



Regulatory Reform at MassDEP

Massachusetts Water Resources Commission
June 14, 2012

Background

MassDEP 2002

- State budget cuts begin
- MassDEP budget significantly reduced in the following years
- Disinvestments in program functions
- MassDEP staff cut from 1,200 full time equivalents to approximately 840 (current numbers)

MassDEP 2011

- To strategically cope with budget cuts
- Think and act differently given the current budget constraints
- Position the agency to meet the challenges of the future
- **Bottom line: *Regulatory Reform is a high priority in the Commonwealth and MassDEP.***

Gathering Ideas for Reforms –Moving towards promulgation

- Public process with stakeholder groups and public comment period of a draft Action Plan
- Final Action Plan on the Website:
http://www.mass.gov/dep/about/priorities/regreform/actionplan_final.htm
- Gov. Patrick requiring all agencies to perform similar review
- MassDEP is now drafting regulatory changes for promulgation.

Principles followed in selection process

- No weakening of environmental standards
- No need to increase staff. Aim is to enable agency to manage our current duties with current staff levels: Finding time savings
- No legislative changes needed – must be able to be implemented by the agency directly



Principles followed in selection process

- No transfer of responsibilities to municipalities
- No changes to the work driven by our federal obligations
- Note: Some ideas are being otherwise pursued (IT, more complex policy questions)



Themes within selected projects

- Eliminating duplicative approvals
- No reduction in public process or appeal opportunities
- Creating incentives for better environmental outcomes
- Any proposed reductions in direct staff oversight are accompanied by plan for alternative methods and tools to oversee compliance (for example audits based on sensitive resources, random inspections, other verification tools)



Wetlands and Waterways Changes



Permit Consolidation for coastal/dredging projects
Single Application for WPA, 401, and c.91
Single Permit under WPA, 401, and c.91



General permitting for ecological restoration projects.
For example: dam removal, stream daylighting, shellfish habitat restoration, fish passage, removing tidal restrictions (WPA)



A regulatory path for piloting new technologies
(renewable energy technologies and others)
WPA, Chapter 91 and 401

Wetlands Protection Changes

❖ Incentivize preservation of Buffer Zone

- Consensus not reached on content of General Permit for outer 50 feet
- Adding new language to minor exemptions section related to
 - utility installation and maintenance and
 - disaster repair and recovery

❖ Targeted Review by MassDEP- New SOP

- Assign WPA File Numbers immediately upon NOI submittal
- Limit NOI review and oversight in order to concentrate resources on SOC appeals to DEP while supporting Con Coms
- Strategically deploy SOC review on projects with significant resource area impacts
- Use Wetland Information Resource (WIRe) tracking system to implement this SOP

Wetlands Protection Changes



Limited Project status for Renewable Energy Projects under WPA: Access roads



Exemption for “resources” created by stormwater management structures

- Promotes O & M for existing structures
- Filing requirements will apply to new structures proposed within resource areas.

Waterways - Chapter 91 Changes

- New Policy on Extended License terms
- Coordinating license issuance with MEPA and Wetlands Protection permitting process
 - Allows c. 91 review to start during MEPA process
- General License for small docks and piers
 - Statutory amendment
 - Eligibility criteria for inland and coastal docks
 - Certification process created for coverage

Wastewater Changes

Simplify public notice provisions for wastewater permitting under 314 CMR 2.00

- Rely on web postings for draft NPDES/Surface water discharge permits
- Align state process with EPA's NPDES public notice practice
- Eliminate newspaper publication requirement for sewer, groundwater and reclaimed water permits
- Rely on Environmental (MEPA) Monitor to centralize public notice for draft permits

Wastewater Changes



Eliminate duplicative permitting under Title 5; Rely on BOH approvals



Allow delegation to a third party authority to administer innovative and alternative septic system disposal technology approvals.



Eliminate sewer connection permitting by state; will allow for state focus on system wide capacity, infiltration and inflow, sanitary sewer overflows and whole system hydraulics.

Please comment on draft regulations!

- Coming soon...
 - Public notice versions of draft regulatory changes expected to be approved by EOEEA and Governor's office this summer
 - Presentation for Water Resources Commission of detailed regulations (approval is required for promulgation) in the fall.
- Public Comment Period anticipated this fall
- Final promulgation completed by the end of the year

Thank you!

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