- Continue to enhance the capabilities of MassDEP Field Assessment Support Team (FAST), building on lessons learned from previous deployments. Continue outreach activities to improve first responders and other EP/ER/HS stakeholders understanding of FAST capabilities and how to access FAST. Between Emergency Response (ER) types deployments, expand the use of FAST resources on more routine MassDEP regulatory programs.
- Look for opportunities to more fully utilize the enhanced capabilities at Wall Experiment Station (WES) as a result of the completion of the multi-year expansion program.
- Review, update and enhance content and access to EP/ER/HS guidance material that is publically available on DEP's website.

#### Environmental Justice

"Environmental Justice is based on the principle that all people have a right to be protected from environmental pollution, and to live in and enjoy a clean and healthful environment. Environmental Justice is the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies and the equitable distribution of environmental benefits."

EJ provides that all people have a right to be protected from environmental pollution and to live in and enjoy a clean and healthy environment regardless of race, income, national origin or English language proficiency. The Massachusetts Department of Environmental Protection (MassDEP) will continue to implement programs and activities considering Environmental Justice concerns and in accordance with the Executive

Office of Energy and Environmental Affairs' Environmental Justice policy and guidelines of the Commonwealth's Executive Order 552. Incorporating environmental justice (EJ) into Performance Partnership Agreements (PPAs) is critical to better improving the health, welfare and environment of all persons in the communities we serve. Article 97 of the Constitution of the Commonwealth of Massachusetts provides that the 'people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources: is hereby declared to be a public purpose."

The PPA process requires that MassDEP continue to work with EEA to determine "whether activities undertaken to comply with state regulations and efforts disproportionately impact low-income communities" and "consider overall societal benefits, including reductions in other air pollutants, diversification of energy sources and other benefits to the economy, environment and public health" and to encourage sustained and continued efforts now and into the future to ensure that environmental justice remains a priority for the Executive branch.

Moreover, MassDEP will:

- Continue to implement programs and activities considering Environmental Justice concerns and in accordance with the Commonwealth's Environmental Justice policies and guidelines of Executive Order 552.
- Continue to participate in Monthly All States EJ Workshop Calls to learn about and share issues, concerns, best practices, and lessons learned.
- Continue to use EJ webpage and the EJ Quarterly Team Meetings as a way to communicate to MassDEP staff and community members the various types of EJ programs and projects in which the department is involved.
- Explore opportunities to use new technology to share EJ news with the community, stakeholders and MassDEP staff.

- Evaluate ways to implement some of the material learned at EPA's 2015 Community Involvement Training Conference to assist in community outreach and public involvement.
- Use lessons learned from the successful Springfield Urban Compliance Initiative (UCI) which used EJ criteria and community health and toxics exposure data to target compliance assurance activities, assist with Framingham UCI and expand initiative to Central and Southeast Regional Offices.
- Collaborate with EPA Headquarters on the development of a Title VI Complaint Review Process, and internal protocols to receive, review and address any complaints against the department that may occur in the future.
- Continue to explore EJ partnering opportunities at the Regional and national level, resources permitting.
- Continue to make sure that climate resiliency and mitigations strategies are incorporated equitably into MassDEP planning and implementation.
- Work with EEA to enhance collaboration with applicable federal agencies where appropriate (e.g., U.S. Army Corps of Engineers, Housing and Urban Development, Department of Interior, Department of Agriculture, Department of Energy, Health and Human Services, and National Oceanographic and Atmospheric Agency)
- Review the environmental impact of major real estate and infrastructure developments on EJ communities in the context of MEPA and requests and the Department's permits and regulations.
- Continue to explore ways to promote "Healthfields" by preserving open space, protecting species habitat, and working landscapes and provide opportunities for outdoor recreation and access at the parks, beaches, and farms through our continued collaboration with our sister agencies and parent agencies at Department of Conservation and Recreation (DCR), Department of Agricultural Resources (DAR), Department of Fish & Game (DFG), Division of Conservation Services (DCS), and Energy and Environmental Affairs (EEA).
- MassDEP will continue to promote public involvement and participation with Translation Services.

- Continue to distribute on a priority basis State Revolving Funds to EJ communities to make investments in renewable energy and sustainable water infrastructure.
- Collaborate with EEA and EPA on environmental justice initiatives as appropriate, including collaboration with the Natural Resource Damages (NRD) Program and our local Steering Committees to select habitat restoration and water quality improvement projects that can benefit EJ communities.
- Promote the policies and practices of Plan EJ 2014 & Plan EJ2020.
- Evaluate potential integration and use of EJSCREEN & C-FERST.

#### Administrative Priorities

- Maintain core administrative services, including; payroll management; benefit and leave management; procurement; building and asset management, mail; vehicles and travel; human resource management; training; employee health and safety; time management and reporting; labor relations.
- As resources allow, the following priority activities will proceed in FY16:
  - Enhance professional development through staff training activities
  - Continue improvements to MassDEP's worker health and safety activities, including EO511 and associated training
  - Continuing paper file reduction and management, for efficiency and for cost savings.

## **Quality Assurance Management Program**

In order to ensure that all federally funded environmental data generated under this agreement will be of known and documented quality suitable for use as environmental indicators and program outcomes and outputs, the Department and EPA Region I will maintain a Quality Assurance Management Program. The Quality Assurance Management Program is documented in the Department's Quality Management Plan (QMP) recently

updated in June 2015 in accordance with EPA Requirements for Quality Management Plan (EPA QA/R-2). The QMP is designed to:

- Ensure that quality assurance project plans completed by DEP or DEP's grantees and contractors meet the EPA Requirement for Quality Assurance Project Plans (EPA QA/R-5) and are completed and approved prior to data collection activities;
- Coordinate quality assurance efforts among the bureaus, programs and offices at DEP;
- Oversee the planning, implementation and assessment of environmental quality assurance programs;
- Oversee the planning, generation, evaluation and reporting of data associated with quality indicators;
- Schedule the review and updating of the QMP annually to identify and make any needed changes to the quality system and submit a revised QAPP list (Table 1 of the QMP) to EPA. The Department continues to provide annual updates; including any needed changes and a revised QAPP list at the end of the state fiscal year.
- The MA DEP Quality Management Plan recently updated in 2015 is presently awaiting approval from US EPA; once approved the QMP is valid for five years until 2020. EPA New England's Quality Assurance Office will continue to work with MassDEP by providing guidance, training and technical support.
- EPA conducted a 2014 QSA Audit of MassDEP in May 2014. The next QSA Audit will be conducted by EPA in three to five years.

## **Grant Management Overview**

This Performance Partnership Agreement (PPA) covers federal fiscal years 2016 – 2019 (October 1, 2015 to September 30, 2019). The PPA, including the itemized Priorities and Commitments List, sets forth the goals, sub-goals, objectives, programs, activities, deliverables, and measures of progress to address the full range of cooperative federal-state environmental programs under the Massachusetts Department of Environmental Protection's (MassDEP) jurisdiction. The Agreement, including the

Priorities and Commitments List, serves as the Workplan for the Department's Performance Partnership Grant (PPG). The PPG, in combination with other federal and state funding sources, is a key financial vehicle for implementing the Agreement. The PPG currently combines the following federally-funded grants:

- Air Pollution Control- Clean Air Act, Section 105
- Hazardous Waste Program - Resource Conservation and Recovery Act, Section 3011
- Underground Storage Tank Program- Solid Waste Disposal Act, Section 9010
- Public Water Supply Supervision- Safe Drinking Water Act, Section 1443(a)
- Underground Injection Control Program, Safe Drinking Water Act, Section 1443(b)
- Water Pollution Control- Clean Water Act, Section 106
- Nonpoint Source Management- Clean Water Act, Section 319
- Wetlands Program Development- Clean Water Act, Section 104(b)(3)
- Brownfields- Comprehensive Environmental Response, Compensation & Liability Act, Section 128a (for FFY17 – FFY19)

Some environmental program grants are awarded through a competitive process. An applicant and the Regional Administrator may agree to add funds available for a competitive grant award to a Performance Partnership Grant. If this is done, the work plan commitments from the competitive grant must be included in the Performance Partnership Grant work plan. After the funds have been added to the Performance Partnership Grant, the recipient does not need to account for these funds in accordance with the funds' original environmental program source, but remains accountable for delivering on workplan commitments.

In order to include funds from an environmental program grant listed in 40 CFR §35.101 in a Performance Partnership Grant, applicants must meet the requirements for award of each of the environmental programs from which funds are combined in the agency's Performance Partnership Grant. These requirements can be found beginning at 40 CFR §35.140.

The Agreement and associated work plans also include descriptions of non-PPG funded work that is necessary to accomplish the environmental and public health goals set forth in the Department's and US EPA Region 1 Strategic Plans. MassDEP and US EPA Region 1 will continue to explore opportunities for improving grant efficiency, and measuring environmental results.

### **Selected Key Federal Regulations and Policies Governing Grants**

1. All categorical environmental state grants, including PPGs, are governed by 40 CFR 35, *State and Local Assistance, Subpart A, Environmental Program Grants* (commonly referred to as Part 35). All state grants are subject to 40 CFR 31, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*. All grants and agreements are also subject to 2 CFR Part 200 and 2 CFR Part 1500, Subpart E, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. Performance Partnership Grants and Performance Partnership Agreements do not supersede any law, regulation, or delegation agreement.

2. Work plan requirements. Performance Partnership Grant work plans are subject to the same requirements as any other grant work plan, which can be found at 40 CFR 35.107. An approvable work plan must specify:

- The work plan components to be funded under the grant;
- The estimated work years and the estimated funding amounts for each work plan component;
- The work plan commitments for each work plan component and a time frame for their accomplishment;
- A performance evaluation process and reporting schedule in accordance with 40 CFR 35.115; and
- The roles and responsibilities of the recipient and EPA in carrying out the work plan commitments.

3. The regulation at 40 CFR 35.107(c) states:



An applicant may use a Performance Partnership Agreement or a portion of a Performance Partnership Agreement as the work plan for an environmental program grant if the portions of the Performance Partnership Agreement that serve as all or part of the grant work plan: (1) Are clearly identified and distinguished from other portions of the Performance Partnership Agreement; and (2) Meet the requirements in §35.107(b). A PPG work plan should be the product of joint planning, priority setting and mutual agreement between the state and EPA. The PPG grant work plan is the result of negotiations between EPA and state program managers and staff. Successful PPG work plan negotiations rely on a predictable process that fosters prompt resolution of issues, including elevation of issues to senior management levels if necessary. In successful work plan negotiations EPA and the state will reach a mutual understanding and agreement about what will be accomplished under the agreement.

Work plans must also be consistent with applicable federal statutes, regulations, circulars, executive orders, and EPA delegations, approvals, or authorizations. The PPA or portion thereof that serves as a grant work plan must meet the same work plan requirements as for any state program grant. The portion(s) of a PPA that serve as a work plan must be clearly identified and distinguished from the rest of the PPA.

4. EPA program offices must ensure that the work plan contains well-defined outputs and outcomes by [EPA Order 5700.7](#). The term “output” in EPA Order 5700.7 means an environmental activity, effort, and/or associated work product related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period. The term

“outcome” means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative and may not necessarily be achievable within an assistance agreement funding period. For state assistance agreements under 40 CFR 35, *State and Local Assistance, Subpart A, Environmental Program Grants*, Subpart A, program offices may satisfy this requirement by ensuring compliance with 40 CFR 35.107 (summarized above). Prior to approving an assistance agreement work plan, EPA program offices must ensure that the work plan is linked to EPA’s Strategic Plan architecture.

5. **Grant Policy Issuance (GPI) 12-06, Timely Obligation, Award, and Expenditure of EPA Grant Funds** provides in section 7.0 (in part):

- a. Estimating Budgets: Consistent with applicable NPM Guidance, EPA should request States to develop and/or submit their work plans and applications based on the previous year’s award amount or the amount derived from the President’s budget, whichever is higher. If amounts based on the President’s budget are not known, negotiations should be based on the previous year’s award amount. (Section 7.1.b.)
- b. Focus Negotiations on New Priorities: Assuming that the level of funding is not significantly different from the previous year’s grant amount, the primary focus of work plan negotiations should be on new priorities consistent with applicable NPM guidance. Less emphasis should be placed on negotiating recurring activities/commitments where there is a satisfactory record of grant performance. (Section 7.1.b.)
- c. Multi-Year Grant Awards: For multi-year grant awards, applicants should apply for the total amount of funds expected for the period covered by the award and include any required match in the

application. The work plan should also cover the same time period. EPA will fund the application incrementally as funds become available. (Section 7.1.c.)

- d. **Pen and Ink Changes:** If the final amount of funding is lower than the amount applied for, Regions will work with States to identify necessary changes. The State will not need to submit a revised workplan or new application. Regions will document and date through pen and ink changes/email correspondence, agreed-upon revisions to the workplan, budget narrative, and application forms. (Section 7.2.c.)

6. MassDEP may use the Performance Partnership Grant, subject to the requirements below, to fund any *activity* that is eligible for funding under at least one of the environmental programs from which funds are combined into the grant.

MassDEP will use the Performance Partnership Grant to fund multi-media activities that are eligible and have been agreed to by the Commissioner and the Regional Administrator. The range of activities vary as needed by program, but may include staff time for program design and implementation to achieve measurable environment and public health results. Such activities may include multi-media permitting and enforcement and pollution prevention, sampling, analysis, ecosystem management, community-based environmental protection, and/or other innovative approaches and activities.

7. Consistent with **GPI 12-06, *Timely Obligation, Award, and Expenditure of EPA Grant Funds***, for multi-year awards, MassDEP applies for the total amount of funds expected for the period covered by the award, and includes a commitment for any required match in the application. The multi- year work plan should also cover the award same period. US EPA will fund such applications incrementally as funds become available. (Section 7.1.c.)

8. To be allowable under Federal awards, costs must meet the following general criteria, found in 2 CFR Part 200 (Subpart E), *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Award*:

- Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
- Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. See also § 200.306 Cost sharing or matching paragraph (b).
- Be adequately documented. See also 2 CFR §§ 200.300, *Statutory and national policy requirements* through §200.309, *Period of performance of this part*.

### **Work Plan Development Process and EPA's National Program Manager Guidance.**

In 2016, [EPA's National Program Manager \(NPM\)](#) guidance moved to a two-year, exceptions-based process and there is a national movement

towards pursuing multi-year work plans. Region 1 is responding to our state's request to pilot a two year Priorities & Commitment List process for our States to match with the FY16-17 NPM guidance and is moving toward multi-year work plans that are aligned with the two-year NPM guidance process. Under this approach, there is an expectation that the negotiated workplan commitments will cover a two-year period absent changed circumstances as defined below. An example of the benefits of this approach includes minimizing/eliminating the need for extensive workplan negotiations at the mid-point of an award, with recurring commitments from year one typically carrying over into year two. This approach should also better align the priorities communicated through the NPM and individual programmatic grant guidance with the commitments and flexibilities negotiated in grant work plans.

Adjustments to year-two commitments will be necessary if there are changed circumstances, that can include, for example, changes in Administrator/NPM priorities, revisions required by EPA's Annual Commitment process, or a substantial reduction or increase in EPA funding.

### **Reporting & Measures for Evaluating Performance.**

For this Agreement, MassDEP will continue to produce regular (at least annual) status reports for the elements outlined in the Priorities and Commitment Lists covering this time period. MassDEP and EPA agree to meet as needed to discuss progress and address any areas of concern. MassDEP staff will continue to produce and submit annual work plan progress reports to EPA New England. MassDEP will continue to improve its reporting mechanisms, focusing on developing a jointly agreed upon set of environmental and programmatic measures, which will help foster discussions on how MassDEP and EPA New England are meeting their strategic objectives and achieving measurable environmental results.

MassDEP's annual assessments will strive to summarize results, track progress on identified P&C List commitments, identifying areas where progress met or exceeded expectations and where the agency may have had difficulty in achieving anticipated progress on deliverables or where the

MassDEP may fall behind on specific strategic objectives. MassDEP and EPA will work cooperatively to improve the annual assessment progress by including specific indicators of air and water quality, as well as land resources management in terms of outputs and outcomes.

### **Commitment to Joint Evaluation**

MassDEP will work with EPA Region 1 to develop a process for jointly evaluating and reporting progress and accomplishments in compliance with 40 CFR Part 31.115.

### **Key Authority in Regulation and Guidance for Grant Management**

The list below summarizes the key authorities in regulation and guidance that have been referenced in this section on grants management:

- A. 40 CFR Part 31
- B. 40 CFR Part 35, Subpart A; including 40 CFR §35.101, 40 CFR §35.107, 40 CFR §35.115, and 40 CFR §35.140
- C. 2 CFR Part 200
- D. 2 CFR Part 1500, Subpart E
- E. EPA Order 5700.7
- F. EPA Grants Policy Issuance (GPI) 12-06

### **Reporting Requirements**

Reporting of program data required by federal programs will continue under this agreement as MassDEP and EPA continue discussions about state reporting requirements to national databases and steps to identify and reduce reporting requirements that are ineffective and burdensome.

MassDEP continues to work with severely constrained resources and with significantly reduced staffing levels. Therefore, in the event that MassDEP

must prioritize in meeting reporting requirements, the high-priority reports identified below are where resources will be dedicated.

### **Goal 1: Clean Air - Priority Clean Air Reporting Requirements**

**Annual Reports on Implementation of the Automobile Inspection and Maintenance I/M Program:** EPA regulations (41 CFR 51.366) require MassDEP to submit annual reports on its program. 2011 reports were submitted in July 2012; 2012 report submitted in summer 2013

#### **Submission of Ambient Monitoring Results to the AQS**

**Database:** MassDEP routinely posts validated air monitoring data to EPA's AQS database. MassDEP posts hourly raw ozone and meteorological data to EPA's AirNow public website. MassDEP provides EPA with an annual review of its entire air monitoring program.

**AIR NOW reporting:** Submitting ozone and PM2.5 real-time data and forecasts to the Data Management Center

#### **Submission of emissions to Emissions Inventory System**

**(EIS).** MassDEP annually posts equipment, emissions, and throughput data for stationary sources to EPA's EIS database. This data comes from MassDEP's Source Registration program.

### **Clean Air Reporting Required Outside the PPA Process**

To provide a context concerning the relationship between federal requirements and the Performance Partnership Agreement (PPA), the following are some examples of federal requirements outside the PPA. These requirements are outside the PPA either because they are outside the scope of the PPA (for example, Clean Water Act State Revolving Fund) or have not been restated in the PPA because they are required in an existing formal source (law, regulation, delegation agreement, etc.) and have not

become part of the PPA strategic discussion. These examples provide a good sense of the source and types of requirement outside the PPA, but are by no means an attempt to provide a comprehensive listing of all requirements.

#### **Clean Air Act Provisions**

Example: Section 182 (c) provides the timeline for many SIP submissions requirements due in the 1990's. Partly because MassDEP has wanted the PPA to only reflect the most significant expectations, the PPA has not always contained every one of these submissions (e.g., requirement to submit ozone precursor inventory every three years). MassDEP air staff is aware of these requirements.

#### **EPA's SIP Actions in the Federal Register**

Example: EPA sometimes attaches conditions on its approval of SIP submissions. These conditions may require MassDEP to take some action.

#### **National Data Base**

Example: MassDEP submits monitoring and compliance information into the AQS and EIS systems.

#### **Other Grants**

Example: Grants to MassDEP for PM2.5 and toxics monitoring are not included in the PPA, however this data is routinely reported to EPA's AQS database and these monitors are included in the annual network review. MassDEP hourly posts raw PM2.5 data to EPA's AirNow public website.

#### **Delegation Agreements**

Example: Massachusetts has assumed delegation of many MACT, NESHAP or NSPS emission standards. Under the delegation agreement, EPA regularly sends MassDEP lists of new standards with a request that MassDEP indicate the standards for which they wish to accept delegation.

### **National Guidance Documents**

Example: The request for submissions of ozone and PM designations were issued in guidance document by EPA, and sent to the Governors with letters explaining the importance of the request.

### **Goal 2: Clean and Safe Water -- Priority Drinking Water Reporting Requirements**

To provide a context concerning the relationship between federal requirements and the Performance Partnership Agreement (PPA), the following are some examples of federal requirements outside the PPA. These requirements are outside the PPA either because they are outside the scope of the PPA (for example, Clean Water Act State Revolving Fund) or have not been restated in the PPA because they are required in an existing formal source (law, regulation, delegation agreement, etc.) and have not become part of the PPA strategic discussion. These examples provide a good sense of the source and types of requirement outside the PPA, but are by no means an attempt to provide a comprehensive listing of all MassDEP's reporting obligations to EPA.

#### **Monthly Reports on the status and frequency of inspections and certification determinations for in-state microbiological laboratories:**

MassDEP and EPA R1 have negotiated an aggressive laboratory inspection schedule to ensure that an adequate laboratory inspection and certification schedule is maintained. MassDEP provides monthly updates on inspection activity and certification determinations.

**Program Reviews:** EPA Region I conducts program reviews of the state drinking water program. The next review is scheduled for FY-17. State drinking water file reviews are used to determine potential discrepancies in complying system inventories, and identifying monitoring and drinking water standards violations.

**Submission of PWS Violation Results to the SDWIS Database:** Timely and accurate information on drinking water system violations is a significant indicator of public health protection and performance of drinking water programs. MassDEP will continue to import such information into SDWIS on a timely basis.

### **Annual Reports on Capacity Development and Operator Certification Programs:**

These programs are important to analyzing the overall capacity of the drinking water program. Their particular emphasis is on the need to support small systems, the vast majority of systems in Massachusetts.

**Quarterly Reports on State Water Security Activities:** MassDEP will use grant monies to support state and local coordination relating to water security and emergency response planning. Close tracking of these efforts will continue to be an important item.

### **Reporting under specific Safe Drinking Water Act Provisions**

Example: Section 1413 of the SDWA (a) provides general timelines by when States must adopt promulgated federal drinking water regulations, and submit appropriate and adequate documentation (e.g., primacy applications). Specific deadlines depend upon the dates on which the respective regulations have been promulgated. Other specific program implementing reporting requirements are embedded within the SDWA, such as notification of systems' variance & exemptions, and the Biennial Wellhead Program Status Report. Periodic updates on the implementation of certain regulations are required by federal regulations and state primacy agreements.

### **Underground Injection Control Data**

Underground Injection Control (UIC) program submits quarterly reports and an annual report to EPA R1 on program activities and measures of success for input into the national database.

### **Extension Agreements**

Example: Extension Agreements between EPA R1 and MassDEP outline specific extended primacy deadlines, and implementation and reporting requirements appropriate for each rule. Such reporting is particularly important for EPA R1 in cases where the Region has interim primacy enforcement authority.

### **State Revolving Loan Program Requirements**

Under the Drinking Water State Revolving Loan Fund, the state submits a biannual program report, an annual financial audit, annual capacity development and operator certification implementation reports, list of systems in significant non-compliance (every three years) and electronic input into the NIMS system.

### **Regional Program Evaluations and Inspector General Audits**

Example: the Inspector General completed an audit of State Capacity Development Programs, including the Massachusetts program. Other IG audits or surveys may occur during the year.

### **National Guidance and Program Measures**

MassDEP will provide data for EPA Region 1's report on the national annual drinking water program objectives and measures. Commitments between EPA R1 and EPA OW are reflected in a Memorandum of Agreement.

### **Priority Surface Water Reporting Requirements**

**Water Quality Standard Revisions:** The Clean Water Act section 303(c) requires the state to review our Water Quality Standards at least every three years, a process which includes public hearings and input. Any revisions to the Water Quality Standards are submitted to EPA.

**Integrated List:** The Clean Water Act section 303(d) requires the state to establish and periodically revise (every two years) its priority ranking of waters which do not meet water quality standards. The Clean Water Act section 305(b) also requires a biennial report to Congress evaluating the quality of waters in its streams, rivers and lakes. The report assesses the extent to which the state's waters have attained that goal. This report is now done as the "Integrated List" combining the 303(d) list with the 305(b) list.

The Clean Water Act section 305(b) requires states to prepare and submit to EPA a water quality assessment report every 2 years. This is now done as

an integrated section 305(b) and section 303(d) Listing Report, which combines the 303(d) list of waters not meeting standards with the 305(b) assessment. It is due by April 1, 2004 and every two years thereafter. In addition, MassDEP develops individual watershed assessment reports on a five year rotating cycle that serves as the primary information for the development of the Integrated List. The watershed assessment reports are not a federal requirement, but are made available to EPA and the public.

**TMDLs:** The Clean Water Act 303(d) requires that states establish TMDLs and submit them to EPA for approval. The schedule of TMDL work planned is generally included in PPA.

**Non-Point Source (NPS) Annual Report:** The Clean Water Act section 319(b)(11) requires that each state annually submit a report on its NPS program and plan, and revise as necessary.

**State Water Monitoring and Assessment Program:** To meet FY 2005 section 106 grant requirements, the state submitted a Comprehensive Water Monitoring and Assessment Strategy in September 30, 2004. This Strategy has served as the roadmap for expanding state monitoring activities over the last 10 years. MassDEP has been working diligently, with guidance from EPA, to update our monitoring strategy. We anticipate that our revised strategy will be final in early FY16.

**Clean Water Act State Revolving Fund:** MassDEP submits an annual financial audit report, annual program report, and annual minority business and women's business (MBE/WBE) reports for this program.

**Specific Grant Reporting Requirements:** Grant agreements have specific reporting requirement tailored to monitor progress in achieving the grant's objectives, the pace of the work, its completion and evaluation. MassDEP reports on these projects as described in each grant agreement.

### **National Guidance and Program Measures (Surface Water and Watersheds)**

Several new national program measures have been proposed by EPA that are new tracking requirements and are not currently obtained by MassDEP. MassDEP intends to use the Integrated List as a means of tracking water quality actions and improvements over time and will work with Region I to provide as much information on these measures as possible using our existing programs.

### **Goal 3: Priority Reporting for Managing Waste and Cleaning Up Waste Sites**

#### **Underground Storage Tanks**

**Semi-Annual Activity Report:** This semi-annual report covers activities at federally regulated USTs, including confirmed releases from USTs, cleanups initiated, cleanups completed, emergency responses, and releases from upgraded USTs (separate report: see below)

**LUST Grant Dollar Drawdown:** This quarterly (or more frequently if EPA requests it) report documents the amount of funding we have used from available LUST grant funds.

**LUST Grant Closeout "Final FSR":** This report, prepared at the end of each grant, details where the LUST grant dollars were spent, on such things as staff oversight, contractor costs, site-specific cleanup, and tangible items such as pumps, blowers, etc.

#### **Priority Site Remediation and Restoration Reporting**

**Superfund Remedial NPL:** MassDEP reviews and concurs on NPL-related documents:

**Superfund Remedial Federal Facilities NPL:** MassDEP reviews and comments on NPL-related documents.

#### **RCRA Corrective Action**

MassDEP will implement RCRA Corrective Actions through its 21E program pursuant to authorization received in 2008 and will meet periodically with EPA staff.

#### **Site Remediation and Restoration Reporting Outside the PPA**

**Superfund Pre-remedial:** This quarterly report relates to evaluating sites on CERCLIS (EPA's database of sites potentially eligible for NPL listing), including EPA Preliminary Assessment and Site Inspection reports, reviewing No Further Action decision and decisions to remove sites from the list, and recommending additions to CERCLIS and for NPL listing. We also report on selection of sites for Brownfields Site Assessments and their progress.

**Superfund Block Grant:** This quarterly report includes National Priority List (NPL) Support Agency activities for NPL sites and core activities for eligible non-site specific work.

Typical activities performed by the state include reviewing and commenting on all major documents, and evaluating records of decision, participating in public meetings and site management meetings, overseeing state contractors, identifying state ARARs, and performing timely communication of issues and concerns. Under the Superfund Regulation, 40 CFR Part 35 Subpart O, MA DEP is required to submit the following under this CA: Quarterly Progress Reports, Financial Status Reports, MBE/WBE Reports, and Property Inventory Reports, if applicable.

#### **Brownfields Reporting Outside the PPA**

**Brownfields 128A Cooperative Agreement:** This quarterly report includes activities listed in our approved grant related to establishing and/or enhancing the program elements contained in the 2002 federal Brownfields legislation, and to developing/maintaining the required public record. We



also report on site selection for new Brownfields Site Assessments and do site-specific assessment and cleanup work.

#### **RCRA Permitting Information**

- Permit Renewal Tracking
- Permit/Post Closure Approved Controls In Place tracking

### **Enforcement and Compliance Reporting Outside the PPA**

**Regular Reporting of Inspection and Enforcement Information into National Program Data Systems:** With the advent of much wider public access to compliance data through EPA's Enforcement and Compliance History Online (ECHO) website in 2002, timely and accurate entry of inspection and enforcement data and quality assurance of the information is of significant importance. In addition, DEP's and EPA's increasing focus on using the data in our systems to manage the programs requires that the data be current and of high quality.

**Annual Compliance and Enforcement Performance Report:** This important report summarizes DEP's compliance and enforcement performance for EPA and the public.

### **OES Information Needed from MA DEP**

#### **RCRA Compliance Program Required Reports /Information**

- EOY Report per the PPA
- Data Entry and Maintenance of RCRA Info for all RCRA Activities
- State specific priority write ups where substituted in lieu of core program activities distributed to the States (e.g., 20% generator coverage, etc.)

#### **Water Compliance Program Required Reports/Information**

- NPDES Minors Reporting – 40 CRF 123.45(c) requires that the Region submit to EPA Headquarters an annual reporting of the compliance status of NPDES minor permittees in Massachusetts. The report is to include the total number of minors reviewed, the number of non-complying minors, the number of enforcement actions issued to minors, and the number of permit schedules extending compliance deadlines. The report is due annually on February 28<sup>th</sup>. EPA requests that MA DEP provide relevant information regarding MassDEP's enforcement against minors conducted during the preceding year so that it can be incorporated into the report.

NPDES Inspection Reporting – Individual EPA 3560 Forms – Water Compliance Inspection Reports must be completed for each inspection that the MA DEP would like to have coded into EPA's Permits Compliance System database. Copies of these forms must be submitted to EPA.

MA DEP Enforcement Actions – Copies of all informal and formal water administrative, judicial and penalty enforcement actions must be submitted to EPA. Similarly, EPA provides the MA DEP with copies of all EPA formal and informal enforcement actions.

**Drinking water program required Compliance / Enforcement reporting** MassDEP submits data into SDWIS and provides compliance and enforcement information as described in the previous section on SDWA reporting.

Significant Noncompliance (SNC) Quarterly Reports. These reports are discussed at quarterly meeting to share information on current compliance status and coordinate enforcement responses for unaddressed significant SNC public water systems. Note: reports are generated by EPA.



### **Air Compliance Program Required Reports/Information**

- MassDEP will enter/send inspection, testing, compliance monitoring, and enforcement information to EPA's national ICIS-AIR data system at least once every 60 calendar days and will periodically review this data and make improvements as deemed necessary to meet the minimum data requirements (MDRs).
- MassDEP will update ICIS-AIR at least monthly to Federally Reportable Violations.
- MassDEP will maintain and update ICIS-AIR facility data to accurately reflect air program applicability (NSPS, NESHAPS and MACT) and facility classification.
- MassDEP will identify, address, and resolve HPVs in accordance with EPA's Timely and Appropriate Enforcement Response to High Priority Violators, July 1999, the most recent HPV policy in effect and MassDEP's Enforcement Response Guidance. MassDEP will inform the EPA Region 1 liaison in person, by phone, or by email within 60 days of identifying, addressing or resolving an HPV.
- MassDEP will participate in the annual data verification process which will also provide EPA a year end evaluation of state progress in meeting the compliance activity and data quality objectives of the PPA.

jointly evaluate and report progress and accomplishments under the workplan.

### **General Grant Reporting Requirements**

Grantees shall submit annual performance reports within 90 days of the end of the grant year. The reports will address: accomplishments as measured against work plan commitments, cumulative effectiveness of the work performed under all work plan components, existing and potential problem areas, suggestions for improvement, including, where feasible, schedules for making the improvements. (40 CFR 31.40 and 40 CFR 35.115).

In addition, a joint evaluation process will culminate in a year-end senior leadership meeting, which will be held in October. This meeting will

No.	RO (Reopener New, Reopener Revised)	2016 PPA Priorities & Commitments List	2017 PPA Priorities & Commitments List	Approval: Initials, Date		MassDEP Contacts 617.292.XXXX	EPA Contacts 617.918.XXXX	Item-Specific Reopener	FY2017 Reopener Comments	Approval: Initials, Date	
				MassDEP	EPA					MaDEP	EPA
		Objective 3.1: Promote Sustainable and Livable Communities	Objective 3.1: Promote Sustainable and Livable Communities								
		<i>Environmental Justice</i>	<i>Environmental Justice</i>			Kerry Bowie - 556-1007	Senior Program Manager: Sharon Wells - 1007				
1		MassDEP will continue to implement EJ policies and coordinate with EPA to identify (ongoing) and implement (new) activities that will advance environmental justice within state programs. MassDEP will continue to participate in the EJ state monthly and quarterly calls and coordinate with EPA Headquarters and Region 1 on appropriate projects. MassDEP will continue to convene its EJ Team and will document EJ success stories and activities and share with the community as resources allow.	MassDEP will continue to implement EJ policies and coordinate with EPA to identify (ongoing) and implement (new) activities that will advance environmental justice within state programs. MassDEP will continue to participate in the EJ state monthly and quarterly calls and coordinate with EPA Headquarters and Region 1 on appropriate projects. Mass DEP will continue to convene its EJ Team and will document EJ success stories and activities and share with the community as resources allow.	KB 12.10.15	STW 12/10/15	Kerry Bowie - 556-1007	Manager: Sharon Wells - 1007 Tech: Deborah Brown-1706				
		Objective 3.2: Preserve Land	Objective 3.2: Preserve Land								
		<i>Sustainable Material Management</i>	<i>Sustainable Material Management</i>				Senior Program Manager: Thomas D'Avanzo -1801				
2		MA will continue to work on projects that reduce or divert municipal solid waste from incineration and landfills while supporting a sustainable materials approach. This approach, emphasizing the value of materials, will lead to increasing source reduction, reuse, recycling and composting. AS part of this work, the state will evaluate the potential to enter solid waste data as part of the SMM State/EPA Data Measurement Pilot.	MA will continue to work on projects that reduce or divert municipal solid waste from incineration and landfills while supporting a sustainable materials approach. This approach, emphasizing the value of materials, will lead to increasing source reduction, reuse, recycling and composting. AS part of this work, the state will evaluate the potential to enter solid waste data as part of the SMM State/EPA Data Measurement Pilot.	GC 9/11/2015	TD 12/1/15	Greg Cooper 292-5988	Senior Program Manager: Thomas D'Avanzo -1801				
		<i>RCRA Authorization</i>	<i>RCRA Authorization</i>			Greg Cooper 292-5988	Senior Program Manager: Beth Deabay - 1343				
3		Adopt and submit authorization application for rules (Labs, DTC, and remaining HSWA listings).	Adopt and submit authorization application for rules (Labs, DTC, and remaining HSWA listings).	JP 9/11/2015	BD 9/9/15	James Paterson 556-1096	Manager: Beth Deabay - 1343 Tech: Robin Biscaia - 1642				
	RR							Serve on E-Manifest Advisory Board		GC 11/21/16	BD 11/21/16
	RR							Assess impacts of proposed Generator Improvement and Pharmaceutical Rules.		GC 11/21/16	BD 11/21/16
		<i>RCRA Permit Renewals</i>	<i>RCRA Permit Renewals</i>			Greg Cooper 292-5988	Senior Program Manager: Beth Deabay- 1343				
4		Renew TSDF permits at two (2) TSDFs on the 14-18 permit renewal baseline. (HW0)	Renew TSDF permits at two (2) TSDFs on the 14-18 permit renewal baseline. (HW0)	RB 9/11/2015	BD 9/9/15	Richard Blanchet 654-6585	Manager: Beth Deabay - 1343 Tech: Sharon Leitch - 1647				
		<i>UST</i>	<i>UST</i>			Thomas DeNormandie 617-292-5763	Senior Program Manager: Beth Deabay -1343				
		<i>STAG funds are included in the PPG to cover costs for UST Program activities that are ineligible with LUST Prevention (LP) Funds. LP funds are not PPG eligible - funds are in separate cooperative agreement.</i>	<i>STAG funds are included in the PPG to cover costs for UST Program activities that are ineligible with LUST Prevention (LP) Funds. LP funds are not PPG eligible - funds are in separate cooperative agreement.</i>								
5		Continue MassDEP UST program development work including, but not limited to, implementation of MassDEP UST regulations effective Jan. 2, 1015; development of on-line (eDEP) registration, change of status and third party inspection report submittal and automated data systems; verification of regulated universe information and database clean-up; and development of additional compliance assistance materials and outreach.	Continue MassDEP UST program development work including, but not limited to, implementation of MassDEP UST regulations effective Jan. 2, 2015; development of on-line (eDEP) registration, change of status and third party inspection report submittal and automated data systems; verification of regulated universe information and database clean-up; and development of additional compliance assistance materials and outreach.	TD 9/11/2015	BD 9/9/15	Thomas DeNormandie 617-292-5763	Manager: Beth Deabay - 1343 Tech: Joan Coyle - 1303				
6		Improve UST Operational Compliance: (a) Perform state lead field inspections to determine significant operational compliance.	Improve UST Operational Compliance: (a) Perform state lead field inspections to determine significant operational compliance.	TD 9/11/2015	BD 9/9/15	Thomas DeNormandie 617-292-5763	Manager: Beth Deabay - 1343 Tech: Joan Coyle - 1303				
6b	RN							UST Data Management System (DMS) upgrades. MassDEP has identified needed improvements to the system that will improve user operations (both for MassDEP and for UST owners, operators, and inspectors). This funding will be used for contractor support to make the improvements.	Multi-purpose grant funding	GC 11/21/16	BD 9/26/16
7		Improve UST Operational Compliance: (b) continue to improve operational compliance by 0.5% over rate of previous year. (ACS Code: ST6 / 3.2).	Improve UST Operational Compliance: (b) continue to improve operational compliance by 0.5% over rate of previous year. (ACS Code: ST6 / 3.2).	TD 9/11/2015	BD 9/9/15	Thomas DeNormandie 617-292-5763	Manager: Beth Deabay - 1343 Tech: Joan Coyle - 1303				

8		Reduce Number of Confirmed UST Releases Annually – Regional target of <300 (<4% of National total). (ACS Code: ST1 / 3.2).	Reduce Number of Confirmed UST Releases Annually – Regional target of <300 (<4% of National total). (ACS Code: ST1 / 3.2).	TD 9/11/2015	BD 9/9/15	Thomas DeNormandie 617-292-5763	Manager: Beth Deabay - 1343 Tech: Joan Coyle - 1303				
9		Continue with implementation of operator training.	Continue with implementation of operator training.	TD 9/11/2015	BD 9/9/15	Thomas DeNormandie 617-292-5763	Manager: Beth Deabay - 1343 Tech: Joan Coyle - 1303				
10		Post the annual USTCA public record which will include: the number, sources, and causes of underground storage tank releases; the record of compliance by USTs; and data on the number of UST equipment failures in State.	Post the annual USTCA public record which will include: the number, sources, and causes of underground storage tank releases; the record of compliance by USTs; and data on the number of UST equipment failures in State.	TD 9/11/2015	BD 9/9/15	Thomas DeNormandie 617-292-5763	Manager: Beth Deabay - 1343 Tech: Joan Coyle - 1303				
		<b>Objective 3.3: Restore Land</b>	<b>Objective 3.3: Restore Land</b>								
		<b>Emergency Preparedness</b>	<b>Emergency Preparedness</b>				Senior Program Manager: Carol Tucker -1221				
11		EPA will continue to work with the New England states on Homeland Security and emergency response readiness issues through routine, day-to-day coordination and the existing Regional Response Team mechanism.	EPA will continue to work with the New England states on Homeland Security and emergency response readiness issues through routine, day-to-day coordination and the existing Regional Response Team mechanism.	DS 11/2/15	CT 10/23/15	Paul Locke 617 556-1160	Managers: Bill Lovely - 1240 , Ted Bazenas- 1230				
		<b>RCRA Training &amp; Meetings</b>	<b>RCRA Training &amp; Meetings</b>			Greg Cooper 292-5988	Senior Program Manager: Beth Deabay - 1343				
12		Attend EPA sponsored regional and national RCRA meetings and training as appropriate.	Attend EPA sponsored regional and national RCRA meetings and training as appropriate.	RB 9/11/2015	BD 9/9/15	Richard Blanchet 654-6585	Manager: Beth Deabay - 1343 Tech: Sharon Leitch - 1647				
		<b>Corrective Action Sites</b>	<b>Corrective Action Sites</b>			Paul Locke 556-1160	Senior Program Manager: Beth Deabay - 1343				
13		Achieve Human Exposures Controlled Under Current Conditions at two (2) facilities. (CA1).	Achieve Human Exposures Controlled Under Current Conditions at two (2) facilities. (CA1).	PWL 9/15/2015	DBW 10/1/15	Rosemary Knox 617-556-1026	Manager: Daniel Wainberg -1283 Tech: Frank Battaglia -1362				
14		Achieve Contaminated Ground Water Migration Under Control at three (3) facilities. (CA2).	Achieve Contaminated Ground Water Migration Under Control at two (2) facilities. (CA2).	PWL 9/15/2015	DBW 10/1/15	Rosemary Knox 617-556-1026	Manager: Daniel Wainberg - 1283 Tech: Frank Battaglia 1362				
15		Achieve site-wide Remedy Selection at four (4) facilities.	Achieve site-wide Remedy Selection at four (4) facilities.	PWL 9/15/2015	DBW 10/1/15	Rosemary Knox 617-556-1026	Manager: Daniel Wainberg - 1283 Tech: Frank Battaglia 1362				
16		Achieve Construction Complete at four (4) facilities. (CA5).	Achieve Construction Complete at four (4) facilities. (CA5).	PWL 9/15/2015	DBW 10/1/15	Rosemary Knox 617-556-1026	Manager: Daniel Wainberg - 1283 Tech: Frank Battaglia 1362				
17		Assessment of financial assurance current status for all new remedies.	Assessment of financial assurance current status for all new remedies.	PWL 9/15/2015	DBW 10/1/15	Rosemary Knox 617-556-1026	Manager: Daniel Wainberg - 1283 Tech: Frank Battaglia 1362				
18		Verify adequacy of financial assurance instrument for all remedies, as resources allow.	Verify adequacy of financial assurance instrument for all remedies, as resources allow.	PWL 9/15/2015	DBW 10/1/15	Rosemary Knox 617-556-1026	Manager: Daniel Wainberg - 1283 Tech: Frank Battaglia 1362				
		<b>LUST</b>	<b>LUST</b>			Jay Naparstek 617-292-5697	Senior Program Manager: Beth Deabay - 1343				
		<b>Not PPG eligible - funds are in separate LUST Trust Cooperative Agreement.</b>	<b>Not PPG eligible - funds are in separate LUST Trust Cooperative Agreement.</b>								
19		Contribute to the national target for reducing the percent of open sites awaiting cleanup at LUST facilities (target is 13%). Annually, reduce the number of confirmed releases not yet cleaned up by 1 percent. (ACS Code: 111 / 3.3)	Contribute to the national target for reducing the percent of open sites awaiting cleanup at LUST facilities (target is 13%). Annually, reduce the number of confirmed releases not yet cleaned up by 1 percent. (ACS Code: 111 / 3.3)	DB 9/11/15	BD 9/9/15	David Buckley 617-556-1184	Manager: Beth Deabay - 1343 Tech: Joan Coyle - 1303				
20		Contribute to the national target for annual cleanups completed of releases from leaking underground storage tanks (LUSTs) (target is 8,600). Specific number of LUST cleanups completed for Massachusetts in FY16 will be negotiated separately. (ACS Code: 112 / 3.3).	Contribute to the national target for annual cleanups completed of releases from leaking underground storage tanks (LUSTs) (target is 8,600). Specific number of LUST cleanups completed for Massachusetts in FY17 will be negotiated separately. (ACS Code: 112 / 3.3).	DB 9/11/15	BD 9/9/15	David Buckley 617-556-1184	Manager: Beth Deabay - 1343 Tech: Joan Coyle - 1303				
		<b>BROWNFIELDS 128A GRANT</b>									
21	RR	Provide monthly updates to our current master list of Brownfield sites where MassDEP has provided technical assistance since 2000		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Provide monthly updates to our current master list of Brownfield sites where MassDEP has provided technical assistance since 2000.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21a	RR	On a monthly basis update the current MassDEP Brownfield database to track agency Brownfields assistance and redevelopment outcomes for sites. This database was established in 2006, and tracks sites where MassDEP has provided assistance since that time. Track percentage of sites located in state-designated Environmental Justice Communities.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	On a monthly basis update the current MassDEP Brownfield database to track agency Brownfields assistance and redevelopment outcomes for sites. This database was established in 2006, and tracks sites where MassDEP has provided assistance since that time. Track percentage of sites located in state-designated Environmental Justice Communities.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21b	RR	Work through MassDEP regional offices to gather information from EPA, regional planning agencies and municipalities that have completed local Brownfields inventories.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Monthly work through MassDEP regional offices to gather information from EPA, regional planning agencies and municipalities that have completed local Brownfields inventories.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16

21c	RR	Continue to lead Brownfields Partners Meetings quarterly, bringing together twelve state and federal agencies to coordinate on Brownfields issues and projects.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Continue to lead Brownfields Partners Meetings quarterly, bringing together twelve state and federal agencies to coordinate on Brownfields issues and projects.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21d	RR	Conduct outreach through presentations at workshops, conferences and other forums to inform the regulated community about Brownfield's program incentives and clean energy opportunities.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Conduct at least one outreach session through presentations at workshops, conferences and other forums to inform the regulated community about Brownfield's program incentives and clean energy opportunities.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21e	RR	Offer specialized outreach/training to developers, LSPs, grantees, and municipalities and work with Northeast Regional Brownfield Coalition (NRBC) and LSPA to create and facilitate workshop series.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Offer specialized outreach/training to developers, LSPs, grantees, and municipalities and work with Northeast Regional Brownfield Coalition (NRBC) and LSPA to create and facilitate workshop series.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21f	RR	Maintain and improve public access to electronically filed submittals via our internet website, and continue to add regional files being scanned by MassDEP contractors. This will facilitate access to site files by public and local officials without requiring them to visit MassDEP regional offices to conduct formal file reviews.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Daily Maintenance and improve public access to electronically filed submittals via our internet website, and continue to add regional files being scanned by MassDEP contractors. This will facilitate access to site files by public and local officials without requiring them to visit MassDEP regional offices to conduct formal file reviews.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21g	RR	Add several additional forms and functional enhancements to the eDEP Project including the ability to better manage chemical and regulated entity information.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Add several additional forms and functional enhancements to the eDEP Project including the ability to better manage chemical and regulated entity information.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21h	RR	Carry on efforts to review LSP performance records and evaluate for referral to LSP Board for enforcement/disciplinary actions. This includes preparation of referral packages.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Carry on efforts to review LSP performance records and evaluate for referral to LSP Board for enforcement/disciplinary actions. This includes preparation of referral packages.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21i	RR	Continue to address the "non-responder" universe of sites to compel parties to move forward and assess/remediate contaminated Brownfields and other sites.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Continue to address the "non-responder" universe of sites to compel parties to move forward and assess/remediate contaminated Brownfields and other sites.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21j	RR	Proceed with expanded training program for LSPs, MassDEP staff and other stakeholders on a variety of new and revised program requirements. LSP training has proven to be very important in improving the compliance of the work conducted by LSPs.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Proceed with expanded quarterly training program for LSPs, MassDEP staff and other stakeholders on a variety of new and revised program requirements. LSP training has proven to be very important in improving the compliance of the work conducted by LSPs.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21k	RR	Continue implementation of mapping tools, including GIS data layers to identify and track institutional controls. This information is available to the public and will enhance the long-term viability and enforceability of AULs placed on properties as part of the cleanup process into the future. Mapped AUL locations can be directly linked to site information from the Department's databases to provide the current status of the site.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Continue implementation of mapping tools, including GIS data layers to identify and track institutional controls. This information is available to the public and will enhance the long-term viability and enforceability of AULs placed on properties as part of the cleanup process into the future. Mapped AUL locations can be directly linked to site information from the Department's databases to provide the current status of the site.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21l	RR	Maintain various internal MassDEP databases and continue to input new information on weekly basis.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	Maintain various internal MassDEP databases and continue to input new information on weekly basis.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16
21m	RR	MassDEP will address similar soil policy which includes historic fill contaminated soil issues with the goal of developing approaches to address contamination present in historic fill, which is present at many brownfields sites.		JN 12/21/15	JPB 12/16/15	Garry Waldeck 348-4017	Manager: John Podgurski - 1296 Tech: James Byrne - 1389	MassDEP will address similar soil policy which includes historic fill contaminated soil issues with the goal of developing approaches to address contamination present in historic fill, which is present at many brownfields sites.	Brownfield 128a is new to PPG	GW 12/2/16	JPB 12/06/16



No.	RO (Reopener New, Reopener Revised)	2016 PPA Priorities & Commitments List	2017 PPA Priorities & Commitments List	Approval: Initials, Date		MassDEP Contacts 617.292.XXXX	EPA Contacts 617.918.XXXX	Item-Specific Reopener	FY2017 Reopener Comments	Approval: Initials, Date	
				MassDEP	EPA					MassDEP	EPA
		<b>GOAL 4: ENSURING THE SAFETY OF CHEMICALS AND PREVENTING POLLUTION</b>	<b>GOAL 4: ENSURING THE SAFETY OF CHEMICALS AND PREVENTING POLLUTION</b>								
		<b>Objective 4.1: Ensure Chemical Safety</b>	<b>Objective 4.1: Ensure Chemical Safety</b>								
		No specific PPA related action for the State	No specific PPA related action for the State								
		<b>Objective 4.2: Promote Pollution Prevention</b>	<b>Objective 4.2: Promote Pollution Prevention</b>								
1		AS follow-up to the June State/EPA planning meeting, the State will participate in the fall Assistance and Pollution Prevention Forum.	AS follow-up to the June State/EPA planning meeting, the State will participate in the fall Assistance and Pollution Prevention Forum.	GM; AL	TD 12/1/15	Gary Moran 617-292-5775	Manager- Tom D'Avanzo 8-1801				

No.	RO (Reopener New, Reopener Revised)	2016 PPA Priorities & Commitments List	2017 PPA Priorities & Commitments List	Approval: Initials, Date		MassDEP Contacts 617.292.XXXX	EPA Contacts 617.918.XXXX	Item-Specific Reopener	FY2017 Reopener Comments	Approval: Initials, Date	
				MassDEP	EPA					MassDEP	EPA
		GOAL 5: PROTECTING HUMAN HEALTH AND THE ENVIRONMENT BY ENFORCING LAWS AND ASSURING COMPLIANCE	GOAL 5: PROTECTING HUMAN HEALTH AND THE ENVIRONMENT BY ENFORCING LAWS AND ASSURING COMPLIANCE								
		Objective 5.1: Enforce Environmental Laws to Achieve Compliance	Objective 5.1: Enforce Environmental Laws to Achieve Compliance								
1		Submit annual Compliance Plans containing descriptions of the state's, assistance and innovative programs, including projections for priority activities.	Submit annual Compliance Plans containing descriptions of the state's, assistance and innovative programs, including projections for priority activities.	SF 8/24/2105 - sp 9/11/2015	td 12/18/15	Suzi Peck - 292 - 5870 & Sue Figelman 556-1032	Manager- Tom D'Avanzo 8-1801				
2		Submit annual 2015 End of Year report on Compliance, assistance and innovation program accomplishments, activities and results.	Submit annual 2015 End of Year report on Compliance, assistance and innovation program accomplishments, activities and results.	SF 8/24/2105 - sp 9/11/2015	td 12/18/15	Suzi Peck - 292 - 5870 & Sue Figelman 556-1032	Manager- Tom D'Avanzo 8-1801				
3		Identify/address/resolve HPVs in accordance with EPA's Timely and Appropriate Enforcement Response to High Priority Violators (the HPV policy), August 2014. Inform the EPA Region 1 liaison in person, by phone, or by email within 45 days of identifying/addressing/ resolving an HPV.	Identify/address/resolve HPVs in accordance with EPA's Timely and Appropriate Enforcement Response to High Priority Violators (the HPV policy), August 2014. Inform the EPA Region 1 liaison in person, by phone, or by email within 45 days of identifying/addressing/ resolving an HPV.	LC 9/11/2015	JChow 9/8/15	Laurel Carlson 348-4095	Steve Rapp -1551				
4		Enter/send information necessary to satisfy the inspection, testing, compliance monitoring, and enforcement minimum  data requirements (MDRs) to EPA's national data systems of record, every 60 days, or as specified in program guidance. EPA Region 1 will enter data for MassDEP CWA inspections.  For a list of CAA required data elements, see <a href="http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance">http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance</a>  For a list of RCRA required data elements, see: <a href="http://www.epa.gov/waste/inforesources/data/index.htm">http://www.epa.gov/waste/inforesources/data/index.htm</a>	Enter/send information necessary to satisfy the inspection, testing, compliance monitoring, and enforcement minimum  data requirements (MDRs) to EPA's national data systems of record, every 60 days, or as specified in program guidance. EPA Region 1 will enter data for MassDEP CWA inspections.  For a list of CAA required data elements, see <a href="http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance">http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance</a>  For a list of RCRA required data elements, see: <a href="http://www.epa.gov/waste/inforesources/data/index.htm">http://www.epa.gov/waste/inforesources/data/index.htm</a>	LC 9/11/2015	JChow 9/8/15	Laurel Carlson 348-4095 Dave Ferris (617) 654-6514	Manager: Steve Rapp 1551  Manager: Mary Jane O'Donnell 1371  Manager: Denny Dart 1850				
5		By November 30, 2015 submit the FY15 annual End-of-Year reports for CAA and RCRA CMS accomplishments. Include reporting on alternative plans, where applicable.	By November 30, 2016 submit the FY16 annual End-of-Year reports for CAA and RCRA CMS accomplishments. Include reporting on alternative plans, where applicable.	LC 9/11/2015	JChow 9/8/15	Laurel Carlson 348-4095	Manager: Steve Rapp 1551  Manager: Mary Jane O'Donnell 1371  Manager: Denny Dart 1850				
6		As soon as possible in the year, but no later than July 30, 2016, submit a draft FY17 Alternative Compliance Monitoring Strategy. This is only required if the state is seeking flexibility under an alternative CMS plan.  By September 30, 2016 submit a final FY17 Compliance Monitoring Plans for CAA, RCRA and CWA containing descriptions of the state's compliance program including projections for inspections and other priority activities. See the most recent OECA National Program Manager's Guidance Addendum and the CAA, CWA and RCRA Compliance Monitoring Strategies.  The Compliance Monitoring Plans for FY16 are prepared and finalized in FY15.  <a href="http://www2.epa.gov/planandbudget/national-program-manager-guidances">http://www2.epa.gov/planandbudget/national-program-manager-guidances</a>  <a href="http://www.epa.gov/compliance/resources/policies/monitoring/">http://www.epa.gov/compliance/resources/policies/monitoring/</a>	As soon as possible in the year, but no later than July 30, 2017, submit a draft FY18 Alternative Compliance Monitoring Strategy. This is only required if the state is seeking flexibility under an alternative CMS plan.  By September 30, 2017 submit a final FY18 Compliance Monitoring Plans for CAA, RCRA and CWA containing descriptions of the state's compliance program including projections for inspections and other priority activities. See the most recent OECA National Program Manager's Guidance Addendum and the CAA, CWA and RCRA Compliance Monitoring Strategies.  The Compliance Monitoring Plans for FY17 are prepared and finalized in FY16.  <a href="http://www2.epa.gov/planandbudget/national-program-manager-guidances">http://www2.epa.gov/planandbudget/national-program-manager-guidances</a>  <a href="http://www.epa.gov/compliance/resources/policies/monitoring/">http://www.epa.gov/compliance/resources/policies/monitoring/</a>	Ok based on comment in column F drf 8/25/15 SP for RCRA and CAA 9/11/2015	JChow 9/8/15	Suzi Peck 292-5870 Dave Ferris (617) 654-6514	Manager: Steve Rapp 1551  Manager: Mary Jane O'Donnell 1371  Manager: Denny Dart 1850				
7		By September 30, 2016 report on progress in addressing any recommendations identified by the State Review Framework (SRF).	By September 30, 2017 report on progress in addressing any recommendations identified by the State Review Framework (SRF).	ok drf 8/25/15 ok for CAA and RCRA GL 9/11/2015	JChow 9/8/15	Geri Lambert 292-5979 Dave Ferris (617) 654-6514	Manager: Steve Rapp 1551  Manager: Mary Jane O'Donnell 1371  Manager: Denny Dart 1850				

No.	RO (Reopener New, Reopener Revised)	2016 PPA Priorities & Commitments List	2017 PPA Priorities & Commitments List	Approval: Initials, Date		MassDEP Contacts 617.292.XXXX	EPA Contacts 617.918.XXXX	Item-Specific Reopener	FY2017 Reopener Comments	Approval: Initials, Date	
				MassDEP	EPA					MassDEP	EPA
		EVALUATION, REPORTING & QUALITY ASSURANCE	EVALUATION, REPORTING & QUALITY ASSURANCE								
		Re-Opener Clause	Re-Opener Clause				Senior Program Manager:				
1		The Regional Office will strive to honor the spirit of the PPA. In keeping with this spirit the Region will work with EPA HQ to limit the impact of unexpected demands on the states. To address new, very high priority issues that might emerge a re-opener clause will be included as part of this process permitting the Regional Office and/or the state to introduce necessary changes to the PPA.	The Regional Office will strive to honor the spirit of the PPA. In keeping with this spirit the Region will work with EPA HQ to limit the impact of unexpected demands on the states. To address new, very high priority issues that might emerge a re-opener clause will be included as part of this process permitting the Regional Office and/or the state to introduce necessary changes to the PPA.	OK - AL 9/10/15	MO 11/29/15	Ann Lowery 292-5846	Michael Ochs-1066 & Karen Mateleska-1651				
		Performance Partnership	Performance Partnership			Ann Lowery 292-5846	Senior Program Manager:				
2		A process for jointly evaluating and reporting progress and accomplishments under the workplan must be developed and described in the workplan. The process must be based on a negotiated schedule. (40CFR35.115).	A process for jointly evaluating and reporting progress and accomplishments under the workplan must be developed and described in the workplan. The process must be based on a negotiated schedule. (40CFR35.115).	OK - AL 9/10/15	MO 11/29/15	Ann Lowery 292-5846	Michael Ochs-1066 & Karen Mateleska-1651				
3		An annual written progress report must be submitted within 90 days after the end of the annual grant period. (40CFR35.115, 40CFR31.40).	An annual written progress report must be submitted within 90 days after the end of the annual grant period. (40CFR35.115, 40CFR31.40).	OK - AL 9/10/15	MO 11/29/15	Ann Lowery 292-5846	Michael Ochs-1066 & Karen Mateleska-1651				
		QMP QAPP	QMP QAPP			Deneen Simpson 292-5906	Senior Program Manager: Art Johnson- 8301				
4		Continue to implement the State Quality Management Plan (QMP) and submit an Annual update letter to the EPA-NE Quality Assurance Unit documenting the status of annual quality system assessments and any changes necessary to the QMP.	Continue to implement the State Quality Management Plan (QMP) and submit an Annual update letter to the EPA-NE Quality Assurance Unit documenting the status of annual quality system assessments and any changes necessary to the QMP.	DS 9/9/15	JRS -9/3/15	Deneen Simpson 292-5906	Manager:John Smaldone -8312 Tech: Bryan Hogan - 88634				
5		Reviewed the State QMP in 2015 and summarized changes made to the QMP. Submitted to the EPA-NE Quality Assurance Unit for review/approval and sign off.	Review the State QMP and summarize any changes made to the QMP in a letter to the EPA-NE Quality Assurance Unit.	DS 9/9/15	JRS -9/3/15	Deneen Simpson 292-5906	Manager:John Smaldone -8312 Tech: Bryan Hogan - 88634				
6		Update the State Quality Assurance Quality Assurance Project Plan inventory list.	Update the State Quality Assurance Quality Assurance Project Plan inventory list.	DS 9/9/15	JRS -9/3/15	Deneen Simpson 292-5906	Manager:John Smaldone -8312 Tech: Bryan Hogan - 88634				



**Performance Partnership Program Budget – Preliminary Budget for Federal Fiscal Year 2016**

	<u>FEDERAL BUDGET</u> <u>FFY 2016</u>
PERSONNEL	\$ 5,433,632
FRINGE BENEFITS	1,584,991
TRAVEL	29,992
EQUIPMENT	--
SUPPLIES	76,671
CONTRACTUAL	2,458,203
CONSTRUCTION	--
OTHER	212,202
<b>TOTAL DIRECT</b>	<b>9,795,691</b>
INDIRECT CHARGES	3,508,133
<b>TOTAL BUDGET</b>	<b>13,303,824</b>

FFY2016 Preliminary Budget is projected at FFY 2015 funding level.