

Massachusetts Toxics Use Reduction



Compliance and Enforcement

TURA Program Strengthening
Ad Hoc Committee

December 14, 2020



Logistics



Please state your name and organization in the chat box for the purposes of recording meeting attendance.



We will pause for opportunities for attendee participation at designated times.



Please contact Caroline.Higley2@mass.gov if you have technical difficulties during the meeting.

Please Note



This meeting is being conducted remotely, consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the 2019 novel coronavirus, known as "COVID-19".

Please Note



Recordings of a public committee are not permitted without notifying the chair in advance so that attendees can be notified at the beginning of the meeting.



Written notes are being taken, but not attributed to any one speaker.

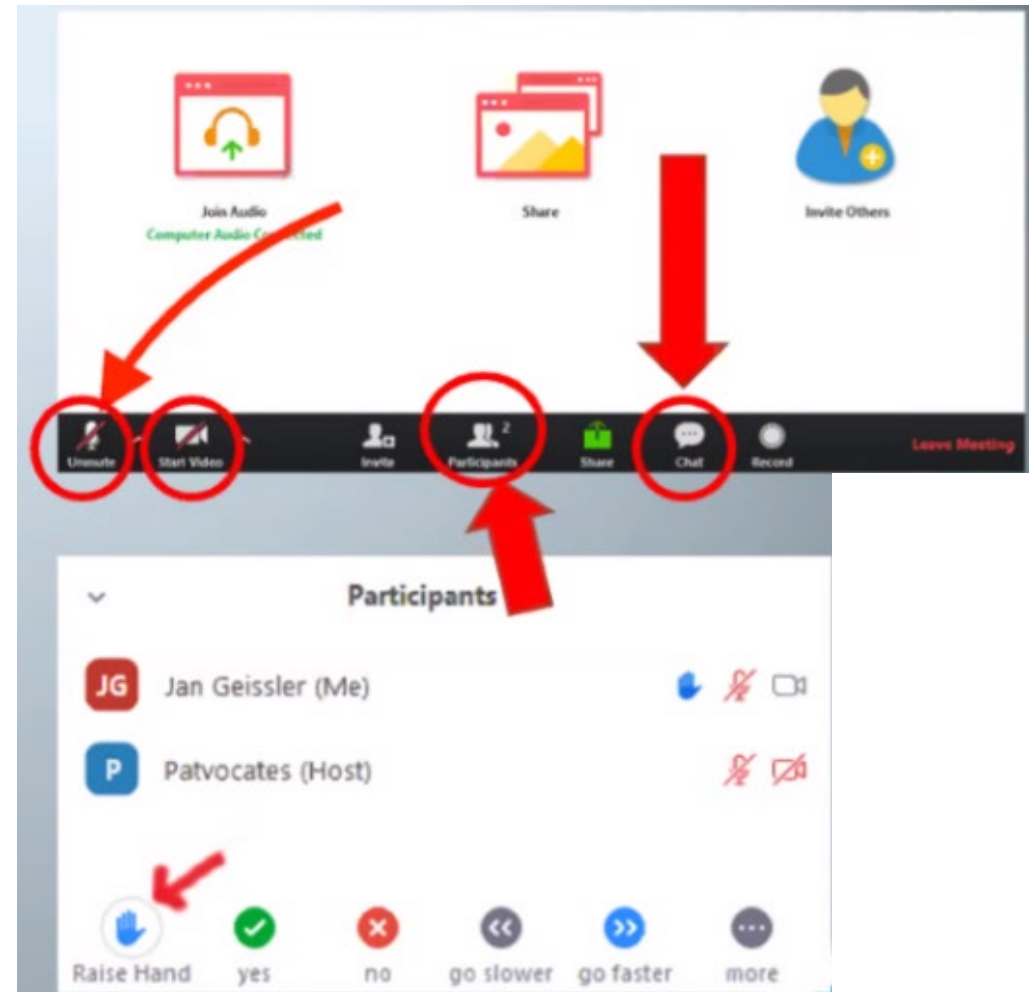


Reminder: Please contact Caroline.Higley2@mass.gov if you have technical difficulties during the meeting

Discussion

Use Zoom function to raise your hand for comments or questions.

- To access the "Raise Hand" function, click "Participants" at the bottom of your screen, and then click the "Raise Hand" button that appears under the list of participants.
- This will notify the host that you have a question.
- Participants will be unmuted and invited to ask questions one at a time.



Today's Agenda



1. Welcome and Committee Member Introductions
2. Presentation: Compliance & Enforcement
3. Discussion
 - Request for Information / Audit of Plans
 - Good Faith Effort
 - Quality Control for TUR Planners
 - Regional Inspections / Screenings
 - Other Compliance & Enforcement Topics

Public comments / questions held until opened for general discussion.

Please use zoom's "raise hand" function during discussion.

Meeting Ground Rules



Review background documents provided prior to meeting



Be open to other perspectives



Build on suggestions



Allow space for all to participate



Focus on issues and opportunities



Stay present (both mentally and physically)

Outcomes



- Gather creative, innovative ideas
- Focus on opportunities to increase benefits of the TURA Program for both companies and the Commonwealth

What we will do



MassDEP's Role in C&E



- Ensures that facilities:
 - Report annually on their use of listed chemicals,
 - Pay an annual fee, and
 - Conduct Toxics Use Reduction planning every two years.
- Ensures that TUR planners are certifying plans that have been carried out in good faith through:
 - Facility inspections, including TUR plan reviews, and
 - Desk audits of selected facilities TUR plans.

Goals for Inspections and Audits



- Ensure that planning is being done according to the regulatory requirements
- Ensure that all required elements of the planning process have been completed
- Ensure that inspections and audits are conducted similarly for all facilities

The need for inspection and audit consistency was mentioned by planners when they participated in a set of TUR Plan Strengthening meetings convened by MassDEP.

C&E Discussion Topics



MassDEP would like to hear your opinions on the following topics:

1. Requests for information – DEP audit of company plans
2. Planning accomplished in accordance with the regulations
3. Quality control for TUR Planners
4. Regional inspections / screenings
5. Other topics under Compliance and Enforcement

C&E Discussion Topics #1: Requests for Information/Audit of Plans



MassDEP completed 12 desk audits of plans in 2019



Facilities were selected based on size, number of chemicals reported, MassDEP region where the facility was located, and TUR Planner experience



MassDEP will continue to conduct these desk audits annually



Discussions are ongoing as to the criteria for selecting plans to audit

C&E Discussion Topics #2: Good Faith Effort



- A lack of understanding of the regulations and the regulatory process involved in the planning effort (Good Faith Effort) may include:
 - Incompleteness of planning process and/or documentation of process planning
 - Lack of identifying options for reducing toxic use or options identified but not implemented
 - Lack of necessary documentation and good record keeping
 - Lack of management support
 - Lack of TUR team and related staff member involvement

C&E Discussion Topics #3: Quality Control for TUR Planners



TUR Planners that are
not certified or
recertified signing off
on plans

TUR Planners have
signed off on plans
that are not complete
or have significant
deficiencies

C&E Discussion Topics #4: Regional Inspections/Screenings



- MassDEP Inspectors do TURA inspections during multi-media inspections
- Inspectors sometimes find that facilities should be reporting certain chemicals
- Inspectors review TUR Plans to verify that all TURA plan elements are present
- MassDEP enforcement is progressive. Notices of Non-Compliance (NON; no penalty) are the first level of enforcement and the enforcement progresses to Administrative Consent Orders with Penalties (ACOP) for further violations
- If Higher Level Enforcement is taken, MassDEP uses a data program to calculate the penalty. There are 13 factors that are evaluated. One of the factors is 'good faith effort.'

C&E Discussion Topics #5: Other Compliance and Enforcement Topics



Identifying	New TURA non-filers (self-disclosure policy)
Identifying	Additional chemicals that need to be reported based on EPA information

Program Strengthening Ad Hoc Committee Discussion Questions

Topic 1: Requests for Information/Audit of Plans

- General Questions?
- Have you received sufficient and helpful information on the results of desk audits?
- What types of information were the most helpful?
- What additional information would you like to see?

Program Strengthening Ad Hoc Committee Discussion Questions



Topic 2: Good Faith Effort

- General Questions?
- In your opinion, what are examples of a good faith effort?
- How can MassDEP help the regulated community understand the regulatory process more clearly and fully?

Program Strengthening Ad Hoc Committee Discussion Questions



Topic 3: Quality Control for Planners

- General Questions?
- What measures would you suggest for increasing the quality of TUR Planners' work?
- What guidance or training do you think would be beneficial?

Program Strengthening Ad Hoc Committee Discussion Questions



Topic 4: Regional Inspections and Screenings

- General Questions?
- What experience have you had with MassDEP inspections?
- How could the experience be improved?

Program Strengthening Ad Hoc Committee Discussion Questions



Topic 5: Other Compliance and Enforcement Issues

- General Questions?
- Have you had any experience with the self-disclosure policy?
- Suggestions for how to identify non-filers?
- Suggestions to identify additional chemicals in use at facilities?

TURA Program Strengthening Ad Hoc Committee



Please direct any questions or
comments to:

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MassDEP

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Adjourn



January Topic:

Alternative Planning

- Resource Conservation
- Environmental Management Systems